ENVIRONMENTAL CRIME REPORT

2018

Finnish Environmental Crime Monitoring Group

8.5.2018
Introduction

It was in 1998 when the Finnish Environmental Crime Monitoring Group reported on environmental crime in Finland to Interpol for the very first time. Over the years, the Monitoring Group has made numerous recommendations and identified future trends. The most important proposal concerned drafting a national environmental crime prevention strategy for all authorities taking part in prevention work in order to ensure effective environmental crime prevention. The Monitoring Group recommends that authorities develop and enhance their cooperation in detection and prevention of environmental crime, as effective multi-agency cooperation is an essential precondition for success in prevention and investigation of environmental crime. Joint training sessions and seminars arranged on a regular basis enhance the expertise of the supervisory authorities, criminal investigation authorities and prosecutors. The Monitoring Group has recommended that knowledge should be transferred from senior to younger employees also at local level whenever there are changes in personnel.

In recent years, national and international emphasis has been placed on the importance of cooperation between authorities in environmental crime prevention. The Ministry of the Environment has set up a national executive group on environmental crime prevention for the years 2017 – 2018. The executive group aims to implement the strategy on national environmental crime prevention and Action Plan into practise through multi-agency cooperation. The executive group has published an Action Plan for the years 2017 – 2018.

In this Report, environmental incidents reported to the criminal investigation authorities (police, customs, border guard) are presented per offence covering the years 2013 - 2017. Statistics on environmental offences are compiled on the basis of the offence investigated. The title of the case may change when the case is referred to the prosecution, and again in the court procedure. The Report also contains examples of various environmental offences.

The number of environmental offences referred in Chapter 48 of the Criminal Code filed by the police was higher in 2017 than in average when compared to previous years, although there was a clear drop in the number of environmental offences investigated by the customs and border guard. In respect to the border guard authority, the decrease is partly explained by less frequent control and entering of certain laws concerning commercial fishing to the sphere of the common fisheries policy and related administrative sanctions. Less than one-third of the total number of environmental offences against Chapter 48 of the Criminal Code investigated by the police are annually referred to prosecution. Based on statistics, the increase in the number of nature conservation offences in 2017 was almost 60 %. These offences often relate to unlawful destruction of animal or plant species.

As environmental crime is for the main part hidden crime, enhanced cooperation between the authorities in crime detection is important for solving the offences. With the help of pre-planned joint operations, the authorities have been able to detect a significant number of environmental offen
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1 The Finnish National Group for Monitoring of Environmental Offences

Based on the Resolution AGN/25/RES/1.10.1997 made by the INTERPOL General Assembly on 23 – 29 October 1996, a national Working Group connected with the National Bureau of Investigation (NBI) was established on 01 October 1997. Duties of the Working Group were agreed to include among other things monitoring environmental crime and developments in cooperation with various supervisory authorities. The Finnish Environmental Crime Monitoring Group, as the working group has been called since then, also prepares an annual report on environmental crime situation in Finland. The Monitoring Group is chaired by superintendent Arto Hankilanoja (National Police Board) and the secretary is forensic chemist Niina Viitala (NBI). Members of the Monitoring Group are: police inspector Juha Tuovinen (Ministry of the Interior), senior adviser Ville Hinkkanen (Ministry of Justice, Legislative Affairs), senior specialist for legal affairs Tia Laine-Ylijoki-Laakso (Ministry of the Environment), detective superintendent Janne Järvinen (National Bureau of Investigation), senior customs inspector Tarja Koskenlaakso (Customs, Crime Prevention), chief superintendent Silja Halinen (Border Guard Dept., Ministry of the Interior), district prosecutor Leila Suvantola (East Finland District Prosecutor’s Office), senior inspector Hannele Nikander (Finnish Environmental Institute) and lawyer Satu Luutykäinen (Uusimaa Centre for Economic Development, Transport and Environment). The Monitoring Group also gives assistance and advice when legal assistance is requested from Finland. The Monitoring Group has submitted the annual report since 1997.

2 Cooperation between authorities

In the previous annual reports, the Monitoring Group has proposed drafting a national environmental crime prevention strategy for all authorities operating in the field in order to secure the efficiency of the work. Towards the end of 2014, the Ministry of the Environment and the Ministry of the Interior set up a joint working group to build an overall picture of various forms of national cooperation, identify problems in it and on this basis, to prepare a draft for a national strategy and action plan in environmental crime prevention. Members of the working group represent all key authorities in the field. A strategy up to the year 2020 and the Action Plan for the years 2015 – 2016 were prepared in 2015, and the aim is to meet the objectives set therein by 2020. The Ministry of the Environment has set up a national executive group on environmental crime prevention for the years 2017 – 2018. The executive group aims to implement the strategy and Action Plan into practise through multi-agency cooperation. The executive group has published the Action Plan for the years 2017 – 2018. According to the first Action Plan, joint working groups operating at the regional level were to be established. By today, regional working groups have been established, and their work cover the whole territory of the country. There are one to three operational joint working groups consisting of various authorities preventing environmental crime established in operational territories of all police departments. In addition, there are joint working groups focusing on specific themes. These two types of joint working groups cooperate with each other. For example, a joint working group for a capital area was set up on Helsinki Police Department’s initiative. Members of the group represent not only Helsinki Police Department, but also police departments of West Uusimaa and East Uusimaa, National Bureau of Investigation, Finnish Environmental Institute and the Helsinki Centre for Economic Development, Transport and the Environment (Helsinki ELY Centre). Joint working group meetings have dealt with topical matters, such as rules of the authorities in environmental crime prevention, threshold for lodging a criminal complaint, actual crime cases, experts as witnesses in court, new trends in environmental crime and ways to enhance cooperation. They have agreed on regular meetings and rotation of meeting arrangements, cooperation, operational goals, exchange of information and mutual procedures. In addition, they have also organised multi-agency training sessions and carried out joint operations. By planning joint operations in advance, the authorities have been able to detect a significant number of such environmental offences that would have not otherwise been reported to criminal authorities for investigation. A two-year multi-agency training program in environmental crime prevention was prepared in 2017, and provision of it to a wide audience has started already.

2.1 Regional cooperation between environmental authorities

Joint meetings
The police organise joint meetings with the environmental authorities once or twice a year. In addition, prosecutors and customs officials participate in the meetings. Of the environmental authorities, participants include municipal and city environmental experts and experts of ELY Centres, who serve as licensing and supervising authorities. In Ostrobothnia, due to geographic reasons, joint meetings are arranged at three different venues. The meetings have the same content, but participants vary according to surrounding towns and municipalities. Meetings usually last one day and concern topical training in legislation and legal praxis, exchanging experiences, identifying phenomena, developing joint practises and activities and discussing themes of control.

Exchanging information and thinking about operation options together
Joint action has produced good results as it has enhanced criminal investigation of environmental crime and the exchange of information between the police and environmental authorities. It has resulted in finding new ways of action and taking a note of matters to be considered from the perspective of criminal investigation through a good dialogue even before launching an actual investigation. At

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the same time, the authorities have better understanding of each other’s operational models of action and legislation providing operational competence.

Roles and operational models of various authorities in environmental crime investigation have become clear with the help of regional multi-agency cooperation. As one authority is aware of the other authority’s operational competence and ways of action, it is possible for every authority in the field to concentrate in taking care of one’s own official duties and, whenever necessary, the threshold of discussing various alternative ways of action with the other authority is low.

In respect to environmental legislation as well as to technical and tactic skills in investigation, special expertise is required for environmental crime investigation. It is the reason why investigation of these offences has been given in the hands of investigators, who have been trained in the subject matter. Environmental authorities of a certain region have contact details of criminal investigators of that particular area. Therefore, taking direct contact and discussing topical matters are easy.

Cooperation in practice
Suspected environmental offences are usually reported to the environmental authorities. Based on the reported information and their own inquiries, the environmental authority considers first, whether the case could be subjected to administrative proceedings only, and establishes whether it is a question of a minor matter against the law. The authority may use a preliminary data form prepared by the police for recording necessary details to assess the case and, whenever necessary, to start criminal investigation.

The environmental authority may also consult the police liaison officer, if needed, and they can decide together how to proceed in the case.

Criminal Investigation
When it is a question of a more serious unlawful action, or such action has caused bigger than minor hazard to the environment or resulted in significant financial gain or damage, cooperation between the authorities starts immediately by contacting the police liaison officer. The police and environmental authorities study the case together, and at that time, the police have the data given in the preliminary data form available to assess whether there is reason to suspect that some offence has been committed and if so, to file a criminal incident report. In respect to the police, it is a question of preliminary inquiries and, if necessary, the police will accompany the environmental authority to the scene of the incident to find out more information.

The police decide whether to start criminal investigation of the case based on the gathered information. If investigation is launched the police agree with the environmental authority on the way of conducting forensic investigation at the scene and on taking further measures. A forensic investigator and environmental investigator, environmental authorities and, if necessary, the prosecutor assigned to the case take part in the investigation at the scene. However, before it is possible to carry out any crime scene investigation, a plan for taking samples is needed. If so required, an expert of the Forensic Laboratory will assist in preparation of such plan.

It is very often that those environmental authorities who were involved in the early stages of the investigation and in the crime scene investigation are the very same, who will at a later stage issue expert statements required in the criminal investigation.

Releasing information to the media
Releasing information on investigation of cases, joint meetings or some other topical matter relating to environmental crime investigation is also part of cooperation.

A joint operational model and open dialogue between the authorities result in an efficient process of environmental crime investigation and preventive action.

2.2 Cooperation between supervisory authorities
Regional ELY Centres and municipal environmental authorities cooperate on regular basis in monitoring due to their similar and partly overlapping duties. The environmental authorities, police, border guard, customs and rescue authori­ties cooperate in environmental matters in joint working groups and on a case-by-case basis.

In recent years, the customs has investigated several series of nature conservation offences. Investigation of these cases has clearly highlighted a need for cooperation between the Ministry of the Environment, Finnish Environment Institute, ELY Centres and the customs. The cooperation will be enhanced and developed further. Expert roles of the Ministry of the Environment, the Finnish Environment Institute and ELY Centres intertwine at many points of investigation of each offence. The customs authority’s clear role, on the other hand, is to bring its competence in criminal investigation, cooperation with prosecutors and international investigative collaboration into this chain. This is why developing regular exchange of information and cooperation in training is necessary, particularly because international crime phenomena surface in Finland more quickly than ever.

The customs is a part of the customs system of the European Union and therefore, a supervisory authority in respect to import, export and transit of goods. In this light, it is
only natural that the customs is cooperating on a regular basis with the other environmental authorities in matters of supervision and criminal investigation. Particularly, cooperation between the customs and Finnish Environment Institute in detection and prevention of transfrontier waste shipments is of utmost importance. As the National Inspection Plan was implemented in the beginning of 2017, other supervisory authorities, such as the police, ELY Centres and municipal environmental authorities, participate more actively in controlling transfrontier waste shipments. Their cooperation is also important in supervision of transfers of animals and plants subject to licence as well as in cases under criminal investigation with a view to investigate and prevent unauthorised and unlawful transfers. Multi-agency cooperation is a key element in control of oil discharges. In respect to monitoring oil discharges, the border guard works in cooperation with the police, Finnish Environment Institute and Finnish Transport Agency (Trafi) in investigating prerequisites for imposing administrative oil discharge fees and criminal investigation relating to such discharges.

2.3 Taking samples in environmental cases for criminal investigation

In relation to criminal suspicions, one of the tasks in forensic investigation of environmental crime is to identify substances conducive to endanger the life or health of others and to establish the location, amount and a possible source of such substances. It is usually required that samples are taken at the scene of the incident and at the source of spill. On the basis of analysis results and other circumstances, the authorities assess harmfulness of the incident and the probable source. In environmental crime investigation, a closely defined and delimited question is answered by taking a representative sample from a restricted scene in an appropriate manner in accordance with a plan on taking samples prepared in advance. However, preparation of a detailed plan for taking samples in environmental crime cases is not always possible, as details of the chain of events or toxic compounds to be looked for are not known at the time when samples are taken. On the other hand, samples may have to be taken urgently for example, due to changes in circumstances. Environmental crime scenes are also diverse, and one sample matrix varies from another.

In recent years, there has been a decrease in the number of staff taking samples in ELY Centres, and for this reason, it is more and more often police officers, who take samples at environmental crime scenes. Forensic investigators know how to avoid risks relating to contamination of samples and tool. In regard to legal certainty and traceability, they master labelling and sealing of samples. Forensic Laboratory of the National Bureau of Investigation has acquired new equipment for taking samples in environmental crime cases for Forensic and Crime Scene Investigation Centres. Forensic Laboratory has also prepared in cooperation with the Finnish National Institute a manual for authorities on taking samples. The purpose of this manual is to provide common practises in taking samples in environmental crime cases to the authorities, namely the police, border guard, customs and environmental authorities, to be applied when it is not possible to apply any other standardised procedure. Guidance on taking samples on monitoring the state of the environment is not given in the manual. It should be kept in mind when taking samples that the sample must be representative and that there is a risk of contamination with the samples and tools used. Thorough documentation and sealing samples guarantee traceability of sample taking and the whole chain of sampling. It must also be born in mind that the incident scene must be documented so carefully that making conclusions on the representativeness of samples is possible later on.
2.4 Questions relating to defining criminal proceeds

Defining criminal proceeds to be forfeited to the State is one of the most complex questions in the whole criminal procedure. Assessing proceeds gained through crime is often difficult, and it is exactly establishing the value of the proceeds that is the most controversial question in court proceedings. Defendants often strongly contest the value of criminal proceeds given in calculations made by environmental and criminal authorities.

When calculating the value of proceeds from crime, terms used are ‘net profit’ and ‘gross profit’. When deciding the amount of criminal proceeds, the court must assess whether the nature of the criminal action in question was such that deduction of operational costs from the proceeds is possible. It is in the interests of defendants that the court would assess the value of proceeds to be forfeited to the State as low as possible and that when considering the amount of the net profit, the court would accept deduction of operational costs to the maximum value possible.

The Monitoring Group is aware of the fact that there are several cases pending in courts of appeal in which district courts have ordered significantly smaller amounts of criminal proceeds to be forfeited than demanded by prosecutors. At least in one case, a ruling was issued in the spring of 2018 whereby the district court’s ruling was changed as a whole. The district court had waived sentencing in a case of exceeding multiple times the amount allowed in the environmental permit granted to a plant crushing concrete waste. However, the court of appeal found the company’s CEO guilty of impairment of the environment and forfeited 200,000 euros to the State as proceeds from the offence (the ruling is not yet final).

2.5 International legal and police-to-police assistance in environmental crime cases

In respect to international requests for legal and police-to-police assistance as well to the exchange of other type of information, the International Affairs of the National Bureau of Investigation handled a few cases concerning environmental crime in 2017. INTERPOL and Europol also send on a regular basis topical reports and communications on environmental crime to the attention of law enforcement authorities in the Member States.

3 Hazards relating to environmental crime

3.1 Hazards relating to environmental offences

3.1.1 Situation in Finland

From a national point of view, no major changes have taken place in hazards relating to environmental crime since the previous Annual Report was published.

In an exceptional case detected in 2016, it was discovered that in 2015 several tens of waste loads had been delivered by a lorry from Finland for dumping the loads in Estonia. The defendant was sentenced to prison in February 2017 in Estonia, and the case gained some national media attention. Especially in Central Europe, delivering waste across national borders for dumping is a serious business activity in which organised crime groups are also involved for high profits. If delivering waste for example by lorries on ferries and ships for dumping the loads abroad (especially in the Baltic countries) was to become more common, it would be a very significant threat to both Finland and the country where the waste is dumped.

With the exception of certain individual cases, very serious or extensive cases of impairment of the environment or cases that would have been committed in a particularly methodical manner have not been detected. It may be, however, that the criminal investigation authorities become aware only a fraction of the actual number of environmental crimes. The estimate of the proportion of environmental offences not known to authorities is based on comparison of environmental crime figures between Finland and our neighbouring countries, Sweden and Norway. Approximately ten times more environmental offences are committed in Sweden than in Finland, because in Sweden, supervisory authorities have a statutory obligation to report all criminal suspicions to the police, unlike in Finland. Nevertheless, Swedish national authorities estimate that a great part of environmental offences is never reported.

The Working Party on General Matters including Evaluation (GENVAL) subordinated to the Council of the European Union visited Finland in November 2017 to evaluate the state of handling environmental crime. The working group left the final report in February 2018. According to the report, there are no such emerging threats relating to environmental crime in Finland that would have been neglected by Finnish authorities. (The report will enter a public domain as soon as it has been finally approved.)

Low risk of apprehension

As one of the hazards in the field of environmental crime, the Monitoring Group considers a scenario where a low risk of apprehension for environmental crimes would increase...
the number of environmental crimes committed as a part of business operations pursuing for financial gain. In addition, the courts have adopted a quite lenient sentencing practise in environmental crime cases. In practise, the courts usually impose day fines for impairment of the environment, and very seldom, conditional prison sentences. Since amending the environmental crimes section of the Criminal Code in 1995, an unconditional prison sentence has been passed only once in the so-called ‘Lokapojat’ case.

### 3.1.2 Situation in our neighbouring countries

Our current situational awareness is based on direct contacts, publicly available crime statistics and information published by the media.

**Russia**

The least amount of information on the situation in our neighbouring countries has been received about the status of environmental crime in Russia. Detective Janne Järvinen visited St. Petersburg in May 2014 to introduce the activities of the Monitoring Group in the seminar arranged for environmental authorities, and gained some information on environmental offences investigated in Russia. The most common environmental or natural resources offences are so-called forest thefts or relate to poaching endangered large predators. It seems that investigating and gaining evidence for waste and dumping offences are especially difficult in respect to proving factual environmental harms that is apparently required by national laws.

**Sweden**

According to statistical data, the annual number of environmental offences committed in Sweden varies between 4,000 - 6,000 cases. Statistics on the criminal offences committed in 2017 were not published in Sweden at the time of finalising this report, but in 2016, there were 5,450 environmental offences committed, of which 1,295 were actual environmental offences and the rest, 1,941 cases were waste violations. Compared to the statistics of the year 2015, there was about a 5 % decrease in the statistics of the year 2016. Crime statistics are available on the web site of the Swedish National Council for Crime Prevention. According to the statistics, the clearance rate is low: only 3% of all cases were solved. A total of 165 persons were found guilty of an environmental offence. There is a chart on the web site of the Swedish National Council for Crime Prevention indicating that the annual clearance rate is in a slight decrease, because until the year 2010, at least 5 % of the offences were solved. The Finnish Police College has also published a comparative study “Grass is greener on the other side” by lina Sahramäki and Terhi Kankaanranta on preventing and investigating environmental cases in Finland and in Sweden.

**Norway**

A total of 3,645 environmental offences and violations as well as 1,340 hunting and fishing offences or violations were committed in Norway in 2017. According to the statistics, a total of 1,916 cases of environmental offences and violations as well as 587 hunting and fishing offences were solved.

In Norway, the national specialist unit for environmental crime prevention works under the authority of the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime. The agency also publishes Miljøkrim e-magazine. Additionally, environmental crime investigation is also carried out in local police departments by crime investigators who have received specific training in environmental crime investigation.

**Estonia**

The Monitoring Group notes that a significant development has taken place in Estonia in respect to preventing and investigating of environmental crime since the organisation restructuring and law reform in 2011. Since 01 September 3

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3 [http://bra.se](http://bra.se)


5 [http://www.polamk.fi/](http://www.polamk.fi/)


7 [www.okokrim.no](http://www.okokrim.no)
In 2011, the Environmental Inspectorate of Estonia has acted as the central authority responsible for environmental infractions. The Inspectorate has also full criminal investigation powers, and former police detectives, among others, have been hired as criminal investigators.

The number of actual environmental offences in Estonia is relatively small. Actual environmental offences are included in Ch. 20 of the Estonian Criminal Code. According to statistics on offences against the Criminal Code, approximately thirty actual environmental crimes have been committed in Estonia in past years. In addition, the website of the Environmental Inspectorate of Estonia shows statistics on environmental violations processed administratively as well as the fines and fees imposed in those cases. According to the Inspectorate, there were 2,147 environmental infractions reported to the authorities in 2016 (2015: 2906) and there were fines imposed on slightly more than a thousand persons in the same cases amounting to 328,874 euros in total (2015: 262,086 euros).

The great number of persons is explained by the fact that the number also includes persons fined for fishing and hunting violations. In respect to hazards relating to environmental crime, the Monitoring Group learned in 2016 about a case of several tens of waste deliveries transported from Finland to Estonia for dumping. The case was referred in the Annual Report 2017. The offenders were sentenced to prison in Estonia in February 2017.

### 3.1.3 International operations

There are several international organisations and bodies focusing in prevention of environmental and natural resource offences. For law enforcement authorities, the most important ones are the following: INTERPOL, EUROPOL and the World’s Customs Organisation (WCO). In addition to those, the CITES Secretariat implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an important partner to the law enforcement authorities in cooperation and exchanging information. Other cooperating partners include the European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL), the European Network of Prosecutors for the Environment (ENPE) and the EU Forum of Judges for the Environment (EVFJE).

INTERPOL’s environmental initiatives include three Working Groups leading projects in fisheries crime, pollution crime and wildlife crime. Finland has had a permanent representative in the Pollution Crime Working Group. More information on INTERPOL’s initiatives in preventing environmental crime is available on the INTERPOL’s website. In 2011, EUROPOL established a cooperation body for developing best practises for environmental crime prevention, namely EnviCrimeNet. A member of the Finnish police has attended EnviCrimeNet meetings since March 2011. In the spring 2016, EUROPOL hosted an EnviCrimeNet training seminar on investigating environmental offences as part of financial crime investigation viewed particularly from the perspective of establishing and assessing criminal proceeds. In the latter half of 2016, Slovakia had the Presidency of the Council of the European Union for the first time. Slovakia had prevention of environmental crime as one of the Presidency’s priorities. Due to Slovakia’s active role, the Council considered environmental crime as one of the most pressing criminal threats facing the EU and set it as one of the main priorities tackled on the European Multidisciplinary Platform against Criminal Threats (EMPACT). See more on the EMPACT: https://www.europol.europa.eu/crime-areas-and-trends/eu-policy-cycle-empact

### 3.1.4 Global enforcement action - 30 Days of Action

In 2017, the customs took part in a global operation against waste crime called 30 Days of Action. The operation was initiated and coordinated by INTERPOL. The operation aimed to prevent illegal handling of waste and illegal cross-border shipment of waste and substances depleting the ozone layer by land, sea and air. Competent authorities of 43 countries, including Finnish Customs, participated in the so far largest global enforcement action against illegal waste.

More than 1.5 million tons of illegal waste were discovered worldwide in the operation. The majority of the illegal waste discovered was metal or electronic waste or generally related to cars removed from traffic. The authorities participating in the operation reported 226 waste offences and violations to INTERPOL. The figure included 141 shipments carrying 14,000 tons of illegal waste. Furthermore, the authorities identified 85 sites where more than one million tonnes of waste had been illegally disposed.

During the preparation phase of the operation, a container carrying waste was found in the inspection made in Finland. The container was intended for export. It was carrying eleven half-cut cars, five car batteries and other miscellaneous objects. Half-cut cars and batteries are classified as waste from cars removed from traffic, and such waste cannot be exported. The shipment was stopped, and after the inspection, all objects identified as waste material were taken in possession by the customs. Investigation into the case continues. The total weight of the shipment was 19 tons, of which 12 tons were objects classified as waste material.

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8 www.kriminaalpolitika.ee/
9 https://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime
10 http://envicrimenet.eu/EN/
4 International agreements and legislation on environmental offences

4.1 International instruments


The CITES Convention covering some 30,000 species of flora and an excess of 5,500 species of fauna has been ratified by 180 Member States. The Convention prohibits trading in about 1,000 species whereas trading in certain other species is subject to licence ("trading" means import or export across international borders). The CITES legislation is common to all the EU Member States, and has been followed since 1984 and, as amended, since 1997 (Council Decree 336/97/EU).

The CITES regulations set by the Council and Commission, in addition to the trade between the Member States, also provide on the trade within single Member States. Provisions on import are stricter than the Convention, and there are more species covered than by the Convention.

Finland has ratified the International Convention for the Control and Management of Ships' Ballast Water and Sediments in 2016 (IMO). The Convention was implemented to national legislation together with certain amendments in the Act on Environmental Protection in Maritime Transport (1672/2009) on 08 September 2017. Ships in international traffic need to install on-board ballast water treatment systems. Exchanging ballast water in the Baltic Sea will be prohibited, and the nearest place where the exchange is possible will be in the North Sea. For installing on-board ballast treatment systems, there will be a five-year transfer period. In Finland, the supervision authority will be Finnish Transport Agency (Trafi). The Border Guard and Police are also monitoring how laws and regulations are followed in the sea area. Regulations are not applied to ships and vessels of the Border Guard, nor those used in rescue. Invasive aquatic species may drift especially from tropical waters to very sensitive Baltic Sea area along with exchanges of ballast waters. Effects of the introduction of such species may cause significant harm to the ecosystem and consequently, to fishing and quality of water.

Finland also ratified the Nairobi Convention on the Removal of Wrecks (IMO) in 2017. Registered owners of ships of at least 300 GRT of are required to maintain compulsory insurance in this respect. Amendments made in the Sea Law (674/1994) entered in force on 27 January 2017. The provisions concern ships sunk after the entry of the Act amend-
offences were included as a separate entity in the Criminal Code is to emphasise the blameworthiness of the acts. Other laws forming the actual environmental legislation, such as the Waste Act, Water Act, Nature Conservation Act and the Environmental Protection Act, include minor offences punishable by a fine at the most. Natural resource offences provided for in Chapter 48 a of the Criminal Code are similar to environmental offences. They include offences relating to hunting, fishing and forestry for which the maximum punishment is imprisonment. Imposing a corporate fine is not possible in these cases with the exception of an aggravated hunting offence (Criminal Act, Ch. 48a, 1 a §). The Hunting Act, Fishing Act and Forest Act contain provisions on minor violations. Provisions on forfeiture are applied to environmental and natural resources offences, too. Proceeds of crime are forfeited to the State also in these cases. Forfeiture may also concern compensating costs caused by waste management saved by illegal actions. Proceeds from crime, instruments used in the commission of crime as well as an object or property which has been produced, manufactured or brought about by way of an offence or at which an offence has been directed, may be forfeited to the State under certain conditions.

4.4 Proposals for amendments in law

Provisions on nature conservation and environmental offences were amended in the beginning of 2016. The purpose of the amendment is that more emphasis would be placed on the quality of nature conservation offences and environmental offences as financial crimes so that sanctions ordered for them would correspond better to blameworthiness of the acts. A new provision on an aggravated nature conservation offence was included in Chapter 48 section 5a of the Criminal Code. According to the new provision, a nature conservation offence could be considered aggravated, if it is deemed aggravated when assessed a whole and it puts the nature in serious risk, financial benefit was sought in the offence or it was committed in a particularly methodical manner. The penalty scale runs from imprisonment of four months to imprisonment of at most four years. Until now, the maximum punishment for nature conservation offences has been imprisonment of at most two years. The provision concerning aggravated impairment of the environment (Chapter 48, § 2) was amended so that the grounds of the assessment of seriousness of the act reflect the extent of neglect and financial gain better that before. Now, impairment of the environment may be considered aggravated, if the act was committed in a particularly methodical manner or for considerable financial gain. Impairment of the environment is by nature a financial crime by which the offender seeks financial benefit by neglecting obligations set in law.

An amendment to the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste was implemented since the beginning of 2016. The amendment concerned mostly preparation of country-specific inspection plans to enhance supervision and control of waste shipments. In Finland, the inspection plan for the years 2017 - 2019 was implemented in the beginning of 2017. The plan focuses on illegal waste shipments reported to the Finnish Environmental Institute by type of waste. On the basis of the risk assessment, used lead batteries, waste electrical and electronic equipment (WEEE), scrap vehicles and spare parts for them and construction waste were selected as particular points of emphasis. Depending on the type of waste, inspections will be taken at places where waste is generated as well as at collection points, transportation and management of waste.

5 Supervision

5.1 Supervision and control of environmental legislation

Duties of the Centres for Economic Development, Transport and the Environment (ELY Centres) and municipal environmental authorities

Centres for Economic Development, Transport and the Environment (ELY Centres) and municipal environmental authorities are chiefly responsible for monitoring compliance with the environmental laws in Finland, and their competencies in monitoring-related matters are partly overlapping. In addition, the Finnish Environmental Institute and Finnish Safety and Chemicals Agency (Tukes) have certain supervision duties. The ELY Centres have permit and supervisory duties defined in the Environmental Protection Act, Nature Conservation Act, Water Act and Waste Act. General responsibilities of the ELY Centres are improving environmental protection, attending to the public interest in environmental and water-related matters and responding to the claims in courts of justice and other authorities. According to the Water Act, the Environmental Protection Act and Waste Act, the ELY Centres are eligible to act as injured parties in environmental offences, if some public interest has been violated.

Essential permitting and supervision duties lie with the municipalities following the Environmental Protection Act and related special legislation. In a municipality, an environmental protection authority (often, an environmental protection committee) appointed by the municipal council is responsible for the above duties. The same committee may also serve as a joint authority for many municipalities. When detecting an illegal state of matters, the supervisory authority must take measures to remedy the defect. The supervising authorities operate in accordance with the regulations of the administrative law and the supervised law in question. The possible ways to proceed in supervisory matters are a request for clarification, inspection (an inspection protocol with possible admonitions), admonition and an administrative compulsion order. Supervision authorities are also under obligation to report their observations of illegal or negligent acts to the police, unless there are prerequisites provided by law for refraining from doing so. According to the Environmental Protection Act of 2014, the ELY Centres as national supervision authorities and environmental authorities in municipalities are to prepare a supervision plan for carrying out regular supervision in their area. The supervision plan is to contain information on environmental conditions and functions with a risk of pollution and to define resources and means available for supervision. The
way in which supervision is organised in the municipality concerned and grounds for assessing risks and cooperation between the supervision authorities must be defined. The supervision plan must be checked in regular intervals. The ELY Centres and environmental authorities in municipalities are to monitor and register activities subject to environmental permits with the help of periodic inspections. Targets and intervals of inspection are to be defined on the basis of assessment of risks posed to the environment. However, supervision plans are obligatory only in supervision of plants subject to environmental permit, but some supervision authorities have included measures supervising compliance with the Waste Act, Water Act and Chemical Act in the plan.

The State supervision authority and municipal environmental authorities must prepare a program for periodic inspections of activities subject for license and registering and other regular supervision (supervision program). The program must also contain information on supervised targets and periodic supervision measures taken, and it must be kept up-to-date.

Since 01 January 2015, supervision of environmental permits has been subject to a fee, the amount of which is provided in the Government Decree number 1397/2014 issued on 30 December 2014. A fee may be collected for services such as periodic inspections defined in the supervision program, for rectifying a violation or neglect and inspections relating to accidents or interception of activities.

Supervision is both proactive and retroactive. In the supervision plan, proactive supervision refers to assessment of a need for an environmental permit as well as opinions on permit applications issued to regional administrative agencies and municipalities, participation in inspections and discussions relating to the application procedure and the appeal procedure. Retroactive supervision is legality control, in other words, observing compliance with the permit terms and other regulations. Retroactive supervision consists of checking reports (annual reports, monthly reports, reports on interferences, reports on monitoring the state of the environment), periodic and other inspections in plants, handling reports on exceptional circumstances and reports received from members of the public and taking administrative measures to achieve the lawful state of operations. The possible ways to proceed in supervisory matters are admonitions, administrative compulsion orders and/or requests for criminal investigation made to the police.

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The Ministry of the Environment directs and develops the carrying out of tasks compliant with different Acts, and it may give supervisory authorities instructions that are more detailed on supervision by virtue of the Environmental Protection Act. On 16 May 2016, the Ministry of the Environment issued a new supervision order targeted primarily to the ELY Centres.

The ELY Centres may appear as injured parties in environmental crime cases referred to in the Waste Act, Water Act and Environmental Protection Act. Any ELY Centre has then a right to be heard in the criminal investigation and court proceedings, to press charges and appeal court decisions. In 2016 and 2017, the Ministry of the Environment granted the Uusimaa ELY Centre an appropriation for a steering development project in order to have an operational model for those ELY Centres appearing as an injured party including templates for statements, damage claims, final statements, appeals and, possibly, expert opinions as well. Upon conclusion of the project, a network of experts of the ELY Centres was established for the purposes of cooperation and giving advice to the ELY Centres and municipal environmental authorities in pending environmental crime cases.

Duties of the Finnish Environment Institute

Pursuant to the Act on Environmental Protection in Maritime Transport (1672/2009), Finnish Environment Institute is the leading supervision authority in monitoring discharges and emissions into water in Finnish territorial waters. Furthermore, the Institute is also responsible for prevention of environmental damages in accordance with the Act on Oil Pollution Response (1673/2009). Cooperation with other authorities prescribed in law is essential in carrying out both supervisory and preventing duties. The most important partners in cooperation in the field of prevention of and response to oil spills and emission control are the Border Guard, Finnish Navy and Finnish Transport Agency (TrafI).

The Finnish Environment Institute represents Finland in international cooperation in prevention of oil spills and emission control by taking part in meetings relating to international conventions, particularly in the Baltic Marine Environment Protection Commission (HELCOM), and in the ones relating to Nordic cooperation (Copenhagen Agreement). Cooperation with CleanSeaNet, a European satellite-based oil spill and vessel detection service of the European Maritime Safety Agency (EMSA), and EMSA’s working group dealing with matters relating to prevention of oil discharges is of important value for further development of these matters. The Finnish Environment Institute has also competence for the purposes of the Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOSPA). Government decree number 249/2014 provides on oil spills prevention plans prepared by rescue authorities, and preparation, contents and confirmation of joint operational plans for preventing oil and chemical spills from ships and on prevention readiness required from parties storing oil, port masters and plant operators. These prevention plans are approved by ELY Centres; joint operational plans by the Ministry of the Environment; and Finnish Environment Institute supervises statements relating to the process given to the Ministry.

and Pesticides in International Trade (Rotterdam Convention 107/2004). The Finnish Environment Institute is also in charge of issuing permits referred to in the CITES Convention and the Act on Protection of Whales and Arctic Seals.

**Duties of the Finnish Safety and Chemicals Agency (Tukes)**
The Finnish Safety and Chemicals Agency (Tukes) supervises, controls and issues permits for extensive industrial use and storage of hazardous chemicals. Tukes is one of the parties investigating disasters, and it gathers information on accidents, damage and dangerous situations to the damage and accident database (VARO). Permits for minor industrial use and storage of chemicals are on the responsibility of the municipal chemical control authorities following the Chemical Act (599/2013). The Finnish Safety and Chemicals Agency (Tukes) keeps a register on qualified persons installing and maintaining the equipment and supervises that quality standards are met.

**5.2 The Border Guard**

**5.2.1 Duties of the Border Guard**

In addition to its other statutory duties, the Border Guard is a competent authority to carry out criminal investigation of environmental offences and natural resources offences. The border guard, inter alia, is responsible for monitoring compliance with the Hunting Act (615/1993), Fishing Act (379/2015), Nature Conservation Act (1096/1996), Environmental Protection Act (527/2014), Antiquities Act (295/1963), and Act on Environmental Protection in Maritime Transport (1672/2009).

In practice, the border guard carries out criminal investigation mainly into natural resources offences and more specifically, into hunting and fishing offences. The border guard also carries out investigation into acts deemed as violations of the above substantive Acts as the responsibility for monitoring compliance with these Acts lies with the Service. The border guard also plays a key role in prevention of environmental crime at sea.

The border guard’s threshold for intervening in environmental offences is low. All environmental crime detected in the context of the border guard’s own control are intervened. Border guard investigates all cases falling to its own scope of competence or, when necessary, they are forwarded to the police for investigation due to reasons relating to e.g. extensive nature of the investigation or allocation of resources. Offences which come to the Border Guard’s notice but which are not within their competence are reported to a competent criminal investigation authority.

Pursuant to section 2(2) of the Act on Cooperation between the Border Guard, Police and Customs (687/2009) the border guard may also take measures to ensure the prevention and investigation of offences, if the offence is not minor and the measures cannot be postponed. The competent criminal investigation authority must be informed about the measures without an unnecessary delay. The law regarding cooperation between the criminal investigation authorities is used to secure the promptness of operations and the effective execution of the statutory duties by the authorities. Additionally, the border guard and the police have set up joint investigation teams, in particular to improve investigations into hunting offences.

The border guard carries out various official duties on Finnish territorial waters. It is a competent maritime law enforcement authority on call 24/7 throughout a year. The staff is trained to meet these requirements with great professionalism, and they have sufficient vessels, aircraft and equipment for technical control in use required for carrying out the duties. The border guard is a modern European authority with coastal guard duties and a member in the European Coast Guard Authority consisting of the European Border and Coast Guard Agency (Frontex), the European Fisheries Control Agency (EFCA) and the European Maritime Safety Agency (EMSA) and national coast guard authorities carrying out border control in the Member States.

The border guard also monitors oil discharges at sea and participates in prevention damages caused by leaking oil during accidents. The aim of monitoring oil discharges in the Finnish territorial waters is to stop unlawful activities, to start pollution response measures and to ensure that investigation concerning an administrative penalty fee and criminal investigation into the matter are carried out. The border guard flies Dornier airplanes on a daily basis to monitor the situation in the Finnish territorial waters. The airplanes monitor Finnish territorial waters and exclusive economic zone, although measures have been adjusted together with the authorities of Sweden and Estonia, and the monitoring is also carried out partly over territorial waters of the aforementioned countries.

The Dornier planes are fitted in cooperation with the Finnish Environment Institute with special equipment suited for monitoring oil discharges. Comprehensive monitoring has also a preventive impact on illegal oil discharges and...
emissions from sea vessels. Oil discharges are also detected with the help of CleanSeaNet, a European satellite-based oil spill and vessel detection service of the European Maritime Safety Agency (EMSA). More than 267 radar satellite images covering the area of Finland were received from the CleanSeaNet service in 2017. Possible discharges may also be detected in the dark and in the cloudy weather. The images are delivered both to the Finnish Environment Institute and border guard for inspection. The command centre of the West Finland Coast Guard District inspects the image and in case an oil spill is spotted in the image, it sends off a unit, usually an aircraft equipped with monitoring devices, to check the suspected discharge and to identify the leaked substance in question.

In regard to maritime nature conservation, the border guard will participate in control of emissions from vessels into the air and harmful antifouling systems on ships in the areas of Finnish territorial seas and exclusive economic zones. It is required in the Regulation number 1380/2013 of the European Parliament and the Council on the Common Fisheries Policy that all Member States must have national fisheries monitoring and control centres with a view to monitor fishing and fishing efforts. The border guard serves also as the command centre and control centre for national fisheries pursuant to the Council Regulation.

In accordance with the Government Programme, new legislation was drafted in 2017 on transferring the operational command in environmental disasters at sea from the Ministry of the Environment to the Ministry of the Interior. According to the draft, the Border Guard would be in charge of preventing oil and chemical disasters at sea in the future. The transfer of the duty should enter into force in 2019.

5.2.2 Administrative oil discharge fee

One of the most important duties of the Border Guard in the field of maritime environmental protection is participation in monitoring oil leaks and other environmental accidents as well as oil prevention in Finnish sea areas and exclusive economic zone. According to the Act on Environmental Protection in Maritime Transport (1672/2009), the border guard is the only competent authority to impose an administrative oil discharge fee as a sanction for illegal oil discharges from ships. The regulation of administrative oil discharge fees was extended to apply to the Åland region also in the Åland county law. The border guard is responsible for the duties in imposing administrative oil discharge fees in Åland as well. According to the Act on Environmental Protection in Maritime Transport (1672/2009), the border guard must impose an oil discharge fee on vessels releasing oil or oil-based mixtures into the territorial waters and on the exclusive economic zone of Finland. The fee may be waivered in cases of a small amount of discharge that has a minor effect on the environment. In respect to a vessel in transit on the Finnish exclusive economic zone, it is further required that the discharge causes major damage or that there is a threat of major damage. In exceptional circumstances, if the party liable to pay the fee shows that imposing the fee would be manifestly unreasonable because of a distress or accident situation or some other similar reason, the fee can be waived or its amount can be reduced. The amount of the oil discharge fee is determined by the volume of the oil discharge and the gross tonnage of the vessel, in compliance with the fee table attached to the Act on Environmental Protection in Maritime Transport.

Identification of the person causing the leak on-board the vessel or establishing whether the leak was caused by negligence is not a prerequisite for imposing an oil discharge fee. However, the border guard has to obtain evidence to support the claim that the source of the oil discharge was a specific vessel and that the discharge did not take place under the aforementioned exceptional circumstances. For imposing an administrative oil discharge fee, investigation into the prerequisites is always conducted by the border guard. When necessary, the Finnish Environment Institute issues expert opinions on the environmental impact caused by oil spills. Oil samples are analysed by the Forensic Laboratory of the National Bureau of Investigation. The Bureau also issues expert opinions on them. The procedure of imposing the oil discharge fee has been assigned to the West Finland Coastguard District in Turku that leads the investigation actions in order to impose the oil discharge fee. All units of the Air Patrol Squadron and the Gulf of Finland Coastguard District assist the West Finland Coastguard District in the aforementioned measures.
5.2.3 Criminal sanctions vs. administrative oil discharge fee
According to the Act on Environmental Protection in Maritime Transport, monitoring of oil discharges from ships and possible criminal investigation are the duty of both the police and the border guard. According to Chapter 12, section 6 of the Act on Environmental Protection in Maritime Transport, the border guard is authorised to monitor the exclusive economic area and territorial waters of Finland. Furthermore, according to Chapter 12, section 8 of the same Act, the police is authorised to monitor inland water areas and territorial waters of Finland.

The penal system is primary in relation to the administrative oil discharge fee. In a case where a court has issued a sentence for an illegal oil discharge in the sea (the offence might be, for example, impairment of the environment), no administrative oil discharge fee may be imposed on the same party. Similarly, an administrative oil discharge fee imposed on a party before passing a criminal sentence must be removed as a petition matter. So far, no imposed administrative oil discharge fee has been removed.

5.3 Finnish Customs

5.3.1 Duties of Finnish Customs
Finnish Customs facilitates international goods trade and ensures compliance with provisions; collects the duties, taxes and charges on goods effectively and protects the society, environment and citizens. The customs collects customs duties and excise duties, car tax and import VAT. It also carries out customs control of imports, exports and foreign traffic in addition to other customs measures. The customs also compiles statistics on foreign trade. The customs is a competent authority to carry out criminal investigation into customs offences.

For carrying out the main tasks, the customs has departments for foreign trade and taxation, enforcement, administration and for customs offices. Currently, there are nine independent customs offices with subordinate branch offices: Helsinki Customs, Airport Customs, and the customs offices of Kotka, Vaalimaa, Nuijamaa, Imatra, Turku, Tornio and Mariehamn in the Åland Islands.

Finnish Customs is a part of the customs system of the European Union and a state agency supervised by the Ministry of Finance through performance management. Finnish Customs cooperates with the trade community as well as with domestic and foreign authorities.

5.3.2 Supervision of importing, exporting and transiting protected plants and animals
Supervision of importing, exporting and transiting protected plants and animals
Imports, exports and transits of the protected plants and animals and related items referred to in the Decree implementing the CITES Convention (Convention on International Trade in Endangered Species of Wild Fauna and Flora) in Finland are subject to licence. The majority of so-called CITES products are imported to the European Union come from third countries. Therefore, the import restrictions protect the environment and biodiversity in these countries. On the other hand, the export restrictions protect the environment within the EU frontiers. Activities on endangered species between Member States and within each Member State are also regulated by Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein.

In Finland, the customs is responsible for supervising compliance with the regulations on international trade in endangered plants and animals pursuant to the CITES Convention.
Environmental crime report 2018

Protecting endangered species in Finnish Lapland

For several years now, the customs has enhanced control in Finnish Lapland to secure bird nesting and prevent illegal gathering of bird eggs. Controlling measures have been enhanced during the time of bird nesting, and they have been targeted on passenger traffic at the borders on the basis of profiling made in advance and in potential risk areas in the nature defined in advance. Due to the enhanced measures, several persons of mainly foreign origin with their background in illegal activities in the field have been checked. Previous cooperation between the customs and UK police authorities has resulted in taking enhanced measures, and today the measures of control also involve police officers, border guards and representatives of Metsähallitus. Since the Ministry of the Interior took interest in the project, more regional environmental authorities and nature enthusiasts have become more and more involved in the cooperation. Finnish Lapland and the whole Arctic area have been in the interest of international birdwatchers since the 1990’s, because some birds, mainly wading birds, do not nest anywhere else in the world. Due to that reason, the area is very popular and, at the same time, very vulnerable nesting area.

A CITES Convention case: A wolf

The customs checked a person driving a passenger car from Russia to Finland at Vaalimaa border station. They found a big mounted wolf (Canis Lupus) in the boot of the car. Wolves are protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The CITES protects both dead and alive animals as well as animal parts and products made of animal parts. Wolves are the most strictly protected of all the endangered species covered by the Convention. An import license is always required for these species, and a CITES export document issued by the exporting country is a precondition for granting the import license. The import license must be applied well before the import is about to take place, and license must be valid at the time of export. The import licence is not granted for commercial purposes or retroactively.

In this case, the suspect told the authorities that he had given the wolf to a friend as a gift, and that he was taking it via Finland to Germany. The suspect had no documents on the wolf to produce to the customs authorities. The suspect was in fact surprised for the need of the license as it was a question of a gift. Customs officials seized the wolf, and the case was investigated as a nature conservation offence. The criminal case is now with the prosecutor for consideration of charges. The final destiny of the wolf will be decided in forthcoming trial. Depending on a source, there are 20,000 – 60,000 wolves in Russia, and the species is not protected there. It is estimated that there are 150 – 180 wolves in Finland (2017) and more than 10,000 wolves in Europe.

5.3.3 Control of shipments of dangerous substances and radioactive materials

As the authority controlling the transports of radioactive and hazardous materials, the customs has a significant role in environmental protection. Customs officials at the border crossing points and mobile border control teams check the shipments arriving and leaving Finland. The purpose of efficient control is to detect the shipments violating the regulations right at the state border.

All of the most important border crossing points of Finland have fixed measuring instruments – in other words, gates for both passenger and freight traffic. In addition to the gates, customs officials also use manual measuring devices. Some shipments containing radioactive materials had to be turned back to their countries of origin as recently as in the early 2000’s, but there have been no similar cases since then. A few alarms are caused by vehicles at the gates annually, but the amount of radiation has always been so low that locating the source of radiation has not been possible. Alarms are caused by e.g. calcium chloride, pottery and fertilisers. Illegal shipments of nuclear substances (plutonium, uranium) have not been detected so far. Finnish Customs has organised traffic stop operations to monitor road shipments of hazardous waste and ADR shipments. The customs has also participated EU/EEA wide operations arranged to control shipments of waste. Control at the Finnish borders is of top quality in Europe, and various control systems have been developed significantly in recent years.

5.3.4 Control over F-gases and substances depleting the ozone layer

Manufacturing, using, importing and exporting substances depleting the ozone layer is forbidden for the main part. Restrictions set on the import and export controlled by the customs apply to substances depleting the ozone layer and products containing these substances as well as to new, regenerated and recycled substances. Importing F-gases as chemicals or in appliances from non-EU countries is
regulated, and it must be within an allocated quota or an authorisation to be included in the quota. The customs controls the export and import in the products. Illegal imports or exports of these substances or products containing these substances are reported to the Finnish Environment Institute and, if necessary, criminal investigation authorities will start to investigate the matter. Illegal trade in substances depleting the ozone layer and F-gases are reported via the Finnish Environmental Institute to the EU Council.

5.3.5 Supervision and control of international waste shipments


In 2017, the customs and Finnish Environmental Institute cooperated in supervising waste shipments. Efficient supervision and joint control operations are likely to explain a higher number of detected illegal waste shipments.

5.3.6 Collection of waste tax

As regards environmental protection, the customs also plays a significant role in taxation. In accordance with the Waste Tax Act, the customs collects waste tax on waste taken to dumping sites. In some cases, questions concerning the waste tax have proved to be very complex. The problem is that from the taxman’s perspective, an illegal dumping site is not necessarily a dump that could be taxed on the grounds of dumping waste. In this case, subject to interpretation, the activity cannot be investigated as a suspected case of tax fraud, either. However, it is possible to confiscate the cost savings acquired through illegal actions as crime proceeds (during the environmental crime investigation of the police).

The Waste Tax Act (1126/2010) entered in force on 01 of January 2011, but waste taxation of illegal dumping sites seems to be still problematic.

6 Environmental offences reported to the Finnish authorities

6.1 Legal procedure in environmental offences

The police is a general authority in the field of crime prevention and investigate all offences regardless of the type of the offence. The police obtain information on a possible environmental offence on the following ways: 1) as an observation reported by a private citizen, 2) an observation reported by a supervisory authority or 3) as observation made by an individual police officer. As a rule, supervisory authorities are to report to the police criminal activities they observe in their own fields of activity. However, reporting is not required in cases where a suspected offence is considered a petty one and it has not violated any public interest.

The police is to conduct criminal investigation of a case reported to it, if there are reasons to suspect that a criminal offence has been committed. Criminal investigation is usually conducted by the police department of the crime scene area, but if so required by the nature of the case, the investigation may be transferred to the National Bureau of Investigation. In most cases, environmental offences require a pre-notification of the case to a prosecutor and the prosecutor to take part in the criminal investigation. The customs and the border guard also carry out criminal investigation of environmental crime cases.

Every third environmental offence reported to the police is solved. When criminal investigation is concluded, the case

<table>
<thead>
<tr>
<th>Environmental offences against the Criminal Code</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impairment of the environment, Ch. 48, § 1</td>
<td>141</td>
<td>168</td>
<td>166</td>
<td>188</td>
<td>192</td>
</tr>
<tr>
<td>Aggravated impairment of the environment, Criminal Code, Ch. 48, § 2</td>
<td>12</td>
<td>9</td>
<td>5</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>Environmental infraction, Criminal Code, Ch. 48, § 3</td>
<td>258</td>
<td>192</td>
<td>181</td>
<td>275</td>
<td>214</td>
</tr>
<tr>
<td>Negligent impairment of the environment, Criminal Code, Ch. 48, § 4</td>
<td>4</td>
<td>3</td>
<td>5</td>
<td>7</td>
<td>2</td>
</tr>
<tr>
<td>Nature Conservation Offence, Criminal Code, Ch. 48, § 5</td>
<td>37</td>
<td>47</td>
<td>37</td>
<td>29</td>
<td>46</td>
</tr>
<tr>
<td>Building protection offence, Ch. 48, § 6</td>
<td>3</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>455</td>
<td>423</td>
<td>397</td>
<td>511</td>
<td>462</td>
</tr>
</tbody>
</table>

Table 1. Environmental offences against Ch. 48 of the Criminal Code reported to criminal investigation authorities in 2013 - 2017. Impairment of the environment, Criminal Code, Ch. 48, § 1
is referred to the prosecutor for consideration of charges. As a rule, the prosecutor must press charges for the suspected offence when he or she considers that the act is provided punishable by law, there are other probable causes to support the criminal suspect’s guilt and certain other conditions for pressing charges are met. A decision to not to prosecute a case should be made on some ground specifically mentioned in the law. If the prosecutor decides to prosecute, the case will be tried by a local district court, and due to possible appeal, by the court of appeal, and finally in rare cases only, by the supreme court.

### 6.2 Environmental offences against the Criminal Code

Environmental offences are included in Chapter 48 of the Criminal Code. The offences are impairment of the environment, aggravated impairment of the environment, environmental infraction, negligent impairment of the environment, nature conservation offence, aggravated nature conservation offence and building protection offence. The minimum punishment for the offences is a fine and the maximum punishment is imprisonment from six months to six years.

### 6.3 Impairment of the environment, Criminal Code, Ch. 48, § 1

Impairment of the environment means emitting or disposing of an object or substance into the environment or violating certain obligations provided in environmental protection laws or waste legislation in a way that the act in question is conducive to causing contamination of the environment or a health hazard. Essential elements are very multifaceted. They include numerous modi operandi and a plenty of references to substantive environmental legislation. The offence is punishable when committed with intent or through gross negligence. Punishment for impairment of the environment is a fine or imprisonment for at most two years. Almost without exception, criminal suspicions of impairment of the environment are investigated by the police. Suspected environmental offences are usually investigated by financial crime units of the regional police department concerned. Typical cases concern for example, illegal storage or disposal of waste material on industrial sites or private properties. Most often, the suspect is a middle-aged male. In addition to the police, also the customs and border guard have competence to conduct investigation of cases of impairment of the environment. In 2017, the cases reported to and investigated by the customs concerned export of second-hand cars, WEEE and batteries. In two cases investigated in 2017, the suspects attempted to export scrap cars and WEEE from the EU area in violation of Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Waste Shipment Regulation). In these cases, parties operating in Finland had collected WEEE in sea containers and aimed for shipping them as sea freight to various African countries. Due to inadequately equipped vehicles and/or faulty loading, the authorities are often forced to file transport of hazardous substances offences or similar violations in addition to offences of impairment of the environment and environmental infractions in the same case. However, not all recorded cases relating to transport of hazardous substances relate to environmental offences. Largely, the cases have been illegal oil discharges from ships at territorial waters.

#### Examples of court rulings in 2017

**IMPAIRMENT OF THE ENVIRONMENT**, Criminal Code, Ch. 48, § 1

Helsinki District Court on 22 September 2017, decision number 17/136991, case ref. R 17/4654

As a private trader, the defendant exported material classified as hazardous waste in violation of the Waste Act and a Decree based on the Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste (Waste Shipment Regulation). The defendant had loaded and sealed 20 half-cut cars removed from traffic in a sea container and shipped them to the United Arab Emirates that is not a member country in the OECD. There were approximately 110 litres of oil and some 55 litres of coolants in the cars. The container had been shipped from Vuosaari harbour in Finland and it had already left the EU area. The container was checked in the Netherlands and Dutch authorities returned the container to Finland as they discovered that it was carrying waste. When the sea container was opened in Finland, the authorities found out that there were front pieces of half-cut cars whose tanks were full of liquids in the container. There was also a clear smell of oil. The district court noted that the twenty front pieces of half-cut cars were from vehicles removed from traffic and were therefore, waste material. According to a witness, they were not to be considered spare parts, although detaching some parts for further use was possible. Therefore, it was a question of waste. As oil and coolants had not been removed from the scrap cars, they were hazardous waste and exports of such waste to countries that are not member countries in the OECD, such as the United Arab Emirates, is not allowed. As a private trader, the defendant was responsible for his company’s operations, and it was his duty to know legislation concerning his company’s business. The company’s business line was dealing in car spare parts; so, it was a question of the core of his business. The district court considered that the defendant’s attitude as a private trader towards the legislation concerning the field of his business has been reckless and indifferent, and considered his actions gross negligent. The fact that when the container had been returned to Finland, he had subsequently followed the instructions given by authorities by destroying waste oil, had no bearing in assessing his actions, as the offence had been committed already when the sea container left Finland in the first place, and because he had had no role in returning the container to Finland.

The defendant pleaded that the act had not caused any actual harm to the environment. The district court noted that in impairment of the environment, it is a question of causing a hazard; an abstract hazard is sufficient to meet the essential elements of the offence. The exports prohibition of the Waste Shipment Regulation is particularly to prevent...
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exports of hazardous waste to countries whose procedures of waste management are not known with certainty to be appropriate. It was also possible that oil and other liquids would have leaked during the sea transport. Therefore, the act was conducive to impair the environment. Although there was not that much liquids in the half-cut cars, when leaked it would have impaired the environment. As it was a question of a private trader and the act was committed in business, the court could not consider the offence petty when assessed as a whole.

The court considered the defendant’s actions grossly negligent and found him guilty as charged. The district court imposed 60 day fines on the defendant.

IMPAIRMENT OF THE ENVIRONMENT, Criminal Code, Ch. 48, § 1

Ostrobothnia District Court on 14 June 2017, decision number 17/124584, case ref. R 15/1555

A limited company operating in transport and civil engineering business had been involved in extracting and taking soil materials from real estate properties owned by the company on an important groundwater area suitable for water supply (Class 1 catchment area) without a permit required by the Land Extraction Act and Water Act. The company had given the commission of extracting and the extracted soil materials to a limited partnership company operating in gravel business. The company extracted the soil materials and used movable equipment to crush the extracted soil materials on the above real estate properties in question without an environmental permit required for the crushing. The defendants had liable positions in both of the companies: they both were liable partners in the limited partnership company, and one of the two was chair of the limited company's board and the other one was the CEO of the same company. The amount of soil materials taken without appropriate permits was approximately 166,000 m³; some of the materials had been extracted below the groundwater level or at least, very close to the surface level. On the area of 25,250 m², soil materials had been extracted deeper than four metres above the groundwater level, and approximately 50,000 m³ of soil materials had been extracted below the protection level. Groundwater had not been monitored in the context of the operations. Furthermore, the defendants stored oils used in machinery used in extracting and crushing soil materials in various kinds of containers with no leakage protection. When the machinery was used, some oil had leaked from the machinery here and there polluting the soil. There was also a heap of various kind of waste generated from the operations on the site (concrete, metal, jerry cans and canisters, barrels and waste wood).

The prosecutor demanded the district court to forfeit 17,000.00 euros as financial gain received by the limited liability company. The sum was on an estimate of the company’s EBITDA (= earnings before interests, taxes, depreciation and amortization). The prosecutor also demanded the court to forfeit 100,000.00 euros as criminal proceeds jointly from the limited company and the defendants. The figure was based on net income received from the illegally extracted soil and proportioning of the removed soil materials indicated in the company’s calculation of depreciations and the total amount of soil materials indicated in volume calculation reports.

In respect to the limited company, the prosecutor demanded the court to impose a corporate fine of 15,000 euros. The municipality claimed 9,960 euros as compensation for illegally taken gravel.

The district court found the defendants guilty, and sentenced them both to prison for sixty days. The district court considered further that the amount of illegally extracted soil had not been reliably established, and assessed that the amount was 70,000 m³. For this reason, the amount of criminal proceeds received by the limited company had not been reliably established, either. The district court noted that there were shortcomings in the calculation based on the net income and assessed that the amount of the proceeds received was 65,000 euros. In respect to the limited partnership company, the district court assessed that the amount of proceeds received by the company was 12,000 euros.

The district court rejected the demand for a corporate fine on the basis that in practise, it would have been a fine imposed on the defendants as private persons contrary to the main purpose of the sanction.

6.3.1 Aggravated impairment of the environment, Criminal Code, Ch. 48, § 2

Aggravated impairment of the environment is the aggravated form of impairment of the environment. If the damage or danger of damage caused to the environment is especially serious, considerable financial benefit is sought or the crime is committed in an especially planned or systematic manner, the defendant can be sentenced for aggravated impairment of the environment. The minimum punishment in cases of aggravated impairment of the environment is imprisonment for four months and maximum punishment, imprisonment for six years.

In 2017, the police filed six cases of aggravated impairment of the environment. In all the cases, a suspicion of an aggravated environmental offence was reported either by an ELY Centre or municipal environmental authority. All the cases were investigated by the local police. Only in one case, the suspect was not known to the authorities at the time the re-

Picture 13. Taking samples at an environmental crime scene (Niina Viitala).
The cases were committed mostly in Uusimaa and in South-west Finland; only one case was committed elsewhere, in this case in Ostrobothnia.

The fact that criminal suspects are usually known at the time when cases are reported to the police supports the view that not all environmental crimes are reported to the police.

Example of judgement of the court in 2017

AGGRAVATED IMPAIRMENT OF THE ENVIRONMENT, Criminal Code, Ch. 48, § 2

Hyvinkää District Court on 25 April 2017, decision number 17/116237, case ref. R 16/515

Defendants, CEO and a partial owner of a limited company engaged in civil engineering, who were both liable for the company’s operations, had collected and received for example, soil materials containing clay from various sites and transported the materials to a real estate property situated on a Class-1 catchment area near to a municipal water abstraction facility in Nurmisjärvi. They had also acquired soil materials on an Internet website to be delivered to the real property in question and collected a fee for receiving such material. A total of 33,780 m3 of soil materials were illegally brought and handled on the property. The soil materials were spread and levelled off on the property as part of a landscaping project commissioned by the real estate property owner and his spouse. The company had not collected any payment for the soil materials or landscaping work, but handed over equipment relating to the landscaping commission agreement to the property owner. The value of the equipment was 13,640 euros.

An environmental permit would have been required for receiving soil materials, if granting such permit to the area had been possible in the first place. The activity caused a hazard to the water abstraction facility, because dumping soil materials containing clay could have slowed down water absorption to the groundwater body. In addition, such materials consume oxygen in the absorbing water causing the amount of oxygen to drop. Manganese in the soil becomes soluble in oxygen-free circumstances and particles of clay may cause the water to become turbid. According to analysis results, the quality recommendation for manganese levels was exceeded. Due to the activity, the quality of the water absorbed had to be monitored more closely and the amount of water abstracted had to be decreased causing the municipal enterprise to suffer a loss of 33,234.41 euros as costs for extra monitoring and analysis of the quality of water.

The district court considered the offence aggravated, because the activity had caused a danger of damage to an important groundwater body, pollution of which would have greatly hampered municipal water supply and resulted in great costs. If the authorities had not interfered the activity, it may not have been detected at all, and the damage could have been permanent. The approximate environmental restoration costs were estimated to 1,085,248 euros. The company operated professionally, and the offence was committed to make financial profit. The company received 192,911 euros as criminal proceeds.

The prosecutor demanded the court to impose a corporate fine on the company.

The district court considered that the landscaping project on the property constituted a water resources management project that could have influenced the quality or amount of groundwater and, therefore, it had significantly decreased the size of the groundwater deposit suitable for abstracting water as well as deteriorated the use of the water area in other ways and hampered the abstraction of water. Therefore, a permit provided in the Water Act would have been required for the project. The district court found that under such circumstances, the soil materials delivered to the real estate property were to be considered waste, because the materials did not meet requirements set for by-products referred to in Article 5 of the Waste Directive namely that further use is lawful and will not lead to overall adverse environmental or human health impacts. The requirement concerning the end-of-waste status referred to in Article 6 of the Directive was not met, either, namely that the substance or object is to fulfill the technical requirements for the specific purposes and to meet the existing legislation and standards applicable to products and the use of the substance or object will not lead to overall adverse environmental or human health impacts. The district court also considered that the spreading of soil containing clay on the real estate property constitutes treating waste in an uncontrolled manner referred to in section 13(1) of the Waste Act. The district court considered not proven that the dumping soil materials by the company had caused such emission referred to in the Environmental Protection Act which could have polluted the soil or groundwater or posed a threat of pollution, because the concept of pollution requires an emission to have existed. But the district court considered it proven that it was a question of a landfill requiring an environmental permit and that the dumping was conducive to pose a concrete and serious threat to the quality and amount of groundwater and, as such, an adverse change in the environment comparable to concrete pollution. The district court found that the partial owner of the com-
pany, who had closed the deal with the property owner, had been aware of the fact that dumping site was situated on groundwater area and that an environmental permit was required for dumping a great amount of soil materials on a groundwater area. The court considered that he had acted with intent. It was not proven that the company’s CEO would have been aware of the above, but he had violated his obligation to observe due diligence and found him guilty of gross negligence. Considering information on the importance of the groundwater area for landscaping on the property given by authorities to the property owner and his spouse during the application procedure and understanding extensive deliveries of soil materials as landfilling, the district court found that they too had acted with intent. The partial owner of the company was sentenced to imprisonment of eight months and the rest, of six months each.

The district court rejected the prosecutor’s demand for imposing a corporate fine. Although the grounds for imposing the fine were there, the court found it unreasonable taking into consideration that each of the two defendants had ownership of over 50 % of the company and that the costs of environmental restoration on the property accrued to the company were likely to be at least 150,000 euros more than the criminal proceeds they had aimed. On the basis of the above, the company had no criminal proceeds to be forfeited. The district court forfeited 13,640 euros from the real estate property owner as the value of pipes and construction materials he had received from the company as consideration for the landscaping project.

6.3.2 Environmental infraction, Criminal Code, Ch. 48, § 3

If the damage caused to the environment provided in the Criminal Code, Chapter 48, § 1 is petty, when assessed as a whole, the offender shall be sentenced for an environmental infraction. The penalty scale runs from a fine to imprisonment of at most six months.

The environmental authorities received 214 reports on environmental infractions, which is more than in average. For the most part, environmental offences filed by the criminal investigation authorities are environmental infractions and cases of impairment of the environment. If the impairment of the environment is minor when assessed as a whole, it is a question of an environmental infraction.

Suspected cases of environmental infractions reported to the police nearly always concern small amounts of waste or scrap dumped or left in prohibited places. In environmental infractions, the offender is often unknown at the time of the reporting of the offence. If the offender is identified, the sanction is usually imposition of penalties by the police.

Environmental infraction cases reported to the border guard concern mainly minor, unlawful oil discharges from vessels at sea.

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Police</td>
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<td>37</td>
<td>47</td>
<td>37</td>
<td>29</td>
<td>46</td>
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</tbody>
</table>

Table 2. Nature conservation offences against Ch. 48 of the Criminal Code reported to criminal investigation authorities in 2013 - 2017.
cal bumped from the tank had ended up in a river through a
rain gutter, causing death of fish and harm to organisms on
the riverbed as the solvent bound into organic matter and
temporary ban on use of the water. According to the charge,
harm caused to the environment and health and/or danger of
such harm was not particularly significant considering the
prolonged duration of the caused harm/danger of such
harm, wide extent and other circumstances such as location
of the incident in the middle of a residential centre.
The district court dismissed the charge considering that the
employee had the right to trust information given to him
despite the fact that information understood as instructions
turned out to be false. There was no evidence on negligence
in the employee’s actions when he started to perform the
task. He had contacted his superior as he started to suspect
that the liquid coming out of the tank was not plain rainwa-
ter. There was no evidence of negligence as the employee
had bumped the liquid for a couple of hours. There was no evidence of negli-
gent impairment of the environment in his actions.

6.3.4 Nature Conservation Offence, Criminal
Code, Ch. 48, § 5

A person who unlawfully destroys or impairs a natural area,
an animal, a plant or another natural object protected by
the Nature Conservation Act shall be sentenced for a nature
conservation offence. It is also punishable to export of im-
port protected animal or plant species contrary to the CITES.
The penalty scale runs from a fine to imprisonment for at
most two years.
Nature conservation offences investigated by the police are
often related to unlawful destruction of animal or plant
species.
In 2017, the customs investigated seven cases violating the
CITES: six violations of Nature Protection Act and one nature
conservation offence. In one case, the modus operandi con-
stituted both petty smuggling and violation of the Nature
Protection Act. In the cases against the CITES, suspects had
ordered hats made of crocodile skin whereas in some other
cases, bear meat and whale meat had been attempted to
import without necessary permits.
In 2017, the customs authorities filed one nature conserva-

### Table 3. Natural resources offences filed by the criminal investigation authorities in 2013–2017.

<table>
<thead>
<tr>
<th>National resources offences against the Criminal Code</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting offence, Criminal Code, Ch. 48a, § 1</td>
<td>215</td>
<td>218</td>
<td>191</td>
<td>131</td>
<td>133</td>
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<tr>
<td>Aggravated hunting offence, Ch. 48a, § 1a</td>
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<td>12</td>
<td>9</td>
<td>15</td>
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<td>Fishing offence, Criminal Code, Ch. 48a, § 2</td>
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<td>4</td>
<td>8</td>
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<td>2</td>
<td>0</td>
<td>4</td>
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<td>Unlawful exploitation of mineral resources in the Antarctic, Ch. 48a, § 3a</td>
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<td>0</td>
<td>0</td>
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<td>Timber offence, Ch. 48, § 3b</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Concealing pouched game, Ch. 48a, § 4</td>
<td>3</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
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<td>Aggravated concealing pouched game, Ch. 48, § 4a</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
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<td><strong>245</strong></td>
<td><strong>207</strong></td>
<td><strong>154</strong></td>
<td><strong>164</strong></td>
</tr>
</tbody>
</table>

Table 3. Natural resources offences filed by the criminal investigation authorities in 2013–2017.

port protected animal or plant species contrary to the CITES.
and that those chicks had posed no threat to him. The court
considered that shooting the chicks was not a justified act,
but the defendant should have refrained from shooting the
chicks and delivered them for example, to wild animal care
or report the matter to authorities. In that respect, the court
found that defendant had acted with intent.
The district court forfeited the shotgun used in the com-
mission of the offence with its barrel, as it did not deem the
forfeiture unreasonable and 757 euros as the value of the
killed chicks.

6.3.5 Nature Conservation Offence, Criminal
Code, Ch. 48, § 5

A new provision in the Criminal Code on aggravated nature
conservation offence entered in force in the beginning of
2016. This modus operandi of the nature conservation of-
fence had not been criminalised before. A nature conserva-
tion offence is aggravated, if it is deemed aggravated when assessed a whole and it put the nature in serious risk, there was financial benefit sought in the offence or it was committed in a particularly methodical manner. The penalty scale runs from imprisonment of four months to imprisonment of at most four years.

Only one nature conservation offence was filed in the Criminal Index in 2017: it concerned destroying cormorants (Phalacrocorax carbo) and/or their nests on an island in the Gulf of Bothnia. Two suspected aggravated nature conservation offences filed in 2016 concerned disturbing cormorants and destroying their nests and eggs.

6.3.6 Building protection offence, Criminal Code, Ch. 48, § 6

A person, who intentionally or through gross negligence, without a permit required by the law, demolishes, destroys, impairs or covers an object of a built environment which is protected by the Land Use and Building Act is sentenced for building protection offence. In addition to actual building protection, the provision also concerns demolishment and destruction of relics as stated in the Act on Archaeological Remains. The penalty scale runs from a fine to imprisonment for at most two years.

Building protection offences are reported to the police from one to five times a year.

6.4 National resources offences against the Criminal Code

Chapter 48a of the Criminal Code of Finland applies to natural resources offences (see Table 3). Penal provisions apply to hunting, fishing, forestry and timber offences. They also protect the Antarctic. The Chapter also includes a provision on a hunting prohibition that may be ordered for at least one and at most five years.

6.4.1 Hunting offence, Criminal Code, Ch. 48a, § 1

A person, who intentionally or through gross negligence unlawfully hunts using a trap or trapping method that is prohibited, hunts protected game or without hunting permit, or when hunting, endangers or harms a person or the property of another. The penalty scale runs from a fine to imprisonment of at most two years. The criminal investigation authorities filed 133 hunting offences last year, which is less than an average year. Hunting offences investigated by the border guard are various. Use of unlawful traps and trapping methods also were investigated as hunting offences. Animals targeted in the suspected offences included elks, a hare and, of the game birds, a black grouse.

According to the previous Hunting Decree (816/2014), § 2(2), the game season was always closed for females of the elk accompanied by offspring less than a year old. A typical hunting offence was shooting such female of the elk with an offspring less than a year old. The provision in question was amended by a Decree (759/2016) enforced on 06 September 2016. According to the new sub-section 3, the game season for females of the elk accompanied by offspring less than a year old is closed from 01 September to the day preceding the second Saturday in October. This amendment should be conducive to causing a decrease in the number of offences that were punishable pursuant to the preceding legislation.

Examples of court rulings in 2017

HUNTING OFFENCE, Criminal Code, Ch. 48a, § 1

Päijät-Häme District Court on 20 April 2017, decision number 17/116358, case ref. R 17/429 (final)

The defendant shot a squirrel to death with an air rifle during the closed game season in a yard of a private house. The prosecutor demanded the district court to forfeit 100 euros as the squirrel’s value given in the Decree on indicative values of game animals issued by the Ministry of Agriculture and Forestry.

The defendant considered the act justified, as he claimed that it was a question of ending the life of a sick animal. The district court did not find killing the animal justified, because for example, according to the defendant’s own statement, the animal had climbed to the upper floor of the house. The court found the defendant guilty, and imposed twenty day fines on him and forfeited 100 euros as the value of the animal defined in the Decree.
Hunting Offence, Criminal Code, Ch. 48a, § 1

Kainuu District Court on 21 April 2017, decision number 17/116507, case ref. R 16/822 (final)

In a legal bear hunt, the defendant had shot a bear cub younger than twelve months, although their game season is always closed. The prosecutor demanded the district court to forfeit the rifle used in the commission of the offence and the seized parts of the bear cub to the State and to subject the defendant to a hunting prohibition for a year. According to an expert opinion obtained in the case, the bear cub weighed only 26.6 kilos, in other words, it was relatively small.

According to the defendant, he saw two bears moving and coming closer to him. When the bears that he thought to be already independent yearlings, were about thirty metres from him, he decided to shoot. After he firing a shot, a third bear that was clearly bigger in size than the other two bears appeared approximately 200 metres behind the two smaller bears. According to the district court, it is self-evident that a hunter must exercise emphasized due diligence in identification of his target when shooting. The district court found the defendant's statement on the estimate of the age of the bears before shooting credible and noted that it is very difficult to make a difference between a bear cub and an independent yearling based on external identifiers only. The court did not consider the defendant's negligence gross and subsequently, found him guilty of a hunting violation and imposed forty day fines on him. In addition, the court rejected the prosecutor's demands for a hunting prohibition, but ordered the forfeiture of the parts of the bear.

6.4.2 Aggravated hunting offence, Ch. 48a, § 2

A hunting offence is considered aggravated, if the offence is committed in an especially cruel manner or if a particularly large number of game is hunted. It may be a question of an aggravated offence also when the offence was committed in methodical manner or considerable financial benefit is sought with it. Harming or killing certain species, such as wolverine, lynx, bear, wild forest reindeer, otter or wolf, may also meet the elements of an aggravated hunting offence if the offence is to be considered aggravated as a whole. Wolf hatred prevailing in some extent in Finland and illegal wolf kills have received a lot of attention in the media in recent years.

Criminal investigation authorities filed 87 aggravated hunting offences since the provision on an aggravated hunting offence entered in force until the end of 2016. Sixteen suspected cases of aggravated hunting offences were filed in the Crime Index in 2017 whereas the corresponding figure for the year 2016 was fifteen.

Only in five reported cases, the police or border guard failed to identify the offender. Criminal authorities have conducted investigations successfully for example, by detecting suspected offences with the help of various forms of con-
control. Criminal investigations have also included taking coercive means affecting personal liberty and making various kinds of forensic examinations both at crime scenes and in laboratory facilities.

In respect to aggravated hunting offences, illegally poached game in 2017 were: a wolf in eight (8) cases, a bear in four (4) cases, a lynx in two (2) cases and a wolverine and a European roe deer in one (1) case each. About the geographic distribution of the locations were the aggravated hunting offences were committed in 2017:

- Almost all of the offences were committed in Northern and Eastern Finland;
- Seven (7) criminal incidents were reported in Northern Finland and six (6) incidents in Eastern Finland;
- One (1) aggravated hunting offence was investigated in Southwest Finland and one (1) in Ostrobothnia.

It may well be assumed that only part of hunting related crime is reported to the police or other criminal investigation authorities, because most often it is a question of a dark figure of crime (poaching). Laws of silence possibly prevailing among local people and hunters may be so strict that hunting offences are not reported to the authorities, and when they are, investigation into them is difficult.

When studying criminal incident reports on wolves in particular, attention is drawn to those cases in which encapsulated shots have been found in the carcasses of killed or legally hunted wolves. Furthermore, there are a few cases in which dog owners claimed to “have protected” their dogs buy shooting a wolf or lynx. In previous years, necessity has not been used as justification for the kill, and this Report (without further knowledge of the cases) does not take any stand in respect to the actual nature of the kills.

Once again, illegal baiting has been used in hunting bears. In addition, the border guard has been investigating a very rare case of aggravated concealing pouched game: a bear cub younger than twelve months was shot and its weight when killed was reported significantly higher than it actually was.

In addition, a rare case of shooting a European roe deer is under investigation in Ostrobothnia.

Examples of court rulings in 2017

**AGGRAVATED HUNTING OFFENCE, Criminal Code, Ch. 48a, § 1a**

The defendant had intentionally and unlawfully hunted either alone or together with some other persons a wolf, whose game season is always closed, by tracing it and firing several shotgun shots at the wolf killing the wolf. The animal in question was a young, under two years old male wolf marked by the Natural Resources Institute Finland (Luke) with a GPS collar for research purposes, whose movements the defendant had followed online. When assessed as a whole, the prosecutor deemed the offence aggravated taking into consideration the modus operandi i.e. utilising a web site intended to monitor movements of the wolves wearing the GPS collar. In addition, the prosecutor demanded the court to forfeit the shotgun as an instrument used in commission of the offence and to issue a hunting ban of 3 - 10 years to the defendant. He also demanded to the district court to forfeit 4,500 – 9,100 euros as the value of the unlawfully hunted wolf. The defendant was also demanded to pay 651 euros as damages to Luke for a battery of the GPS collar and 300 euros for three hours of work spent in changing, cleaning and testing the battery i.e. 951 euros in total. The defendant admitted that he had shot the wolf referred to in the charge after he had first fired a shot in the air attempting to drive off the wolf. Then, according to him, he had noted that it already had severe injuries in his lower body and decided to terminate the wolf.

In addition to three shots of 3.5 – 4.5 mm, three other shots of 7 – 8 mm and one shot of 2.5 – 3.5 mm were also found in the wolf’s lower body. The district court found that the wolf had been shot in the lower body alone at least three times using three kinds of shots, so there was reasonable doubt about the wolf been shot in its lower body even before the defendant had fired the first shot at the wolf. Due to the presumption of innocence of the defendant, the court considered that he had fired at least three shots at the wolf and that the wolf had been shot at with a shotgun even before that.

The district court noted that on the basis of the browsing history on the defendant’s phone, he had monitored the wolf’s movements even before shooting at it. He had been in contact through his phone with certain other persons in the area on the same day, which may indicate that he had hunted the wolf together with some other persons even before the wolf had got injured. However, there was reasonable doubt that the defendant had not agreed to participate in the hunt or at least that he had not agreed to it before the wolf had got injured. Therefore, the district court found that the defendant had killed a wolf that he knew was injured. According to Luke’s opinion, there were mammal hair and a Western capercaillie foot in the wolf’s stomach. A conclusion drawn from the stomach content was that the wolf had been able to find food before 25 November 2016, so it was likely that it had not been injured then. A veterinarian’s opinion on the lack of healing wounds supported the conclusion, too. Location data collected by the GPS collar via satellite showed that between 11:00 – 12:00 hours on 25 November 2016, the wolf had travelled approximately 1.5 km and between 12:00 – 14:00 hours, approximately 1.7 km, but between 14:00 – 15:00, it travelled a short distance only. According to the defendant, he had had to follow the wolf he had seen. When the defendant had reached the wolf, it had turned around and started to approach to him. Therefore, the state of the wolf was the one referred to in the Animal Protection Act, s. 14(4), in which not killing would represent obvious cruelty to it.

When assessing the offence as whole, the district court did not deem it aggravated, as the defendant had killed an in-
jured wolf, but the act was punished as a hunting offence. The district court imposed sixty day fines on the defendant and forfeited the shotgun used in the commission of the offence to the State. As the carcass of the wolf remained with the State, the court did not forfeit the value of the wolf. The defendant was ordered to pay 100 euros as damages to Luke for the costs from testing the collar.

**AGGRAVATED HUNTING OFFENCE, Criminal Code, Ch. 48a, § 1a**

Kainuu District Court on 26 January 2017, decision number 17/103636, case ref. R 16672 (not final)

According to the charge, three defendants, while hunting together, had killed a bear cub younger than twelve months. The prosecutor deemed the offence aggravated also when assessed as a whole. The prosecutor demanded the court to forfeit 4,500 euros as the value of bear and to order a hunting ban of four years to the defendants.

The defendants were hunting in a legal hunting party in Martinselkonen nature reserve where hunting bears is forbidden. Based on statements of witnesses, who had been members of the hunting party, the district court considered it proven with adequate certainty that two of the defendants had brought the bear cub in question in a backbag to the cabin, and one of the two defendants had shot the bear.

In the light of the evidence produced, the court found that there were sufficient grounds to consider that the defendants had acted together and that they had been aware of the illegal nature of the act. Evidence produced on the size of the bear was that the bear cub had been small enough to be packed in backbag, and even according to the statements of the two defendants, they considered it small in size. The district court considered that sufficient evidence had been produced to show that it was a question of a bear cub younger than twelve months, and found the hunting offence aggravated also when assessed as a whole considering that the illegal hunt had taken place in a nature reserve and that the hunted animal was a bear cub.

There was no evidence produced on the third defendant's involvement in the shooting of the bear cub, but he held the bear cub and assisted in skinning the bear. The district court found him guilty to an alternative charge, namely concealing pouched game that the court considered aggravated also when assessed as a whole. The district court sentenced the two defendants found guilty of the aggravated hunting offence to imprisonment of seven months, imposed a hunting ban of four years to both of them and forfeited the value of the bear i.e. 4,500 euros to the State. The third defendant guilty of concealing pouched game was sentenced to imprisonment of three months.

**6.4.3 Fishing offence, Criminal Code, Ch. 48a, § 2**

Among others, a person who fishes to a considerable extent in violation of a provision regarding the protection of fish or crayfish, fishing tackle or the minimum size of fish or crayfish shall be sentenced for a fishing offence. The penalty scale runs from a fine to imprisonment for at most two years.

**Examples of court rulings in 2017**

**FISHING OFFENCE, Criminal Code, Ch. 48a, § 2**

Satakunta District Court on 05 January 2017, decision number 17/100564, case ref. R 16/1695 (final)

In violation of the Government Decree on provisions on fishing gear of the Fishing Act and of the catching restrictions provided in the Government Decree on the restrictions of salmon fishing in the Gulf of Bothnia and Simojoki, the defendant had been fishing salmon using eighty prohibited nets so that had been drifting with currents or attached to a vessel. The total length of the nets was approximately two kilometres. He had caught a significant amount of salmon, that is, some 550 kilos. The prosecutor demanded the district court to forfeit 1,440 euros as the value of the nets used in the commission of the offence, as the nets had been given back to the defendant. The district court noted that the use of nets drifting with currents or attached to a vessel is totally prohibited. The caught amount of the game was very significant, although it was a question of one time only. Considering the number of the nets used and their

<table>
<thead>
<tr>
<th>Offences endangering health and safety provided for in the Criminal Code</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
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<td>Health offence, Criminal Code 44, § 1</td>
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<td>Causing a risk of spreading an animal disease, Ch. 44, 4a</td>
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<td>Genetic technology offence, Ch. 44, § 9</td>
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<td>Nuclear energy use offence, Ch. 44, § 10</td>
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<td>1</td>
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<tr>
<td>Explosives offence, Ch. 44, § 11</td>
<td>103</td>
<td>143</td>
<td>117</td>
<td>149</td>
<td>124</td>
</tr>
<tr>
<td>Careless handling, Ch. 44, § 12</td>
<td>254</td>
<td>304</td>
<td>223</td>
<td>277</td>
<td>272</td>
</tr>
<tr>
<td>Radioactive material possession offence, Ch. 44, § 12a</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transport of dangerous substances offence, Ch. 44, § 13</td>
<td>7</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>373</td>
<td>464</td>
<td>364</td>
<td>443</td>
<td>424</td>
</tr>
</tbody>
</table>

Table 7: Offences endangering health and safety provided for in Ch. 44 of the Criminal Code and filed by criminal authorities in 2013 – 2017.
total length, the district court found that the criminal act met the elements of a hunting offence. The defendant was found guilty, and the court imposed forty day fines on him. The parties disagreed on the value of the nets. Therefore, the district court estimated the value of one net at eight euros, and forfeited 768 euros from the defendant as the value of the instrument of crime.

6.4.4 Forestry offence and timber offence, Criminal Code, Ch. 48a, § 3 and § 3b

A person, who fells a forest in violation of a provision the Forest Act or violates provisions of the Forest Act or a provision or order issued on its basis pertaining to protected forest areas or protected areas shall be sentenced for a forestry offence. A person, who in violation of the EU Timber Regulation launches unlawfully felled timber or any products made of such timber, shall be sentenced for a timber offence. Maximum punishment for a forestry offence is imprisonment of two years and for a timber offence, imprisonment of six months.

A few forestry offences and timber offences are reported to the police annually.

6.4.5 Concealing of poached game and aggravated concealing of poached game, Criminal Code, Ch. 48a, § 4 and § 4a

A person who hides, obtains, transports, conveys or markets game that has been obtained through a hunting offence or fishing offence shall be sentenced for concealing of poached game. The penalty scale runs from a fine to imprisonment of twelve months. In the case of aggravated form of the offence, the minimum punishment is a fine and the maximum punishment is imprisonment of three years.

6.5 Offences endangering health and safety provided for in the Criminal Code

Chapter 44 of the Criminal Code contains provisions on offences that may have a significant effect on the environment. The provision protects for example, human life and health as well as property. In respect to protecting the environment, the above-described provisions of the Criminal Code are applied.

6.5.1 Health offence, endangerment of health and aggravated endangerment of health (Criminal Code, Ch. 14, § 1 and Ch. 34, §§ 4–5)

A health offence may be committed by a person, who deliberately or through gross negligence and in violation of the Pesticide Act, Product Safety Act, Chemical Act, Health Protection Act, Food Act or Act on Hygiene of Food Derived from Animals produces, handles, imports or deliberately attempts to import, keeps in his possession, stores, transports, keeps for sale, conveys or gives goods or substances so that the act is conducive to endangering the life or health of another person. The penalty scale runs from a fine to imprisonment for at most six months.

A person, who operates a radiation source in violation of the Radiation Act, uses nuclear energy or nuclear waste or acts in the use of nuclear energy in violation of the Nuclear Energy Act, or uses organisms that have been altered through genetic technology in a closed environment or intentionally spreads organisms that have been altered through genetic technology into the environment, in violation of the Genetic Technology Act so that the act is conducive to causing general danger to life or health, shall be sentenced for endangerment of health. The minimum punishment would be imprisonment for four months, and the maximum, for four years. If the endangerment of health is committed so that serious danger is caused to the life or health of a great number of people and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated endangerment of health to imprisonment for at least two and at most ten years.

Examples of court rulings in 2017

HEALTH OFFENCE, Criminal Code 44, § 1

South Savo District Court on 11 May 2017, decision number 17/119381, case ref. 17/720 (final)
The defendants A and B had fetched a pig from a piggery and A, who had worked as a butcher, had slaughtered and cut the pig in pieces. Persons not involved in the case had told a veterinarian that they had seen parts of the pig in front of the store and that those parts had been offered for them to buy. The veterinarian had gone to the place to check the story and found parts of the pig and an old desk used as a surface on which the pig had been cut, in the snow. The veterinarian had documented the scene by taking photographs. The defendants denied offering parts of the pig to outsiders, and stated that the slaughter had taken place at the piggery. A witness heard by the district court confirmed the statement he had given in the criminal investigation: the defendants had visited his house and offered pork for him to buy. The district court considered it proven that in violation of the Food Act, the defendants had cut a whole pig into pieces in a place for which no approval of food premises as an establishment had been sought from the control authority. The defendants had handled the carcass in the open air, in their home yard, although the place did not meet structural requirements set for a place used for cutting and handling nor had it been it hygienic enough. They had also offered pieces of meat to third parties to buy although the meat had not been inspected by the authorities. According to the statements given by the Finnish Food Safety Authority and by a veterinarian, who the court heard as a witness, eating the meat may have caused a health hazard. As it was a question a question of causing a hazard; an abstract hazard is sufficient to meet the essential elements of the offence, the district court found it sufficient that consequences may have been caused and that there had been a considerable risk of someone been exposed to a danger. The district court found both of the defendants guilty, although it had been only A, who had handled the meat. B had been present in cutting the pig into pieces and he had also been aware of the place where the meat was handled. Furthermore, he and A both had attempted to sell the pork to a witness. The district court imposed twenty day fines on the defendants.
6.5.2 Explosives offence and radioactive material possession offence (Criminal Code, Ch. 44, § 9 and § 12 a)

An explosives offence deals with violating the Explosive Substances Act or a provision issued on the basis of the Act. The penalty scale runs from a fine to imprisonment of at most two years. The police investigate approximately 100 - 150 explosives offences in a year. An explosive offence is usually detected in the context of a search of premises made in respect to some other offence, as there are unlawful (e.g. stolen) explosives found in the search.

Examples of court rulings in 2017

Explosives offence and radioactive material possession offence (Criminal Code, Ch. 44, § 9 and § 12 a)

South Savo District Court on 10 March 2017, decision number 17/110269, case ref. R 16/1235 (final)

Defendants had broken a padlock and entered in a storage building in a cemetery, twisted a fire safety cabin open and stolen eighteen 130-gram sticks of dynamite, 81 blasting caps with built-in time delay and five metres of electrical cable and kept those in possession without a permit required by the Explosive Substances Act. The police recovered the dynamite sticks from a stash of one of the two defendants and destroyed them. The defendants confessed. The case concerned several other offences, too, for which the district court passed prison sentences to the defendants.

6.5.3 Careless handling (Criminal Code, Ch. 44, § 12)

Careless handling may be committed by a person who uses, handles or stores a firearm, fire or an explosive substance or product, a chemical dangerous to health or the environment or combustible and explosive, or a radioactive substance so that the act is conducive to causing a danger to the life or health of another or so that it endangers the property of another. The penalty scale runs from a fine to imprisonment of at most six months. The police investigate around 200 - 350 cases of careless handling in a year.

Examples of court rulings in 2017

CARELESS HANDLING, Criminal Code, Ch. 44, § 12

South Savo District Court on 17 May 2017, decision number 17/120113, case ref. R 17/288

The defendant had negligently and in a careless manner handled fire on a balcony of a rented flat. He had burnt litter in a lampshade made of plastic and put out the fire in a careless manner with water. Then he had put the debris in a plastic dish on a sofa on the balcony. The debris in the dish had caught fire and the fire spread to the sofa and other moveables on the balcony. The fire had also spread through a window to the defendant’s flat destroying it and the structures of the flat. The lessor company suffered a financial loss of at least 50,000 euros. The defendant confessed, and the district court imposed 55 day fines on him. At request by the owner of the building and the non-life insurance company who compensated the damage on the basis of an insurance policy, the court ordered the defendant to compensate the financial loss he had caused in full.

6.5.4 Transport of dangerous substances offence, Criminal Code, Ch. 44, § 13

A person, who violates the Act on the Transport of Dangerous Goods in a manner defined in the essential elements so that the action is conducive to endangering the life or health of another or the property of another, shall be sentenced for a transport of dangerous substances. Almost twenty cases are reported to the authorities each year.

Examples of court rulings in 2017

TRANSPORT OF DANGEROUS SUBSTANCES OFFENCE, Criminal Code, Ch. 44, § 13

Helsinki District Court on 31 August 2016, decision number 16/134505, case ref. R 15/9030

The defendants had collected 37 batteries from various parts of Finland without required permits and reports. The batteries weighed 923 kilos in total. The defendants had loaded and packed the batteries in a van and driven the overloaded vehicle without required means of security on public roads to the Port of Helsinki. They were about to leave the country with the cargo on a passenger ship when authorities intervened and prevented the export of waste. The district court found that transporting used batteries considered as hazardous waste with an intention to take them out of the country without a permit required for transferring waste material was conducive to causing impairment of the environment and littering and to causing danger to the health. The purpose of the permit procedure is to control that transporting and exporting hazardous waste take place in line with respective regulations and that the final repository and disposal of the hazardous waste meet the requirements set for protecting the environment. There was no certainty of the defendants’ intentions or final destination where there defendants intended to take the batteries. Therefore, the way in which the batteries were to be destroyed, could have been conducive to a risk of impairing the environment. The district court considered that the defendants had committed the act in question together and thus, found them guilty of an attempted impairment of the envi-

<table>
<thead>
<tr>
<th>Penal provisions of the Water Act - Ch. 16, sections 2-3</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
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</thead>
<tbody>
<tr>
<td>Permit violation against the Water Act, Ch. 16, § 2</td>
<td>4</td>
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<tr>
<td>Violation of the Water Act, Ch. 16, § 3</td>
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<td>8</td>
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<tr>
<td>Total</td>
<td>7</td>
<td>18</td>
<td>9</td>
<td>7</td>
<td>9</td>
</tr>
</tbody>
</table>

Table 8: Offences against the Water Act filed by the police in 2013 - 2017.
The van in use by the defendants did not meet the required standards, nor was the load packed in a proper manner for example, to avoid short circuit or to prevent leakage and movement. The district court found the defendants guilty of a transport of dangerous substances offence and impairment of the environment and imposed fifty collective day fines. The driver of the van was imposed a driving ban of more than seven months.

6.6 Punishable acts against the Water Act

Penal provisions are included in Ch. 16 of the Water Act. Punishable acts include a permit violation against the Water Act and violation of the Water Act. An undertaking of a water resources management project without a required permit, for example, may be considered as a permit violation under the Water Act whereas preventing a free flow of water or a passage in a water body or neglecting an obligation to report may constitute a violation of the Water Act.

Examples of court rulings in 2017

Permit violation against the Water Act, Criminal Code, Ch. 16, § 2

North Karelia District Court on 09 June 2017, decision number 17/123776, case ref. R 17/345 (final)

The defendant had carried out a dredging project in a water area of 300 m² owned by partners to the jointly owned area in front of his real estate property. In the project, he had removed bed material and sludge from the bottom of the water area and placed the material on the shore of the property. The dredged water area is included in the national protection program of aquatic habitats of birds approved by the Council of State in 1982, and it is also a part of Pitkälähti-Laikanlahti nature reserve established in the same year. The defendant also violated a provision and rule issued on the basis of the Nature Conservation Act by failing to apply for an exception to the protection orders concerning the na-
The district court found the defendant guilty of both a permit violation of the Water Act and a violation of the Nature Conservation Act, and imposed thirty day fines on him.

### 6.7 Offences against other Acts

There are about a dozen penal provisions in various Acts directly or indirectly relating to the environment, all scattered around the legislation. Such provisions are, to mention a few, section 147 of the Waste Act, section 118 of the Fishing Act, section 25 of the Act on Cross-Country Traffic, section 58 of the Nature Conservation Act, section 17 of the Extractable Land Resources Act, and section 7 of the Act on Fishing on the Tornionjoki Fishing Zone. When compared to the number of environmental and natural resources offences provided in the Criminal Code, the total number of minor offences is clearly higher. Table 9 shows violations reported to the criminal investigation authorities in 2012 – 2016. The authorities filed 215 violations of the Waste Act in 2017. In 2016, the police filed 602 violations of the Fishing Act. When any of the penal provisions are examined as such, it is easy to see that some of them for example, chemical offence, building protection violation and violation of the Antiquities Act have not become topical ever. These penal provisions that are applied very rarely are not included in Table 9.

**Examples of court rulings in 2017**

Violation of the Extractable Land Resources Act (§ 17)

Ostrobothnia District Court on 21 March 2017, decision number 17/111595, case ref. R 16/798 (final)

The defendant, who was the chair and CEO of Maa-ainesyhötiö Oy was prosecuted for extracting soil materials on two real estate properties owned by the company without a valid permit and for not stopping the activity after the municipality had ordered him to interrupt the activity. Before the permit was granted at least 31,030 m³ of soil materials had been unlawfully extracted on one of the two real estate properties and at least 7,300 m³ materials on the other. The prosecutor demanded the court to forfeit 127,223 euros jointly from the defendant and the company, that is, the value of the 31,030 m³ of the soil materials (i.e. 62,060 soil tons) with a profit margin of 2.05 euros per ton. The case concerned also the prosecutor’s demand for confiscation of property to the value of 65,000 euros.

The defendant was found guilty, and the court imposed forty day fines on him. In respect to forfeiture of criminal proceeds, the court noted that the defendant had stated in court that the profit would have been 2.05 euros per ton, so the court considered that as the base value. The district court considered the calculation reliable as such, but found the defendant’s statement on the extraction area (3 metres in depth x 0.5 hectares in width) used earlier on only credible. A special audit made on the basis of criminal suspicions, it was found out that according to the accounts, the company had sold 38,149.55 tons of soil materials during the time between 01 January 2013 and 31 December 2013 and bought approximately 29,721.24 tons of soil materials during the same period of time, that is, the company had extracted approximately 8,400 tons of soil materials. During the time between 01 January 2014 and 30 June 2014, the company had extracted and sold an approximate total of 23,140 tons of soil materials. Therefore, the extracted amount of soil materials was 31,600 tons, which is the same amount as stated by the defendant (i.e. 15,800 m²). The court forfeited 64,780 euros (= 31,600 tons x 2.05 euros per ton) jointly from the defendant and the company.

The defendant claimed that the sum of 47,000 euros he had paid for the real estate property was to be deducted from the sum of the criminal proceeds as he considered the real estate property worthless without the permit to extract soil materials. The district court rejected the claim noting that purchases of real estate properties involve a corporate risk. The district court did not consider an opinion issued by the ELY Centre stating that there were no grounds to issue a permit pursuant to the Water Act to take soil materials, as a final solution.

Violation of the Environmental Protection Act (Environmental Protection Act, § 225)

Hyvinkää District Court on 01 September 2017, decision number 17/133699, case ref. R 17/308

As the production manager of Betonitutto Oy, the defendant had neglected to observe an obligation provided in the environmental permit to take care that the term 16 of the permit concerning observing, monitoring and measuring pH value and recording of the results as well as reporting information on waste management to the municipal water enterprise and environmental board was complied with and, to some extent, manage waste water. The company had gained at least 2,700 – 6,000 euros as criminal proceeds, and the prosecutor demanded the court to forfeit the sum to the State.

The court that the profit would have been 2.05 euros per ton, so the court considered that as the base value. The district court considered the calculation reliable as such, but found the defendant’s statement on the extraction area (3 metres in depth x 0.5 hectares in width) used earlier on only credible. A special audit made on the basis of criminal suspicions, it was found out that according to the accounts, the company had sold 38,149.55 tons of soil materials during the time between 01 January 2013 and 31 December 2013 and bought approximately 29,721.24 tons of soil materials during the same period of time, that is, the company had extracted approximately 8,400 tons of soil materials. During the time between 01 January 2014 and 30 June 2014, the company had extracted and sold an approximate total of 23,140 tons of soil materials. Therefore, the extracted amount of soil materials was 31,600 tons, which is the same amount as stated by the defendant (i.e. 15,800 m²). The court forfeited 64,780 euros (= 31,600 tons x 2.05 euros per ton) jointly from the defendant and the company.

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The court that the profit would have been 2.05 euros per ton, so the court considered that as the base value. The district court considered the calculation reliable as such, but found the defendant’s statement on the extraction area (3 metres in depth x 0.5 hectares in width) used earlier on only credible. A special audit made on the basis of criminal suspicions, it was found out that according to the accounts, the company had sold 38,149.55 tons of soil materials during the time between 01 January 2013 and 31 December 2013 and bought approximately 29,721.24 tons of soil materials during the same period of time, that is, the company had extracted approximately 8,400 tons of soil materials. During the time between 01 January 2014 and 30 June 2014, the company had extracted and sold an approximate total of 23,140 tons of soil materials. Therefore, the extracted amount of soil materials was 31,600 tons, which is the same amount as stated by the defendant (i.e. 15,800 m²). The court forfeited 64,780 euros (= 31,600 tons x 2.05 euros per ton) jointly from the defendant and the company.

The defendant claimed that the sum of 47,000 euros he had paid for the real estate property was to be deducted from the sum of the criminal proceeds as he considered the real estate property worthless without the permit to extract soil materials. The district court rejected the claim noting that purchases of real estate properties involve a corporate risk. The district court did not consider an opinion issued by the ELY Centre stating that there were no grounds to issue a permit pursuant to the Water Act to take soil materials, as a final solution.
ment as late as in 2014. In 2013, the company had made a proposal on a change in the measuring method, but the authority could not approve it. Until the change became valid, the company was to comply the permit term referred to in the charge. There was no deadline set for proposing a plan on continuous measuring in the environmental permit. The district court considered that the fact that there was no reference to a deadline did not justify a neglect of several years. The district court imposed fifteen day fines on the defendant.

A sum of 4,000 euros was forfeited from the company to the State as the value of the measuring instrument that was estimated to 2,700 euros and, on the basis of evidence produced, installation of the measuring instrument was particularly demanding. According to the understanding of the district court, the value of the installation was at least 1,300 euros.

6.7.1 Violation of the Waste Act

It is likely that most of the cases reported by environmental authorities or private citizens have been filed by the police, as violations of the Waste Act are in fact cases of littering, dumping, or uncontrolled handling of waste. Private persons or enterprises have neglected their duty to take care of their own waste (for example, household waste, pieces of furniture, household appliances, construction waste) and dumped them, for example, in woods. Costs from cleaning incur to the society and sometimes to private property owners, too. Waste violations investigated by the customs have mainly concerned deliveries of waste electrical and electronic equipment (WEEE) and used batteries to Estonia and other Baltic countries by Estonian, Latvian and Lithuanian citizens.

Examples of court rulings in 2017

Violation of the Waste Act (Waste Act, § 147)

Kanta-Häme District Court on 10 October 2017, decision number 17/140301, case ref. R 17/721 (final)

The defendant had disposed waste such as scrap cars, WEEE, household appliances, waste wood, barrels and containers used for preserving oil, tyres and rims, scrap metal and tin waste, fertilizer bags as well as concrete and brick waste, on his real estate properties. The municipality had sent two admonitions to clean the properties, but the defendant had failed to do so. Subsequently, the municipality had ordered the defendant to clean the properties and imposed a threat of a fine to support the order.

Prosecutor demanded the court to forfeit 2,000.00 euros as proceeds from crime, in other words, from failing to handle the waste placed on the properties and as cost savings from failing to deliver the waste for the final disposal.

The district court found the defendant guilty, and imposed thirty day fines on him. The court also ordered the forfeiture of the proceeds from crime as requested by the prosecutor.

6.7.2 Detected oil discharges and imposed administrative oil discharge fees

In addition to Finland’s inner and outer territorial waters and exclusive economic zone, the Border Guard monitors oil discharges in territorial waters of Estonia in the Gulf of Finland and the territorial waters of Sweden in the Gulf of Bothnia. The oil discharges observed directly during monitoring actions in the economic zone and the sea areas can be effectively proven, and the administrative oil discharge fee can be imposed on the party responsible for the leak. The border guard flies its Dornier airplanes on a daily basis to monitor the situation over the Finnish territorial waters. The border guard takes part in international cooperation following the principles set by the HELCOM, the Baltic Marine Environment Protection Commission. This cooperation has proved its efficiency in detecting oil discharges in practice. Seaways with busy traffic are monitored in cooperation with Swedish and Estonian authorities. Cooperation crossing national borders is important especially in the Gulf of Finland where the ships sail along the border between Estonian and Finnish exclusive economic zones. Finland also takes actively part in international operations where
a certain sea area is monitored by patrol planes sent off by several countries. Finnish, Swedish and Estonian aircrafts used in monitoring sea traffic in the Baltic Sea have been updated by installation of new monitoring equipment. With the help of modern equipment, monitoring sea traffic is also possible in bad weather conditions and in the dark. The Side Looking Airborne Radar (SLAR) can be used to detect oil discharges even tens of kilometres off the flight path of the monitoring aircraft. The planes have also necessary devices for identifying vessels. In 2017, more than 267 radar satellite images covering the area of Finland were received from the CleanSeaNet service, a European satellite-based oil spill and vessel detection service of the European Maritime Safety

### Environmental offences

<table>
<thead>
<tr>
<th>Offence</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
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</tr>
<tr>
<td>Building protection offence, Ch. 48, § 6</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>109</strong></td>
<td><strong>141</strong></td>
<td><strong>120</strong></td>
<td><strong>114</strong></td>
<td><strong>135</strong></td>
</tr>
</tbody>
</table>

Table 10: Environmental offences and infractions forwarded to prosecutors in 2013 – 2017.

### National resources offences against the Criminal Code

<table>
<thead>
<tr>
<th>Offence</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting offence, Criminal Code, Ch. 48a, § 1</td>
<td>76</td>
<td>96</td>
<td>97</td>
<td>40</td>
<td>35</td>
</tr>
<tr>
<td>Aggravated hunting offence, Ch. 48a, § 1a</td>
<td>6</td>
<td>6</td>
<td>7</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Fishing offence, Ch. 48a, § 2</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Forestry offence, Ch. 48a, § 3</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Unlawful exploitation of mineral resources in the Antarctic, Ch. 48a, § 3a</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Timber offence, Ch. 48, § 3b</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Concealing pouched game, Ch. 48a, § 4</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated concealing pouched game, Ch. 48, § 4a</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>87</strong></td>
<td><strong>108</strong></td>
<td><strong>105</strong></td>
<td><strong>44</strong></td>
<td><strong>41</strong></td>
</tr>
</tbody>
</table>

Table 11: Natural resources offences forwarded to prosecutors in 2013 – 2017.

### Offences endangering health and safety provided for in the Criminal Code

<table>
<thead>
<tr>
<th>Offence</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health offence, Ch. 44, § 1</td>
<td>2</td>
<td>3</td>
<td>3</td>
<td>4</td>
<td>3</td>
</tr>
<tr>
<td>Endangerment of health, Ch. 34, § 4</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated endangerment of health, Ch. 34, § 5</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Causing a risk of spreading an animal disease, Ch. 44, 4a</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Genetic technology offence, Ch. 44, § 9</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Nuclear energy use offence, Ch. 44, § 10</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Explosives offence, Ch. 44, § 11</td>
<td>34</td>
<td>58</td>
<td>62</td>
<td>46</td>
<td>49</td>
</tr>
<tr>
<td>Careless handling, Ch. 44, § 12</td>
<td>49</td>
<td>39</td>
<td>46</td>
<td>66</td>
<td>53</td>
</tr>
<tr>
<td>Radioactive material possession offence, Ch. 44, § 12a</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transport of dangerous substances offence, Ch. 44, § 13</td>
<td>7</td>
<td>7</td>
<td>2</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>93</strong></td>
<td><strong>107</strong></td>
<td><strong>113</strong></td>
<td><strong>122</strong></td>
<td><strong>105</strong></td>
</tr>
</tbody>
</table>

Table 12: Offences endangering health and safety forwarded to prosecutors in 2013 – 2017.

### Penal provisions included in the Water Act

<table>
<thead>
<tr>
<th>Offence</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit violation against the Water Act, Ch. 16, § 2</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>3</td>
</tr>
<tr>
<td>Violation of the Water Act, Ch. 16, § 3</td>
<td>0</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1</strong></td>
<td><strong>6</strong></td>
<td><strong>4</strong></td>
<td><strong>2</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>

A total of thirty oil discharges in Finnish territorial waters was reported to the border guard in 2017 while the number of reported cases in 2016 was 41. Most of the oil spills were observed within an easy reach of a port or coast, and they were very minimal in respect to quantity. Detection of possible oil leaks is focused on Finnish sea area and exclusive economic zone. Similar to recent years, not very many oil spills were detected in these areas.

Administrative investigation into prerequisites for imposing an administrative oil discharge fee was started in seven cases in 2017. Taken into account the amount of leaked oil, all spills were small and detected in ports. Administrative investigation into prerequisites for imposing an administrative oil discharge fee was started in five cases, and the fee was imposed in all of them. Investigation into eight cases continues in 2018.

An appeal concerning an oil discharge fee imposed by the Border Guard in 2011 is pending in the supreme court. The appeal procedure in this case started in 2011, and all court levels have handled the case in respect to various legal questions. In 2014, the supreme court repealed the ruling made by the court of appeal that had exempted the appellant from liability to pay the oil discharge fee imposed by the border guard, and referred the case back to the court of appeal. The court of appeal considered the case again, and stayed the oil discharge fee imposed by the border guard in force. In 2015, the supreme court granted a leave of appeal in respect to the most recent court of appeal’s ruling to the appellant. In 2016, the supreme court postponed hearing the case and requested a preliminary ruling from the Court of Justice of the European Union.

The oral hearing was held in December 2017. The opinion of the Advocate General of the Court of Justice of the European Union will be available in February 2018, and then the Court will be ready to pass a preliminary ruling in the case. When the preliminary ruling is available, the supreme court will decide the case. Therefore, handling the case will continue in 2018.

**6.7.3 Criminal investigation of oil discharges from ships**

In accordance with the Memorandum of Understanding between the police and border guard, responsibility for criminal investigation into detected oil discharges in the Finnish territorial waters and exclusive economic zones was transferred from the police to the border guard in the beginning of 2011. However, the police still investigate oil discharges from ships in inland water areas and also in cases where the nature or scope of criminal investigation measures so require. The police may also demand that criminal investigation be transferred to it because of, for example, a connection to some other serious offence.

### Table 14. Other environmental offences forwarded to prosecutors in 2013 – 2017.

<table>
<thead>
<tr>
<th>Offences against other Acts</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste violation</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Violation of the Waste Act</td>
<td>19</td>
<td>24</td>
<td>18</td>
<td>21</td>
<td></td>
</tr>
<tr>
<td>Fishing violation</td>
<td>12</td>
<td>11</td>
<td>11</td>
<td>4</td>
<td>18</td>
</tr>
<tr>
<td>Off-road traffic violation</td>
<td>11</td>
<td>9</td>
<td>7</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Violation of the Nature Conservation Act</td>
<td>5</td>
<td>8</td>
<td>9</td>
<td>8</td>
<td>10</td>
</tr>
<tr>
<td>Violation of the Extractable Land Resources Act</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>52</td>
<td>53</td>
<td>45</td>
<td>26</td>
<td>60</td>
</tr>
</tbody>
</table>

Table 14. Other environmental offences forwarded to prosecutors in 2013 – 2017.

### Table 15. Trend in the number and proportion of charges dismissed in full or in part in 2013 – 2017.

<table>
<thead>
<tr>
<th>Year</th>
<th>Sentenced as charged</th>
<th>Charge dismissed in full or in part</th>
<th>Percentage of dismissed cases (%)</th>
<th>All decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>53</td>
<td>9</td>
<td>9,80 %</td>
<td>122</td>
</tr>
<tr>
<td>2014</td>
<td>92</td>
<td>28</td>
<td>18,40 %</td>
<td>130</td>
</tr>
<tr>
<td>2015</td>
<td>95</td>
<td>28</td>
<td>16,50 %</td>
<td>170</td>
</tr>
<tr>
<td>2016</td>
<td>90</td>
<td>28</td>
<td>19,72%</td>
<td>142</td>
</tr>
<tr>
<td>2017</td>
<td>51</td>
<td>26</td>
<td>24,72 %</td>
<td>105</td>
</tr>
</tbody>
</table>

Table 15. Trend in the number and proportion of charges dismissed in full or in part in 2013 – 2017.

Agency (EMSA).

Picture 20. Environmental and police authorities inspecting a suspected crime scene.
In the border guard, criminal investigation into oil discharges from ships as well as administrative investigation of oil discharge fees has been assigned to the West Finland Coastguard District. Investigations are carried out by a head of investigation and investigators specialised in environmental offences committed at sea. The Gulf of Finland Coastguard District and the Air Patrol Squadron assist the West Finland Coastguard District in measures relating to criminal investigation of oil discharges from ships.

In 2017, criminal investigation was carried out into four cases of oil discharges from ships, and investigation of three cases was concluded. In one case, a demand for a fine for an environmental infraction was made; in one case, investigation was terminated on the basis of minor significance of the offence; and one case was closed based on head of investigation’s decision, as there was no one to charge. Criminal investigation of one case continues in 2018.

### 6.8 Environmental offences forwarded to prosecutors and courts of law

According to the prosecution authority’s statistics, the annual numbers of environmental and natural resources offences (together, environmental offences) referred to the prosecution authority are shown in Table 10. In 2017, the prosecution authority pressed charges in offences referred to in the Criminal Code, Ch. 48 in 64 times, that is, in 49.6 % of the cases. They spent 4.9 months in average in considering charges. In respect to the offences referred to in the Criminal Code, Ch. 48a, they pressed charges 23 times corresponding to 59 % of the cases. In these cases, they spent 3.11 months in average in considering charges. A significant decrease in the number of natural resources offences is due to an amendment in section 25 of the Hunting Decree (666/1993) limiting the closed game season for the female elks accompanied by offspring born in the same year to last from 01 September to the day preceding the second Saturday in October. The amendment resulted in a significant decrease in the number of hunting offences involving mother elks.

<table>
<thead>
<tr>
<th>No. of charges</th>
<th>No. of defendants</th>
<th>Imprisonment</th>
<th>Sentence Length</th>
<th>Fine</th>
<th>No. of day fines</th>
<th>Average</th>
<th>No punishment</th>
<th>Dismissed</th>
<th>Cancelled</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggravated impairment of the environment</td>
<td>2</td>
<td>5</td>
<td>5</td>
<td>1 year; 10 months; 8 months; 6 months; 6 months</td>
<td>10 months</td>
<td>10</td>
<td>1</td>
<td>14</td>
<td>3</td>
</tr>
<tr>
<td>Impairment of the environment</td>
<td>29</td>
<td>51</td>
<td>10</td>
<td>1-12 months</td>
<td>23</td>
<td>25—80 day fines</td>
<td>54.0</td>
<td>1</td>
<td>14</td>
</tr>
<tr>
<td>Environmental infraction</td>
<td>5</td>
<td>5</td>
<td>4</td>
<td>10 – 25 day fines</td>
<td>18.0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nature conservation offence</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>35 – 40 day fines</td>
<td>37.5</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation of the Nature Conservation Act</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>15 day fines</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation of the Waste Act</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>15 – 30 day fines</td>
<td>23.0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permit violation against the Water Act</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>30 day fines</td>
<td>30.0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation of the Extractable Land Resources Act</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>30 – 40 day fines</td>
<td>35.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building violation</td>
<td>5</td>
<td>6</td>
<td>5</td>
<td>6 - 20 day fines</td>
<td>10.0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation of the Nature Conservation Act</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>15 – 65** day fines</td>
<td>16</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* incl. animal welfare offence
** incl. criminal damage

Table 16
Punishment for imputable environmental offences is most often day fines – thirty day fines in average. In the most serious cases, environmental offences have led to imprisonment.

6.9 Environmental offences reported to the criminal authorities and transferred to prosecution for consideration of charges

The Monitoring Group has monitored environmental crime in Finland since 1997. Penal provisions on environmental offences that may lead to imprisonment are collected in the Criminal Code. There are more lenient penal provisions, however, included in several other laws. This has an effect on monitoring environmental crime as well on assessing punishment for imputable environmental offences. Several acts related to environmental matters in one way or another are penalised by law. That is why it is difficult to cover all such environmental crimes and negligence comprehensively. This report focuses mainly on offences against the Criminal Code and environmental offences reported to the criminal investigation authorities concerned are presented on the basis of the violated Act. Authorities conducting criminal investigation into environmental crime are the Police, Customs and Border Guard. Statistics on environmental offences are compiled on the basis of the offence investigated. The title of the case may change when the case is referred to the prosecution, and again in the court procedure. Environmental crime statistics do not reflect the actual state of the environment or tell anything about possible risks, because most often it is a question of the dark figure of crime, that is, crimes that are not reported to the police.

Environmental offences filed and investigated by the customs authorities as well as violations containing various kinds of elements of environmental crime have mainly concerned transport of waste electrical and electronic equipment (WEEE) and used batteries. Nature conservation offences and violations have mainly consisted of products made of animals and plants subject to licence brought from abroad as postal deliveries and imports by travellers. In some cases, the offence was committed in the context of business. In the investigated cases, offenders have been Finnish and foreign private persons as well as Finnish legal persons. Their modus operandi have been described in more detail above. Compared to the previous year, the number of environmental offences and nature conservation offences has remained almost the same.

Offences investigated by the border guard are typically offences detected in the context of border control carried out outside border crossing points. The border guard is well placed to carry out environmental monitoring, since they monitor land, seas and air and they have the appropriate equipment to carry out the tasks. Environmental offences are also reported to the border guard by third parties. As a whole, the number of environmental offences and natural resources offences filed by the border guard has taken a decrease when compared to the previous year. The total number of environmental offences and violations filed by the border guard in 2017 was 108 whereas in 2016, the number of was 186.

In addition to the above offences, the border guard also filed two (2) hunting violations (2016: 17), one (1) violation of the Hunting Act (2016: 3) and four (4) game offences (2016:10). The rise in the number of fishing violations and hunting violations investigated by the border guard was particularly significant when compared to the previous year. The decrease in fishing violations is partly explained by less frequent control by the border guard and entering of certain Acts concerning commercial fishing to the sphere of the common fisheries policy and related administrative sanctions.

6.10 Statistical analysis of the court rulings passed in 2017

In 2017, district courts processed 38 cases concerning Ch. 38 of the Criminal Code. Two cases were of aggravated impairment of the environment and 29 concerned impairment of the environment; five cases were environmental infractions and two cases were nature conservation offences. The charges involved 63 defendants, of whom 15 (24 %) were sentenced to prison. All five sentenced for aggravated impairment of the environment and 10 for impairment of the environment were sentenced to imprisonment varying from one month to one year and 20 months. Day fines were imposed on 29 defendants (46 %). The number of day fines varied between 25 and 80 day fines, but a hundred day fines was imposed on one defendant, as he was also sentenced for animal welfare offence. The average number of day fines was 54. The number of day fines imposed on those sentenced for nature conservation offence varied between 35 and 40. Charges were dropped in respect to 15 defendants (24 %), and one defendant was found guilty of the offence, but no punishment was passed. Prosecutors waived three charges in total, mostly because the right to prosecute the offences had expired.

The courts processed 15 criminal matters against substantive environmental legislation (environmental infraction, violation of the Waste Act, violation of the Water Act, violation of the Extractable Land Resources Act, violation of the Nature Conservation Act and building violation) involving 18 defendants. One charge was dismissed, and prosecutor dropped charges in two cases. The court waived punishment in one case, and day fines were imposed on other defendants varying from six day fines for a building violation to 40 day fines for a violation of the Extractable Land Resources Act. A total of 65 day fines were imposed on a defendant for a violation of the Nature Conservation Act and criminal damage committed in the same act. Of all defendants, 19 % were sentenced to prison, fines were imposed on 53 % and in respect to 20 %, charges were dismissed.
7 Conclusions

The Finnish National Group for Monitoring of Environmental Offences has published eighteen reports over the years, both in Finnish and in English. One of the Annual Reports sent to INTERPOL was considered as a model report due to an exceptionally wide scope of cooperation between authorities. In the Annual Reports, the Monitoring Group has made numerous recommendations for action and introduced future trends. Towards the end of 2014, the Ministry of the Environment and the Ministry of the Interior set up a joint working group to prepare a draft for national strategy and action plan in environmental crime prevention. The National Strategy and Action Plan have made it possible for some of the previous Recommendations made by the Monitoring Group to be implemented.

In the view of the Monitoring Group, the most important goal is implementation of the National Environmental Crime Policy and Action Plan.

Environmental offences may produce significant criminal proceeds or unlawful benefit to offenders. In order to prevent offenders from gaining profit from environmental crime, authorities should pay particular attention to tracing criminal proceeds and possibilities to forfeit the unlawful benefit in the criminal investigation.

Results from monitoring waste shipments are so positive that the Monitoring Group encourages and invites each of the regional environmental groups to plan and organise a special monitoring campaign in line with the theme every year. Such campaigns are important in two ways: they prevent members of the public from committing waste offences and offenders from committing them again. When assessing seriousness of environmental, the most important matters to consider are the environmental values as the primary targets of protection. However, as a rule, environmental values are difficult to measure. The Monitoring Group is of the opinion that when assessing seriousness of environmental crime and significance of environmental values, more emphasis should be placed on possible restoration costs spent on repairing environmental damages caused by crime, as they may be high even in seemingly minor cases of environmental crime. Otherwise, comparison between different types of offences would become distorted and result in more lenient legal praxis than in other types of offences and in deviation from the principle of proportionality.

The Monitoring Group has been informed about judges’ need for training in environmental crime investigation. The need for training concerns for example technology available for gaining evidence in environmental crime investigations and what is it possible to investigate in general.