INTRODUCTION

In its annual reports, the Monitoring Group has presented a number of recommendations and highlighted several trends related to environmental crimes. The most important recommendation calls for strengthening prevention measures by drawing up a joint national strategy for the prevention of environmental crime for all authorities involved in combating these crimes. The recommendation was followed and a joint strategy drawn up in 2015. The Monitoring Group has recommended that authorities should enhance their cooperation in the detection and prevention of environmental crimes. Cooperation between the authorities is an essential requirement for the prevention and investigation of environmental crimes. Regular joint coordination and training events can consolidate the expertise of the supervisory authorities, pre-trial investigation authorities and the prosecution service. Furthermore, the Monitoring Group has suggested that the transfer of competence plays a significant role at the local level due to personnel turnover. The importance of national and international cooperation between the authorities in the prevention of environmental crimes has been emphasised in recent years.

The Environmental Crime Report presents the environmental crimes reported to the police, Customs and Border Guard in 2014–2018. Environmental crime statistics are compiled according to the type of offence investigated in the pre-trial investigation phase. The title of the offence may then change during the consideration of charges and court hearing. The report also presents some examples of environmental offices investigated under a different name.

The total numbers of environmental offences referred to in chapter 48 of the Criminal Code and natural resource offences referred to in chapter 48(a) of the Code both increased in 2018. The offences endangering health and safety listed under chapter 44 of the Criminal Code also include acts that can have a significant impact on the environment, and the number of such offences also grew in 2018. The number of offences provided for in other environmental legislation also increased from the previous year. Therefore, it can be stated with confidence that the total number of offences classified as environmental offences increased in 2018. Approximately one in three investigated environmental offences provided for in chapters 48 and 48(a) and environmentally significant offences under chapter 44 is referred to the prosecution service.

Because most environmental crime is hidden, the intensification of investigative cooperation between the authorities has achieved good results in solving environmental offences.
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Cover: The swan family (Silja Hallenberg).
1. FINNISH ENVIRONMENTAL CRIME MONITORING GROUP – OVER TWO DECADES OF SERVICE

In response to resolution AGN/65/RES/25 passed by the Interpol General Assembly of 23–29 October 1996, the National Bureau of Investigation established a national working group on 1 October 1997 and charged it with the monitoring of environmental crime and development of cooperation with the various supervisory authorities. This annual report of the environmental crime situation in Finland has been drawn up by the Monitoring Group and translated into English. Thus, the Finnish Environmental Crime Monitoring Group has served for more than two decades.

Annual reports have been issued by the Monitoring Group since 1997. In 1998, the Finnish Environmental Crime Monitoring Group issued its first report to Interpol. The cooperation of Finnish authorities in the monitoring, development and annual reporting of environmental crime prevention efforts has achieved international attention as a unique example of best practices. Over the years, the Monitoring Group has made numerous recommendations for the enhancement of environmental crime prevention, development of cooperation between the authorities and amendments to legislations. These recommendations have also been put to practice. As an example, the Monitoring Group recommended the creation of a national strategy for environmental crime prevention. The recommendation was implemented, and Finland now has a national strategy in place.

The Chairman of the Monitoring Group is Chief Superintendent Arto Hankilanoja of the National Police Board. Forensic Chemist Niina Viitala of the National Bureau of Investigation served with distinction as the Monitoring Group’s secretary until 2019. Her duties have been taken up by Senior Planning Officer Riku Lindqvist, also of the National Bureau of Investigation. The Monitoring Group’s other members are Chief Superintendent Juha Tuovinen of the Ministry of the Interior, Katriina Paakkanen of the Ministry of Justice, Legal Adviser Tia Laine-Ylijoki-Laakso of the Ministry of the Environment, Senior Detective Superintendent Janne Järvinen of the National Bureau of Investigation, Senior Customs Inspector Tarja Koskenlaakso of Customs’ crime prevention unit, Border Guard Chief Superintendent Silja Hallenberg of the Ministry of the Interior’s Border Guard Department, District Prosecutor Heidi Nummela of the Prosecutor’s Office of Itä-Uusimaa, Senior Adviser Hannele Nikander of the Finnish Environment Institute, Lawyer Satu Lyytikäinen of the Uusimaa Centre for Economic Development, Transport and the Environment (until 11 February 2019), Jonna Lahdelma of the Häme Centre for Economic Development, Transport and the Environment (from 11 February 2019) and Heikki Holopainen of the North Karelia Centre for Economic Development, Transport and the Environment (from 11 February 2019). The Monitoring Group also provides assistance and advice with requests for legal assistance made to Finland.

By a decision taken on 5 February 2019 (POL-2019-5128), the National Police Board extended the term of the Monitoring Group to 31 December 2021.

2. COOPERATION WITH AUTHORITIES

In previous annual reports, the Monitoring Group has suggested that ensuring the efficiency of combating environmental crime, a joint national strategy for the prevention of environmental crime should be drawn up for all authorities involved in prevention efforts. In late 2014, the Ministry of the Environment and Ministry for the Interior instituted a joint working group with participants from all key authorities. The working group was tasked with analysing national cooperation in the field of environmental crime prevention and preparing a recommendation for a strategy and action plan for the prevention of environmental crime on the basis of its analysis.

Strategic guidelines for 2020 and an action plan for 2015–2016 were published in 2015. The Ministry of the Environment has instituted a national implementation group for environmental crime prevention for the years 2017–2018 and 2019–2020. The task of the implementation group is to ensure the practical implementation of the environmental crime prevention strategy and action plan through inter-agency cooperation. The implementation group has drawn up a new action plan for 2019–2020.
The first action plan specified the establishment of regional cooperation groups. The operations of these groups have gotten off to a good start and now cover the entirety of the national territory. From one to three operative cooperation groups consisting of the authorities responsible for the implementation of environmental crime prevention have been established for the area of each police department. Thematic cooperation groups have also been established, and these collaborate with the regional groups. For example, a regional cooperation group has been established for the Capital Region on the initiative of the Helsinki Police Department, consisting of representatives from the Helsinki, Länsi-Uusimaa and Itä-Uusimaa Police Departments, the National Bureau of Investigation, the Finnish Environment Institute and the City of Helsinki Environment Centre. The meetings of the regional cooperation groups have discussed issues such as current events, the roles of the various authorities in the prevention of environmental crime, the threshold for reporting crimes, specific cases, expert witnesses, new trends in environmental crime and the development of cooperation. The groups have agreed on regular meetings with rotating responsibility for arrangements, collaboration, the objectives of their operations, the exchange of information and common procedures. They have also held joint training events and conducted joint operations.

Carefully planned joint operations have uncovered environmental offences which would not have been otherwise detected or investigated by the pre-trial investigation authorities.

A two-year inter-agency training programme in environmental crime prevention was created in 2017 and has been offered extensively to various authorities.

### 2.1. COOPERATION BETWEEN SUPERVISORY AUTHORITIES

The Centres for Economic Development, Transport and the Environment (ELY Centres) engage in regular supervisory cooperation with municipal environmental authorities, since their duties are similar and even parallel to an extent. The environmental authorities, police, Border Guard, Customs and rescue services cooperate in environmental matters through cooperation groups and on an ad hoc basis.

In recent years, Customs has investigated several wide-ranging series of nature conservation offences. These investigations have underscored the need for cooperation between the Ministry of the Environment, Finnish Environment Institute, ELY Centres and Customs. Such cooperation will be consolidated and developed in the future. The Ministry of the Environment, Finnish Environment Institute and ELY Centres serve as experts at various stages in the investigation of offences. The strong role of Customs in these investigations has contributed pre-trial investigation expertise, cooperation with the prosecution and international collaboration. The regular exchange of information and development of cooperation in the field of training is especially necessary in light of the increasingly rapid impact of international criminal phenomena on Finland.

Customs is part of the European Union’s customs system and is thus the supervisory authority for the import, export and transit of goods. It is thus natural for Customs to engage in supervisory and pre-trial investigation cooperation with various environmental authorities on a regular basis. The cooperation between Customs and the Finnish Environment Institute is particularly vital in the supervision of transboundary waste shipments in order to uncover and prevent illegal transboundary waste shipments. The national inspection plan implemented from the beginning of 2017 has increased the roles of other supervisory authorities, such as the ELY Centres, municipal environmental authorities and the police in the monitoring of transboundary waste shipments. Cooperation between Customs and the Finnish Environment Institute also plays a major role in the monitoring of the transport of animals and plants subject to a licence,
enabling the investigation and prevention of unlicensed and illegal transfers.

Multi-agency cooperation is a key element in controlling oil discharges. In respect to monitoring oil discharges, the border guard works in cooperation with the police, Finnish Environment Institute and Finnish Transport and Communications Agency (Traficom) in investigating prerequisites for imposing administrative oil discharge fees and criminal investigation relating to such discharges. This cooperation between supervisory authorities will be intensified even further, as the Border Guard was made the chief supervisory authority for ship-to-water discharges from the start of 2019. At the same time, the responsibility for combating oil and chemical spills from vessels in Finland’s waters and economic zone was transferred to the Border Guard. In future, the Border Guard will also decide on guiding ships to safe harbour and draw up plans for it in cooperation with Traficom, the Finnish Environment Institute and the Finnish Transport Infrastructure Agency.

Figure 1. The colours of autumn (Silja Hallenberg).

2.2. ENVIRONMENTAL CRIME TRAINING PROVIDED BY THE POLICE UNIVERSITY COLLEGE

This section on the environmental crime training provided by the Police University College has been written by Sergeant Kari Koppanen of the Police University College.

The third goal specified in the Environmental Crime Prevention Strategy drawn up in 2015 was to design a common environmental crime training programme. At the same time, it was decided to arrange the training through coordinated cooperation. The aim was to implement the strategy’s objectives, this one included, by 2020.

Action 7 was designed to achieve this aim by promoting the professional development and improving the competencies of the personnel involved in the cooperation between the authorities, along with developing the existing training in the field of environmental crime. It was noted that regular, coordinated and collaborative training would be required to achieve this objective. The National Police Board instructed the Police University College to appoint a training coordination group tasked with creating inter-agency training.
in environmental crime for the representatives of all administrative branches involved in the prevention of environmental crime. The new training was intended to replace the previous, sector-specific training at least partially.

In 2016, this training consisted of an open environmental crime conference arranged by the Ministry of the Environment and a two-day beginner’s course in environmental crime arranged by the Office of the Prosecutor General. These were complemented by a course in the investigation of serious environmental crime, organised by the Police University College and primarily aimed at police officers, other pre-trial investigation authorities and prosecutors.

The training coordination group proposed the implementation of a training programme beginning in 2017 and implementing the Environmental Crime Prevention Strategy’s goal of coordinated training available to all authorities and deepening the expertise of all authorities in the field of environmental crime. It was decided to design the training for all bodies involved in the prevention of environmental crime, primarily the pre-trial investigation authorities, environmental supervision authorities and prosecutors.

Teleconferencing was found to be the most appropriate method for implementing the training. The National Police Board had instructed every police department to establish a regional environmental crime investigation group consisting of personnel involved in the investigation and handling of environmental offences in the area. The groups were to be convened and initially chaired by a representative of the police. Teleconferencing connections were established with the police department or other appropriate site in the region, with the intention of reaching the widest possible group of actors to facilitate networking.

The training consisted of one- or two-day seminars, which sought to provide a comprehensive report of the key aspects of environmental supervision and the criminal process in order to impart a clear, common idea of the process to all actors. The instructors were experts in their own fields.

This training programme was implemented over six seminars in 2017–2018. The two first sessions dealt with general questions, such as common tenets of environmental law, the proceeds of crime, accountability and corporate fines. The final four seminars discussed various typical environmental offences by theme: operations subject to a licence and emissions, soil types and hydraulic engineering, the exploitation of natural resources and conservation, and waste offences.

The seminars were attended by hundreds of personnel, who were extremely satisfied with the course, giving it an average score of 5.64 on a scale of 1–6 in course feedback. The subject matter of the course (discussion of relevant subjects and latest information in the field) was given an average score of 5.55. Nearly all of the respondents thought that the content of the course was logical and easy to assimilate and provided them with the necessary expertise.

In 2019, one similar seminar will be held in October or November as a follow-up to the six-part training programme in the prevention of environmental crime.

2.3. ESTABLISHING THE PROCEEDS OF CRIME

Environmental offences are committed on economic motives. For example, companies do not comply with environmental obligations, because they think it will expensive or because they are looking for an advantage over the competition. In addition preventing the perpetrators from profiting from their crimes, ordering the proceeds of environmental crimes forfeit to the state also has a preventative effect, as it reduces the attractiveness of neglecting environmental obligations.

In environmental offences, the proceeds of crime are established in cooperation by the authorities. It can be difficult to evaluate the benefits obtained from the crime, however, and the amount of proceeds is often one of the key issues in the court hearing. Only extra proceeds obtained through crime can be ordered forfeit, since forfeiting the proceeds of crime is not a punishment. The proceeds of crime can consist of savings generated through additional income.
or an increase in the value of assets. The principles of net and gross proceeds are often applied to the calculation of the proceeds of crime. The court will have to consider which expenses will be taken into account in the evaluation of proceeds, so that only the actual proceeds of crime will be forfeit. The proceeds of crime must always be ordered forfeit to the state, regardless of the severity of the act.

Figure 2. Photographs taken by the police during pre-trial investigations. In the top photograph, a large quantity of soil has been deposited on top of an aquifer. The area was reinforced with the help of coercive measures taken by the police. The lower photograph shows the same area restored, with the soil removed.
2.4. INTERNATIONAL EXECUTIVE AND LEGAL ASSISTANCE IN ENVIRONMENTAL CASES

The international department of the National Bureau of Investigation handled a few executive and legal assistance cases related to environmental offences in 2018. INTERPOL and Europol also send regular reports and communications on environmental crime to the law enforcement authorities of Member States.

3. THREATS RELATED TO ENVIRONMENTAL CRIME

3.1. SITUATION IN FINLAND

From a national perspective, the threats related to environmental crime have not changed from previous reports.

Especially in Central Europe, transnational waste transport and dumping is a serious and lucrative form of crime in which organised crime networks are also active. The increased transport of waste by lorry and ship from Finland for dumping abroad (especially in the Baltic States) would be a particularly alarming scenario, from the perspectives of both Finland and the destination of the waste streams.

With the exception of certain individual cases, no particularly serious, wide-ranging or systematic cases of aggravated impairment of the environment have been uncovered in recent years. However, it is evident that only a portion of environmental offences are reported to the pre-trial investigation authorities.

The estimate of hidden environmental crime is mostly based on a comparison between the crime statistics of Finland and its neighbours, Sweden and Norway. Approximately ten times as many environmental offences are registered in Sweden as in Finland, since the Swedish supervisory authorities have a statutory obligation to report all suspected offences to the police, which is not the case in Finland. Nevertheless, the Swedish authorities estimate that the rate of hidden environmental crimes is high also in Sweden.

The European Union’s Working Party on General Matters including Evaluation (GENVAL) visited Finland in November 2017 as part of a round of mutual evaluations on combating environmental crime and issued the final report on its visit in February 2018. The report does not indicate any environmental crime threats in Finland that the Finnish authorities would not have addressed.

Low risk of being caught

One of the key threats and prevention issues in environmental crime is the possibility that the low risk of being caught will increase the incidence of systematic environmental crime committed in the pursuit of profit in connection with regular business operations. In addition to the low risk of being caught, the courts have adopted a rather mild sentencing practice for environmental offences. In practice, the most common sanction for impairment of the environment is a day fine or, in rare cases, conditional imprisonment. After the Criminal Code amendment of 1995 regarding environmental offences, unconditional imprisonment for an environmental offence has only been sentenced in the Lokapoja case.
3.2. SITUATION IN NEIGHBOURING COUNTRIES

A picture of crime in Finland’s neighbouring areas is built through direct contacts, public criminal law statistics and information obtained from the media.

Russia

Of Finland’s neighbouring countries, the least information has been obtained on the environmental crime situation in Russia. In May 2014, Senior Detective Superintendent Järvinen presented the operations of the Finnish Environmental Crime Monitoring Group at an environmental authorities’ forum in St. Petersburg. Some information on environmental crimes and their investigation in the territory of the Russian Federation was also obtained at the time. The most common environmental and natural resource offences investigated in Russia are timber theft and the poaching of endangered large predators. At the St. Petersburg forum of May 2014, the Russian authorities said that waste and dumping offences, for example, were particularly difficult to investigate and prove, especially with regard to demonstrating concrete environmental damage, which the country’s criminal process apparently requires for environmental offences.

Finnish senior investigating officers and environmental crime investigators also participated in a seminar on environmental crime held at the Consulate General of Finland in St. Petersburg in February 2019.

Sweden

Approximately 4,000–6,000 environmental offences are registered in Sweden each year. No statistics on environmental offences committed in 2018 had been published at the time of writing this report, but a total of 4,700 environmental offences/violations were registered in 2017, representing a 13% decrease from 2016 (5,450 environmental offences/violations). Of the cases registered in 2017, 1,088 were actual environmental offences and 1,968 violations of waste legislation. Statistics on criminal law violations committed in Sweden are published on the website of the Swedish National Council for Crime Prevention.

The clearance rate of environmental crimes is reported as extremely low (3% of all offences). The Swedish National Council for Crime Prevention’s website also contains an illustrative diagram, which shows that the annual clearance rates are actually declining by a slight margin, being at least 5% or more before 2010.

The Police University College has published a research report on the subject, titled “Vihreämpää rajan toisella puolella? Vertaileva tutkimus ympäristörikollisuuden torjunnasta ja tutkinnasta Suomessa ja Ruotsissa” (“Greener on the other side of the fence? Comparative study of environmental crime prevention and investigation in Finland and Sweden”, Iina Sahramäki and Terhi Kankaanranta, Tampere 2014).

Norway

A total of 3,645 environmental offences/violations and 1,340 hunting and fishing offences or violations were registered in Norway in 2017. According to the statistics, 1,916 of the environmental offences/violations and 587 of the hunting and fishing cases were solved. Norway’s criminal law statistics are published on the website of Statistics Norway.

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1 Website of the Swedish National Council for Crime Prevention: http://bra.se
3 The Police University College report can be downloaded from the address http://www.polamk.fi/.
The Norwegian national environmental crime prevention unit operates under the national financial and environmental crime prevention authority (Okokrim). The agency also publishes the electronic Miljökrim journal available for download from the Okokrim website. In addition, investigators with specialised environmental crime training investigate environmental offences in local police districts.

**Estonia**

The prevention and investigation of environmental crime in Estonia has advanced significantly after the government and legislative reform of 2011. The Estonian environmental inspection agency has served as the central authority for environmental violations from 1 September 2011. At the same time, the agency was invested with full pre-trial investigation authorities and hired former police investigators to investigate offences.

Very few actual environmental offences are registered in Estonia. Actual environmental offences are covered by chapter 20 of Estonia’s criminal code (“20. ptk. Keskkonnavastased kuriteod”). According to Estonian criminal law statistics, roughly 30 actual environmental offences are registered in the country in each year. However, the website of the Estonian environmental inspection agency also includes statistics on environmental violations handled with administrative procedures, along with the administrative fines and fees imposed for such violations. A total of 2,147 administrative environmental violations were registered in Estonia in 2016 (compared to 2,906 cases in 2015), for which the supervisory authority imposed fines amounting to EUR 328,874 (EUR 262,086 in 2015) to slightly over one thousand individuals. The large number of persons fined is explained by the fact that the statistics also include fishing and hunting violations.

### 4. INTERNATIONAL OPERATIONS

#### 4.1. INTERNATIONAL COOPERATION WITH AUTHORITIES

Many international organisations are active in the field of environmental and natural resource crime prevention. From the perspective of the law enforcement authorities, the key organisations are Interpol, Europol and the World Customs Organization (WCO). Other important information exchange and cooperation bodies include the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the CITES Secretariat charged with the implementation of the Convention. In the field of environmental crime, the authorities also cooperate in the frameworks of the IMPEL (European Union Network for the Implementation and Enforcement of Environmental Law), ENPE (The European Network of Prosecutors for the Environment) and EVFJE (The EU Forum of Judges for the Environment).

In 2018–2019, the European Commission worked on the Action Plan on Environmental Compliance Assurance together with its Member States. One of the actions applies to the prevention of environmental crime, and a best practices guidance document on strategies for the prevention of environmental offences and violations will be published in late 2019 as a result of this work.

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5 www.okokrim.no
6 Keskkonnainspektsioon, www.kki.ee
7 www.kriminaalpoliitika.ee/
Interpol’s environmental crime programme consists of three working groups operating in the sectors of Pollution crime, Wildlife crime and Fisheries crime. Finland has traditionally had a permanent representative on the Pollution crime working group in particular. Interpol’s website is the best source of information on the agency’s response to environmental crime.8

Correspondingly, EUROPOL established the EnviCrimeNet cooperation body in 2011 for the development of best practices in the prevention of environmental crime.9 Finland has sent a police officer to attend every EnviCrimeNet meeting since the beginning of the network’s operations. In the spring of 2016, EnviCrimeNet held a training and information exchange seminar on the investigation of environmental crime for a wider audience at the Europol in the Hague, with a particular focus on the establishment of the proceeds of crime.

The 2018 Annual General Meeting of the EnviCrimeNet working group was held in Austria, and the 2019 AGM will be held in Helsinki.

Slovakia raised the prevention of environmental crime as one of the focus areas of its first Presidency of the Council of the European Union in the latter half of 2016. Thanks to the initiative shown by Slovakia, the Council of the EU also made environmental crime one of the priorities of EMPACT (European multidisciplinary platform against criminal threats). More information on the EMPACT cooperation platform is available on the website in the footnote.10

In November 2017, Sweden hosted the first meeting for all Nordic pre-trial investigation authorities. Finland sent representatives to the meeting from both Customs and the police. The objective of the meeting was to establish a network of authorities to inspect crimes against protected species in the Nordic countries11. Two more meetings were held in 2018. In the meetings, it was established that protected species are transported to all parts of the world, including illegal imports to Finland. As a target for 2019, the meeting called for one or more weeks of international operations to investigate crimes related to protected species.

4.2. EUROJUST AND ENVIRONMENTAL CRIME

Eurojust facilitates the management of environmental crimes with an international dimension and supports national investigation and prosecution authorities in handling serious trans-border crime. Eurojust was established in 2002 to promote the cooperation of national authorities in the prevention of serious trans-border crime with an impact on the European Union. Eurojust has 28 national representatives, one from each Member State. The representatives working in the Hague are experienced prosecutors, magistrates or police officers of equivalent competence.

8 https://www.interpol.int/Crime-areas/Environmental-crime/Environmental-crime
9 http://envicrimenet.eu/EN/
11 Has a strong connection to the jurisdiction of Customs, see section 6.4.2 of the publication
Eurojust is tasked with the coordination of national authorities in the various stages of investigation and prosecution. Eurojust also resolves practical problems caused by the differences in the judicial systems of Member States.12

Eurojust has a financial crimes unit with an environmental crime sub-unit. The team is led by the contact point for environmental crime (a prosecutor), working in concert with major stakeholders, such as the European Commission, ENPE (The network of prosecutors in environmental crimes), EnviCrimeNet, Europol, IMPEL and the projects launched by these bodies, along with other stakeholders.

Within its remit, Eurojust has assisted in the investigation of dozens of environmental offences in the history of the agency. The number of environmental offences is low in comparison to other criminal cases in which Eurojust has been involved, largely due to the same factors as the low number of registered environmental offences at the national level. If an offence is not identified or investigated by the Member State, neither will it be handled by Eurojust. Environmental offences are also lost in the statistics under other forms of crime. The majority of the cases handled by Eurojust have involved the illegal trade in protected species and the illegal transport of waste. Eurojust has assisted in such cases by measures such as providing insight into the legislation of different states, assisting with the fulfilment of legal assistance requests, coordinating prosecution activities and arranging witness hearings between the courts of different Member States.13

4.3. INTERNATIONAL SURVEILLANCE OPERATION – 30 DAYS AT SEA

The Border Guard participated in the Interpol-led marine surveillance operation 30 Days at Sea and served as one of the operation’s contact points in Finland. The purpose of the operation was to prevent and detect environmental offences and the illegal discharge of waste at sea. The global surveillance operation was carried out in 2018 and involved authorities from 58 countries.

During the operation, a single Port State Control measure was taken in Finland at the request of the German police. The requested measure involved the on-board inspection of the sulphur content of a ship’s fuel. Seven potential cases of oil discharges from ships were also observed during the operation, and one of these observations led to the initiation of an oil discharge investigation. Some of the discharges detected during the operation were too minor to merit investigation.

During the month-long operation, the competent authorities taking part in the 30 Days at Sea operation performed over 5,200 inspections, revealing more than 500 violations and leading to at least 185 investigations. The violations included illegal oil discharges and littering from ships, shipbreaking cases, violations of ship emission limits and run-off from polluted rivers and land areas into the sea.

12 http://www.eurojust.europa.eu/Pages/languages/fi.aspx
13 Report of District Prosecutor Heidi Nummela, a member of the Finnish Environmental Crime Monitoring Group who served as a national expert at Eurojust from 1 March 2018 to 31 October 2018
5. INTERNATIONAL TREATIES AND LEGISLATION RELATED TO ENVIRONMENTAL CRIME

5.1. INTERNATIONAL TREATIES ON ENVIRONMENTAL CRIME


A total of 180 States Parties have signed the CITES Convention, which covers approximately 30,000 plant species and more than 5,500 species of animal.

in more than 900 of which trade is completely prohibited, with trading in the remainder being subject to licence (with "trade" referring to import or export across national borders). Common CITES legislation has been in place in the EU since 1984 and was amended in 1997 (Council Regulation 338/97/EC). In addition to imports and exports across the EU’s external borders, the CITES Regulations of the Council and Commission also regulate trade between and within Member States. The import regulations are stricter than required by the Convention, with more species regulated than specified in the species appendix to the Convention.

In 2018, the Ministry of the Environment published a guide on the impact of international environmental treaties on Finland. The guide discusses the central environmental treaties signed under the UN and the environmental cooperation carried out in the framework of these treaties.

5.2. EU LAW ON ENVIRONMENTAL CRIME

Today, a significant part of Finnish environmental legislation originates from the European Union. Since the majority of EU enactments are issued as directives, they need to be transposed into national legislation either through acts or government decrees. Directives are normally minimum directives by nature, meaning that stricter levels of protection can be provided for in national legislation.

On 19 November 2008, the European Parliament and Council issued Directive 2008/99/EC on the protection of the environment through criminal law, or Environmental Crime Directive. The purpose of the Directive is to guarantee a high level of environmental protection in Member States by providing for minimum requirements on the punishments imposed for causing serious harm to the environment. The Directive is grounded in concern for an increase in environmental crimes and their impact, increasingly extending beyond the borders of the countries in which the offences were committed. The changes required by the Directive were implemented in Finland with legislative amendments that entered into force on 25 December 2010.

Finland has the Presidency of the Council of the EU from July to December 2019. Environmental crime is one of the focus areas Finland intends to highlight during this time.


5.3. FINNISH ENVIRONMENTAL CRIME LEGISLATION

Environmental offences are provided for in both the Criminal Code and special environmental legislation. The most serious offences, which can result in a sentence of imprisonment, are compiled in chapter 48 of the Criminal Code. The penal scale ranges from fines to at most six years of imprisonment, depending on the severity of the act. The provisions of chapter 9 of the Criminal Code, “Corporate criminal liability”, on corporate fines also apply to the environmental offences referred to in chapter 48 of the Code. The inclusion of penal provisions in the Criminal Code emphasises the reprehensibility of the acts. In addition to the Criminal Code, actual environmental legislation, such as the Waste Act, Water Act, Nature Conservation Act and Environmental Protection Act provide for a variety of violations punishable by fines.

The natural resource offences referred to in chapter 48(a) of the Criminal Code are closely related to environmental offences. They are acts connected to hunting, fishing and forestry for which a sentence of imprisonment can be passed. With the exception of the aggravated hunting offence provided for in chapter 48(a), section 1(a), corporate fines cannot be imposed in such cases. Lesser violations are provided for in the Hunting Act, Fishing Act and Forest Act, among others.

Environmental offences and natural resource offences are also subject to forfeiture provisions. Illegal proceeds gained from such acts shall be ordered forfeit to the state. In practice, the company can be made to compensate the waste processing costs saved through its illegal actions, for example. Subject to certain conditions, the proceeds of crime, instruments of crime and object or property which has been produced, manufactured or brought about by way of an offence, or at which an offence has been directed can be ordered forfeit to the state. A forfeiture sanction equal to the value of the specimen as a representative of its species can also be imposed for a poached animal or illegally collected plant.

5.4. AMENDMENTS TO LEGISLATION

Chapter 48, section 1 of the Criminal Code was amended in 2018 to transpose the EU Mercury Regulation and Ship Recycling Regulation. A new section on the jurisdiction of authorities in the prevention of damage to the environment in certain situations was also added to the Environmental Protection Act (1077/2018).

Government Decree 249/2014 provides for the content, drawing up and reinforcement of the oil spill prevention plans and joint plans for combating oil and chemical spills from vessels of regional rescue services, along with the oil recovery capabilities required of port managers, facility operators and those who store oil. The prevention plans are confirmed by the ELY Centre and joint prevention plans by the Ministry of the Environment, while the Finnish Environment Institute monitors the reports issued on the process to the Ministry of the Environment.

Act on the Amendment of the Rescue Act 1353/2018:

An environmental protection specialist shall be invited to join the steering group established for oil and chemical accident response, or the steering group shall afford the specialist the opportunity to be heard (section 35). In rescue operations, environmental authorities, agricultural and forestry authorities, water resource authorities and the agencies in the relevant administrative sectors are, in accordance with the division of labour laid down in the statutes on them, responsible for environmental protection, flood control, the prevention of floods, and dam safety. The Finnish Environment Institute, Ministry of Transport and Communications and the Finnish Defence Force shall participate in combating oil spills and chemical spills from vessels in the manner provided for in this Act or another enactment (section 46).

The transfer of management responsibilities for combating oil and chemical spills from vessels in Finnish waters from the Ministry of the Environment to the administrative branch of the Ministry of the Interior from the beginning of 2019 was implemented with amendments to the Rescue Act (379/2011). The amendments concerned matters such as combating oil and chemical spills from vessels, building civil defence shelters and the training of rescue service personnel. The Act on Oil Pollution Response (1673/2009) was repealed at the same time, and oil pollution response was transferred under the rescue services. In addition, amendments to chapter of the Act on Environmental Protection in Maritime Transport (1672/2009) transferred the role of primary supervisory authority for discharges from ships from the Finnish Environment Institute to the Border Guard. At the same time, the requirement provided for in chapter 12, section 14 for ships to deposit a payment guarantee before being permitted to continue their voyage after violating the above-mentioned Act or provisions issued under it was transferred from the Finnish Environment Institute to the Ministry of the Interior, in practice the Border Guard.
6. SUPERVISION

6.1. SUPERVISION OF ENVIRONMENTAL LEGISLATION

6.1.1. Duties of the Centres for Economic Development, Transport and the Environment and environmental authorities

In Finland, the supervision of environmental legislation is primarily the duty of the regional Centres for Economic Development, Transport and the Environment (ELY Centre) and municipal environmental authorities. The jurisdictions of ELY Centres and the municipal authorities are partly parallel in this regard. The Finnish Environment Institute and Finnish Safety and Chemicals Agency (TUKES) have also been entrusted with certain supervisory duties.

The ELY Centres are vested with licensing and supervisory duties related to the Environmental Protection Act, Nature Conservation Act, Water Act and Waste Act. It is a general duty of ELY Centres to promote the protection of the environment, monitor the public interest in matters related to water and the environment, and to file and defend against claims in the courts. These duties have been provided for in the Act on the Centres for Economic Development, Transport and the Environment (897/2009). According to the Water Act, Environmental Protection Act and Waste Act, the ELY Centre will be the injured party in environmental offences committed against the public interest.

Municipalities are vested with key licensing and supervisory duties in the Environmental Protection Act and special environmental legislation. In municipalities, the environmental authority appointed by the municipal council, frequently the municipal environmental board, is responsible for the licensing and supervisory duties provided for in environmental legislation. A single body can also serve as a joint authority for more than one municipality.

When it discovers an unlawful situation, the supervisory authority has an obligation to take measures to restore legality. In supervision cases, the supervisory authority operates according to the provisions of the Administrative Procedure Act and the Act being supervised. Possible approaches to supervision include requests for information, inspections (with possible recommendations recorded in an inspection record), recommendations and administrative enforcement orders. The supervisory authority is also obligated to notify the police of any unlawful acts or negligence coming to its attention unless the statutory conditions for waiving this obligation are met. As a rule, the reporting obligation can only be waived if the act must be considered minor in light of the circumstances and the public interest does not demand charges to be brought.

The Environmental Protection Act (527/2014) requires the public authorities (ELY Centre) and municipal environmental authorities to draw up a supervision plan for regular supervision in their area. The supervision plan shall include information on the environmental conditions of the area, activities that pose a risk of pollution, and the resources and means available for supervisory purposes. The plan shall include a description of the organisation of supervision and risk assessment criteria, and the cooperation between the authorities in charge of the supervision. The supervision plan shall be reviewed regularly. The state supervisory authority and municipal environmental protection authority shall regularly supervise activities subject to an environmental permit, notification or registration through periodic inspections. The inspection targets and the frequency of the inspections shall be determined based on the assessment of environmental risks. A supervision plan is only required for the supervision of functions regulated by the Environmental Protection Act, performed by facilities holding an environmental permit. However, some supervisory authorities have also included supervision measures provided for in enactments such as the Waste Act, Water Act and Chemicals Act in their plans.

The state supervisory authority and municipal environmental protection authority shall draw up a programme (supervision programme) for the periodic inspections of activities subject to a permit, notification or registration, and on their other regular supervision. The supervision programme shall include information on the targets of the supervision and the regular supervisory measures to which they are subjected. The supervision programme shall be kept up to date.
Fees for the supervision of environmental permits were introduced on 1 January 2015. The supervision fees are provided for in Government Decree 1397/2014 of 30 December 2014, and Decree 1372/2018 amending said Decree. The supervisory authority may charge a fee for periodic inspections included in the supervision programme, as well as for inspections related to the rectification of violations or negligence, accidents or the suspension of operations.

The supervision of facilities requiring environmental permits or notifications includes both advance supervision and retrospective supervision. For the purposes of the plan, “advance supervision” refers to assessing the need to apply for an environmental permit for or file a notification of the functions, the statements issued to the Regional State Administrative Agency and municipalities on the permit applications and notifications, participation in the inspections and negotiations related to the processing of permit applications, and appeal procedures. Retrospective supervision is legality control, focusing on the supervision of compliance with the rules of the permit or other regulations. Retrospective supervision includes the inspection of reports (annual and monthly reports, incident reports and environmental monitoring reports), periodic and other inspections of facilities, the processing of incident reports and reports from the public, and administrative measures to restore legality. Supervision will be backed up with recommendations, administrative enforcement and/or reporting to the police for pre-trial investigation when necessary. Supervision also monitors the environmental impact of operations and possible changes to operations or other conditions.

In addition to the development and steering of statutory duties, the Ministry of the Environment can also issue more detailed supervision instructions to the supervisory authorities under the Environmental Protection Act. The Ministry of the Environment has issued an environmental permit supervision guide on 16 May 2016 (Ympäristöhallinnon ohjeita 2/2016), with a risk assessment guide added at the end of 2017. The guide is primarily intended for ELY Centres.

ELY Centres can act as injured parties in environmental crime cases referred to in the Waste Act, Water Act and Environmental Protection Act. In such cases, the ELY Centre has the right to be heard during the pre-trial investigation and in court, the independent right to bring charges, and the right of appeal against the decision of the court.

6.1.2. Duties of the Finnish Environment Institute

The Finnish Environment Institute is the supervisory authority referred to in the Waste Shipment Regulation (EC) No 1013/2006, serving as the licensing and supervisory authority in matters related to transboundary waste shipments and coordinating cooperation with other competent authorities in the supervision of transboundary waste shipments. The supervision is carried out on the basis of the national inspection plan referred to in the EU Waste Shipment Regulation. The focus areas for inspections are selected on the basis of a risk assessment, and inspections of all types of waste are conducted at the location where the waste was generated and during collection, transport or processing.


The Finnish Environment Institute is the competent permit authority referred to in the CITES Regulation (EC) No 338/97 (this duty is related to the implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)) and the permit authority referred to in the Act on the Protection of Whales and Arctic Seals (1112/1982).

6.1.3. Duties of the Finnish Safety and Chemicals Agency

The Finnish Safety and Chemicals Agency (TUKES) is tasked with the supervision, inspection and licensing of the large-scale industrial handling and storage of hazardous chemicals.
in order to uphold technical safety. TUKES investigates accidents and collects information on accidents in the industries under its supervision into the Damage and Accident Register (VARO). TUKES maintains the qualifications register for refrigeration professionals and supervises compliance with their competence requirements.

### Figure 4
The railway chemicals accident of 2018 in Mäntyharju (Jani Rautiainen / South Savonia Rescue Department).

6.2. POLICE

6.2.1. Duties of the police

The police is the general crime prevention authority and investigates all offences regardless of type. Information on possible environmental offences can generally reach the police through three channels: from private citizens, the supervisory authorities or the observations made by the police, for example in connection with normal enforcement or other criminal investigations. As a rule, supervisory authorities are required to report any suspected offences in their fields. A report is not required, however, if the offence is minor and has not harmed the public interest.

The police have a duty to conduct a pre-trial investigation of the matter reported if there are grounds to suspect that an offence has been committed. The pre-trial investigation is usually conducted by the local police department, but the investigation can be taken over by the National Bureau of Investigation if required by the nature of the case. Environmental offences nearly always require the pre-trial investigation authority to make an advance notification to the prosecutor and cooperate closely with the prosecution. Customs and the Border Guard also conduct pre-trial investigations of environmental offences under their jurisdiction.

16 Link to the news story published by YLE: https://yle.fi/uutiset/3-10552446
Approximately one in three environmental offences reported to the police is solved. When the pre-trial investigation is complete, the case is transferred to the prosecutor. As a rule, the prosecutor is required to bring charges for the suspected offence if they consider the act to be a criminal offence under the law, there is probable cause to support the guilt of the suspect and the other requirements for bringing charges are met. Subject to certain conditions, the prosecutor can also waive charges in the matter. If charges are brought, the case will be heard by a district court (KO). If the decision is appealed against, the case will be heard by the Court of Appeal (HO), followed in some cases by the Supreme Court (KKO).

6.2.2. The Helsinki Police Department’s new task force for the investigation of animal-related crime

In October 2018, the Helsinki Police Department established an investigation team for offences against animals, with Detective Chief Inspector Anne Hietala as the head investigator. According to Hietala, the members of the team were incorporated into the investigation team for offences involving danger to the public, which also investigates fire and explosives offences committed in Helsinki. Two investigators were assigned to investigate offences committed against animals. In addition to them, the investigation team investigation team for offences involving danger to the public has four investigators tasked with the investigation of fires and explosives offences. The team has its own investigation vehicle for travelling to the scene of offences and transporting the required equipment. Duties are divided between all team members in its day-to-day work, and every team member is ready to assist the others when needed.

According to Hietala, the announcement of the team’s establishment sparked a flood of feedback, nearly all of it positive. Based on the feedback, there was a clear demand for such a team. The job description of the team is purposefully broad, and all offences committed against animals in the area of the Helsinki Police Department are assigned to it. But the reality is that the work of two officers “can’t save all of Finland”. You have to start somewhere, however, and this first decision taken by the police organisation is a step in the right direction.

The team’s field of operations has proven to be very interesting in the first six months of operations. The team’s inbox is flooded with tips and reports from citizens, with roughly 100 offences reported in the first six months.

In Helsinki, the most common type of case is dogs attacking humans or each other. Reports of illegally imported animals are received from the ports under the jurisdiction of the Helsinki Police Department. In harbour areas, the police work in cooperation with Customs. Tips from supervisory veterinarians and citizens have revealed animal welfare offences, even aggravated ones. Mistreatment of animals is also uncovered during other police operations, such as domestic disturbance calls. In January 2019, the team exceptionally took over the investigation of an aggravated animal welfare offence committed in the area of another police department. In the case, a wolfdog breeder is suspected of acquiring real wolves for breeding purposes. The pre-trial investigation of the case is still ongoing.

According to head investigator Hietala, cooperation with the City of Helsinki’s supervisory veterinarians, the Regional State Administrative Agencies’ regional veterinary surgeons and the Finnish Food Authority has been fruitful. The investigators have been accompanied by supervisory veterinarians on their animal welfare enforcement calls. Such calls have been planned and scheduled in advance on the basis of background information provided by the veterinarians, or to sites selected on the basis of reports made by citizens. This cooperation has facilitated the reporting of offences and the scene investigation of the offences uncovered at the inspection locations by a great deal. When the investigators on the scene suspect that an offence has been committed, they can immediately initiate a crime-based house search, document the scene and confiscate the required samples and other material needed for the pre-trial investigation. This facilitates and expedites the criminal process by a considerable degree, thereby also improving the quality of the investigation.
6.3. BORDER GUARD

6.3.1. Duties of the Border Guard

Alongside its other statutory duties, the Border Guard also has jurisdiction over the pre-trial investigation of environmental offences and natural resource offences. For example, the Border Guard supervises 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 mostly investigates natural resource offences, primarily hunting and fishing offences, and petty violations of the above-mentioned material Acts under the supervision of the Border Guard. The Border Guard also plays a key role in preventing and combating marine environmental crime.

The Border Guard’s threshold for intervening in environmental offences is low, and it intervenes in all environmental crime detected in the context of the Border Guard’s own control operations. The Border Guard investigates all cases falling within its competence or, when necessary, forwards them to the police for investigation due to reasons relating to, e.g. the extensive nature of the investigation or allocation of resources. Offences that come to the Border Guard’s notice but are not within its competence are reported to the competent criminal investigation authority.

By virtue of section 2, subsection 2 of the Act on Cooperation between the Police, Customs and the Border Guard (687/2009), the Border Guard may carry out an urgent measure relating to a crime-combating task in the area of responsibility of the police or Customs, using its statutory powers even without a request if the measure cannot be postponed. The competent pre-trial investigation authority shall be notified of the measure without undue delay. The above-mentioned Act on cooperation between pre-trial investigation authorities ensures an expeditious response by the authorities and the efficient performance of their statutory duties. The Border Guard and police have formed joint investigation teams when necessary, particularly to enhance the investigation of hunting offences.

The Border Guard performs a variety of official duties in Finland’s territorial waters. It is a multi-sectoral marine authority that maintains a high level of readiness at all times (24/7), with highly trained personnel, equipped with the marine and aerial fleets and technical surveillance equipment required by its operations. The Border Guard is a modern European Coast Guard Authority part of the European Border and Coast Guard comprising of the European Border and Coast Guard Agency Frontex, European Maritime Safety Agency EMSA, European Fisheries Control Agency EFCA and the coast guard authorities monitoring the borders of EU Member States.

From the beginning of 2019, the Border Guard also has overall responsibility for responding to maritime environmental damages and serves as the lead supervisory authority for the monitoring of discharges from vessels in Finland’s territorial waters, as provided for in the Act on Environmental Protection in Maritime Transport. The Border Guard is responsible for the prevention of environmental damage in accordance with the Rescue Act (379/2011). Cooperation with the other authorities specified in the Act is essential for the performance of both monitoring and prevention duties. In the fields of oil spill response and discharge monitoring, the Border Guard’s principal partners are the Navy, Meritaito Oy and the Finnish Transport and Communications Agency Traficom.

The Border Guard will be responsible for international oil spill response and monitoring cooperation by representing Finland at meetings related to international treaties, especially in the Baltic Marine Environment Protection Commission (HELCOM) and Nordic cooperation meetings (Copenhagen Agreement). Cooperation with the European Maritime Safety Agency’s (EMSA) satellite-based CleanSeaNet oil discharge detection service and EMSA’s working group for oil spill response plays a crucial role in the development of oil spill response and discharge monitoring. In future, the Border Guard will also serve as the competent oil spill response authority in duties under the
Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic (MOSPA).

The purpose of oil discharge monitoring is to interrupt illegal discharge activities detected in Finland’s waters, take oil spill response measures, and to safeguard the investigation of administrative oil discharge fees and pre-trial investigations conducted in the case. The Border Guard’s Dornier aircraft monitor Finnish waters nearly every day. Both Finland’s territorial waters and exclusive economic zone are comprehensively covered by the patrols. Aerial monitoring has also been coordinated with the Swedish and Estonian authorities, and the Border Guard also monitors the territories of these states to an extent.

The Dornier aircraft have been specially outfitted for oil spill monitoring in cooperation with the Finnish Environment Institute. Comprehensive monitoring also has a preventive effect on illegal oil discharges and emissions from sea vessels. The oil spill monitoring system is complemented by the European Maritime Safety Agency’s (EMSA) CleanSeaNet satellite imaging service, which provides satellite images of Finland’s territorial waters. Satellite images permit the detection of possible oil spills even in the dark and through cloud cover. CleanSeaNet delivers the images and observations of suspected oil discharges to the Border Guard. The Command Centre of the West Finland Coast Guard District inspects the images and dispatches a surveillance aircraft or other unit to verify the findings and determine whether the substance is oil or something else.

The Border Guard also participates in the monitoring of aerial emissions from ships and the supervision of detrimental anti-fouling systems used to protect ships.

The EU Regulation establishing a control system for ensuring compliance with the rules of the common fisheries policy requires all Member States to maintain fisheries monitoring centres tasked with the monitoring of professional fishing and fishing efforts. The Border Guard also performs the duties of the fisheries monitoring centres referred to in the Council Regulation.
6.3.2. Administrative oil discharge fee

According to the Act on Environmental Protection in Maritime Transport, the Border Guard is the only authority with the power to impose administrative oil discharge fees for illegal oil discharges from ships. The legislation of Åland extends oil discharge fee regulations to cover the territory of Åland. The Border Guard also takes care of duties related to imposing oil discharge fees in the territory of Åland.

According to the Act on Environmental Protection in Maritime Transport, the Border Guard must impose an oil discharge fee on vessels discharging mineral oil or oily mixtures into the sea in Finland’s territorial waters or exclusive economic zone. The fee can only be waived for discharges that are minor in volume and impact on the environment. The administrative fee will be imposed on foreign vessels in transit through the Finnish exclusive economic zone only if the discharge causes or threatens major damage. The fee can also be waived or reduced in exceptional circumstances, such as if the oil has been discharged into the sea due to an emergency or accident in order to save lives or due to some other comparable reason. The amount of the oil discharge fee is determined based on the amount of oil discharged and the gross tonnage of the ship, in accordance with the rates specified in the appendix to the Act on Environmental Protection in Maritime Transport.

The imposition of the fee does not require establishing who caused the discharge on the ship or whether the act was intentional or negligent. However, the Border Guard is required to obtain objective proof of the fact that the discharge originated from a specific ship and was not made due to the above-mentioned exceptional circumstances. The Border Guard will carry out the investigations required by the administrative oil discharge fee procedure. Statements on the environmental impact of oil discharges will be requested from the Finnish Environment Institute if necessary. The oil samples will be analysed and statements on them issued by the Forensic Laboratory of the National Bureau of Investigation. The Border Guard has centralised the administrative oil discharge fee procedure with the West Finland Coast Guard in Turku, with the unit directing the investigation measures required for the imposition of the fees. All units of the Air Patrol Squadron and Gulf of Finland Coast Guard assist the West Finland Coast Guard in the above-mentioned measures.

Legislation on the administrative oil discharge fee was added to the Act on the Prevention of Pollution from Ships (300/1979) on 1 April 2006. The provisions on the oil discharge fee remained essentially unchanged in the Act on Environmental Protection in Maritime Transport, which was passed in connection with the general reform of ship waste legislation and entered into force from the beginning of 2010.

The administrative oil discharge fee is a much heavier economic sanction than a criminal fine. The legislation on the oil discharge fee was largely drawn up on the basis of the system used in Sweden, with the key difference in the two systems being that, in Sweden, the amount of the oil discharge fee is based on annual rate determination criteria (prisbasbelopp) defined in the legislation, which permit making annual increases to the oil discharge fee when required. The fees specified in the oil discharge fee table appended to the Act on Environmental Protection in Maritime Transport have remained the same since the legislation entered into force. In Finland, the monetary amount of the oil discharge fee is based on the rate table appended to the above-mentioned Act, and increasing the fee would require amending the Act.

According to a comparison made in 2019, the oil discharge fee rates of Finland and Sweden are very close to each other. In the opinion of the Border Guard, it would be important to maintain the oil discharge fees of the two countries at the same level to avoid making it more lucrative to discharge oil into the sea in the territory of one state or the other. The development of oil discharge fees in Sweden should be monitored closely and measures to increase the monetary rates specified in the oil discharge fee table appended to the Act on Environmental Protection in Maritime Transport taken when necessary.

6.3.3. Criminal sanctions and the administrative oil discharge fee

According to chapter 12, section 6 of the Act on Environmental Protection in Maritime Transport, the Border Guard is
the primary supervisory authority in the monitoring of discharges from ships in Finland’s territorial waters and within Finland’s exclusive economic zone. The Act on Environmental Protection in Maritime Transport also provides for the supervision of oil discharges from ships by the police. According to chapter 12, section 8 of the Act on Environmental Protection in Maritime Transport, the police has supervisory authority in inland waters and Finland’s territorial waters.

The criminal justice system takes priority over the administrative oil discharge fee. If the court has sentenced someone to a punishment for the unlawful discharge of oil into the sea, e.g. for impairment of the environment, an administrative oil discharge fee shall not be imposed on the same party. An administrative oil discharge fee imposed on the same party before the verdict shall be reversed upon appeal. No administrative oil discharge fees imposed by the Border Guard have been reversed as of yet.

![Figure 6 Oil spill at sea (Border Guard).](image)

### 6.3.4. Command of marine environmental accident response operations transferred to the Border Guard

Command responsibilities for operations in response to oil and chemical discharges from ships in Finland’s waters were transferred to the Border Guard from the beginning of 2019, when the responsibility for the direction of marine environmental accident response operations was transferred from the Ministry of the Environment to the administrative branch of the Ministry of the Interior in accordance with the Government Programme. In practice, this means that the Border Guard will lead response operations to oil and chemical discharges from ships in Finland’s territorial waters, on the open sea and in Finland’s exclusive economic zone. The regional rescue services are responsible for the management of response operations to oil and chemical discharges from ships on the coast and in the archipelago. The Border Guard already has responsibility for the direction of maritime rescue operations in response to accidents at sea. The purpose of the transfer was to expedite command and decision-making in the event of complex maritime accidents and to make better use of the leadership and executive capabilities and special expertise of the Border Guard and rescue services.

Maritime rescue operations in response to environmental and other accidents are based on a cost-effective multi-purpose fleet and close cooperation between the parties involved. Maritime actors
include state and municipal authorities, shipping companies and voluntary organisations. The environmental administration and the Finnish Environment Institute will continue to contribute their expertise to environmental damage prevention and response. The objectives are to maintain the high quality of environmental damage response and develop these capabilities even further. At the same time, the Border Guard became the supervisory authority with primary responsibility for discharges from ships. The legislative amendments concerning the transfer of command over maritime environmental accident response operations were approved by Parliament in December 2018.

6.4. CUSTOMS

6.4.1. Duties of Customs

Customs is tasked with facilitating trade in goods and ensuring its correctness, the efficient collection of customs duties and the protection of society, the environment and citizens in its field of operations. Customs is responsible for levying customs duties, the customs control of imports and exports and international transport, other customs clearance measures and the compilation of statistics on foreign trade. Customs functions as a pre-trial investigation authority and investigates customs offences within its jurisdiction.

For the performance of its principal tasks, Customs is divided into a Foreign Trade and Taxation Department, Supervision Department, Administrative Department and Customs Office Department. Customs consists of seven independent customs posts, each with its own offices. These are Maritime Customs, Airport Customs, Vaalimaa Customs, Nuijamaa Customs, Imatra Customs, Tornio Customs and Mariehamn Customs.

Finnish Customs is part of the European Union’s customs system and a government agency steered by the Ministry of Finance through performance management, cooperating with the private business sector and with domestic and foreign authorities.

6.4.2. Monitoring of the import and transit of endangered animal and plant species

The import, export and transit of endangered plant and animal species and the products derived from them, specified in more detail in the Annex to the EU CITES Regulation 338/97, is subject to licence. The majority of CITES products is imported into the European Union from third countries, so the import restrictions protect the environment and biodiversity of these countries. The CITES export restrictions, on the other hand, protect the environment of the EU. EU Regulation 338/97 also regulates activities involving the above-mentioned species between and within Member States.

In Finland, Customs is tasked with monitoring compliance with the regulations on the international trade in the endangered plant and animal species specified in the above-mentioned EU legislation.

6.4.3. Monitoring of the transport of dangerous goods and radioactive substances

Customs also has a significant role in the protection of the environment as the supervisory authority for radioactive and hazardous substances. Shipments leaving and entering Finland are inspected at border crossings and by mobile supervision teams. Efficient supervision seeks to ensure that shipments in violation of regulations are caught at the border.

Finland’s major border crossings are equipped with fixed radiation measuring stations or gates for cargo and passengers. Customs also employs portable meters in addition to the radiation gates. In the early 2000s, some radiating shipments were still turned back to their countries of origin; but no such cases have occurred since then. Vehicles cause a few gate alerts every year, but these have been so minor that no object has been found that could have caused the radiation. The alerts have been caused by road salt, ceramics and fertilizer, among other things. No illegal shipments of actual nuclear materials (plutonium, uranium) have been detected as of yet.
Customs has organised special inspections of the road transport of hazardous substances and taken part in the EU-EEA-wide waste shipment monitoring operations conducted by the Finnish Environment Institute. Finnish border controls are some of the best in Europe, and the surveillance systems have improved significantly in recent years.

6.4.4. Monitoring of substances that deplete the ozone layer and fluorinated greenhouse gases

To protect the ozone layer, the manufacturing, use, import and export of substances that deplete the ozone layer is prohibited for the most part. The import and export restrictions supervised by Customs apply equally to substances that deplete the ozone layer and products that contain such substances. The restrictions apply to new, regenerated and recycled substances alike. The import of fluorinated gases into the EU as chemicals or in devices is regulated and requires a quota or licence to use the quota. It is one of the duties of Customs to supervise the import and export of the above-mentioned substances and equipment containing such substances. The Finnish Environment Institute is notified of the import and export of illegal substances and devices identified by the supervision activities, and a pre-trial investigation is begun if necessary. The Finnish Environment Institute then reports the illegal trade in substances that deplete the ozone layer and fluorinated gases to the European Commission.

6.4.5. Monitoring of transboundary waste shipments

Customs is also tasked with the monitoring of transboundary waste shipments. Waste shipments are regulated by Regulation (EC) No 1013/2006 of the European Parliament and of the Council (Waste Shipment Regulation). Section 22 of the Waste Act (646/2011) specifies that the Finnish Environment Institute is the competent authority referred to in Article 53 of the Waste Shipment Regulation, and is responsible for the supervision of compliance with the regulations applying to transboundary shipments of waste in Finland.

Customs and the Finnish Environment Institute cooperated in the field of waste shipment monitoring in 2018. Efficient supervision by the authorities and joint supervision operations have no doubt contributed to the continued exposure of illegal waste exports.

Figure 7. Scrap vehicle shipment from Finland; suspected illegal waste shipment (Finnish Environment Institute).
7. ENVIRONMENTAL OFFENCES REPORTED TO THE AUTHORITIES

7.1. ENVIRONMENTAL OFFENCES UNDER THE CRIMINAL CODE

Chapter 48 of the Criminal Code provides for environmental offences. These 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 penalties for these offences range from fines to a maximum of six months to six years of imprisonment.

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<td>Environmental infraction, chapter 48, section 3</td>
<td>192</td>
<td>181</td>
<td>275</td>
<td>215</td>
<td>246</td>
</tr>
<tr>
<td>Negligent impairment of the environment, Criminal Code, chapter 48, section 4</td>
<td>3</td>
<td>5</td>
<td>7</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Nature conservation offence, Criminal Code, chapter 48, section 5</td>
<td>47</td>
<td>37</td>
<td>29</td>
<td>47</td>
<td>53</td>
</tr>
<tr>
<td>Building protection offence, Criminal Code, chapter 48, section 6</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Total</td>
<td>423</td>
<td>397</td>
<td>511</td>
<td>470</td>
<td>517</td>
</tr>
</tbody>
</table>

Table 1: Environmental offences under chapter 48 of the Criminal Code recorded by the pre-trial investigation authority, 2014–2018.

7.2. IMPAIRMENT OF THE ENVIRONMENT, CRIMINAL CODE, CHAPTER 48, SECTION 1

Impairment of the environment refers to, for example, introducing, emitting or disposing an object or a substance into the environment or violating specific obligations provided for in environmental protection or waste legislation so that the act is conducive to causing contamination of the environment or a health hazard. The statutory definition of the offence is highly complex, containing a variety of modi operandi and many references to material environmental legislation. The offence is punishable when committed intentionally or through gross negligence. Impairment of the environment is punishable by a fine or imprisonment for at most two years.

The majority of suspected cases of impairment of the environment are investigated by the police. The pre-trial investigation of suspected environmental offences is generally conducted by the financial crimes unit of the local police department. Environmental offences referred to pre-trial investigation typically involve the unlicensed destruction of various types of waste or the storage of waste on residential or industrial properties.

In addition to the police, Customs or the Border Guard can also conduct the pre-trial investigation for suspected impairment of the environment. Cases of impairment of the environment detected by Customs in 2018 consisted of the export or import of waste without a waste shipment permit.

The cases investigated by the Border Guard mainly consisted of illegal oil discharges from ships.
Impairment of the environment (Criminal Code, chapter 48, section 1)

District Court of South Savonia, Judgment 9 January 2018, 18/100772, Case no. R 17/91 (no information available on finality)

The defendant had emptied a total of 8 m³ of domestic sewage from rental cabins owned by him into the ground surrounding the lakes around the cabins. The sewage contained large quantities of faecal microbes, for example, which caused a direct health hazard in the area. The conduct had also caused a danger and harm to the environment, along with unsanitary conditions conducive to reducing the comfort of living. The District Court deemed the act to have been intentional and committed in pursuit of financial gain. The defendant was sentenced to a fine of 40 day fines and ordered to forfeit the sum of EUR 500 to the state as the proceeds of crime.

Impairment of the environment (Criminal Code, chapter 48, section 1)

Helsinki Court of Appeal, Judgment 23 August 2018, 18/107739, R 16/2449 (final)

The defendant’s company had received, stored, crushed and sold building demolition waste on premises leased from the City of Vantaa. The company had a permit issued by the Southern Finland Regional State Administrative Agency for the operations. According to the permit regulations, the maximum amount of crushed and uncrushed concrete waste that could be stored at the facility was 30,000 tonnes. However, in order to avoid losses/obtain financial gain, the company had continued to receive concrete into the area even though the permit regulations had been exceeded several times over. Neither had the company applied for a permit for a material change in operations. The environmental authorities had issued several reprimands to the company to return the operations to compliance with the environmental permit. The processing of concrete caused noise, dust and scenic detriment, while the storage and use of fuel for the processing caused various leakage risks and the operations generated other types of waste. The operations and their suspension had also caused a risk of littering the environment.

In the opinion of the prosecutor, the operations caused a risk of impairment of the environment in the manner described above, and an environmental permit had thus been required for them. The District Court dismissed the charge, considering that it had not been demonstrated that the conduct caused such environmental effects that would have met the statutory definition of an environmental offence under chapter 48, section 1 of the Criminal Code.

After an appeal by the prosecutor, the Court of Appeal evaluated the matter differently and sentenced the defendant to 50 day fines. In addition, the defendant and company were ordered to jointly forfeit EUR 200,000 to the state as the proceeds of crime. The demand for a corporate fine was dismissed, as the court deemed that it would have fallen on the defendant, who was the sole owner of the company.

7.2.1. Aggravated impairment of the environment, Criminal Code, chapter 48, section 2

Aggravated impairment of the environment is the aggravated form of the offence. If the damage or danger of damage caused by impairment of the environment is especially serious, the offence is committed in pursuit of considerable financial gain, or the offence was planned, the perpetrator can be sentenced for aggravated impairment of the environment. The minimum sentence for the act is four months and maximum six years of imprisonment.

In 2018, the police recorded 12 cases of aggravated impairment of the environment. In eight of these cases, an ELY Centre or municipal environmental authority filed an investigation request for a suspected aggravated environmental offence. All of the aggravated environmental offences recorded in 2018 are under pre-trial investigation by
the local police, and in only two of them, the suspect was not known to the authorities at the time of reporting the offence. All of the acts were committed in connection with business activities. The majority of the cases involve impairment/littering of the environment with various types of waste, but some of the investigations also involve the unlicensed/illegal use of soil.

The Monitoring Group has not noticed any extensive media coverage of the cases of aggravated impairment of the environment investigated by the police.

In 2018, the cases recorded as aggravated impairment of the environment were geographically widely distributed across Finland. No geographical trend can be identified in aggravated environmental offences in Finland.

The fact that the suspects of aggravated environmental offences are generally known when the report is filed also speaks to the fact that only a fraction of the environmental offences committed are reported to the police.

**Sample court decisions in 2018**

**Aggravated impairment of the environment (Criminal Code, chapter 48, section 2)**

District Court of Länsi-Uusimaa, Judgment 31 May 2018, 18/123811, Case no. R 17/515 (not final)

The case involved the processing of demolition waste generated by the activities of two companies. The companies had taken on demolition contracts at several construction sites in the Capital Region. They did not have the required environmental permits for processing demolition waste, nor had the companies been registered in the waste management register in the manner required by the Waste Act. Considerable amounts of demolition waste had accumulated on the properties controlled by the companies in the years 2009–2017, and the littered properties had caused uncleanliness, scenic impairment, reduced comfort, injury risks to humans and animals or other comparable hazards and damage. Many of the items on the properties had been there for years. The key issue in the hearing revolved around whether the items were waste or construction materials. The authorities had made several inspections of the property, but there had been no improvement in the situation. One of the defendants had actively committed the acts, while the actions of the other were more reminiscent of neglect.

One of the defendants had been found guilty of an environmental offence in the past. He was sentenced to one year of conditional imprisonment and a supplementary fine of 40 day fines for aggravated impairment of the environment. The act was found to be aggravated, taking into account the especially long duration of the acts, the significant amounts of waste and its effective final disposal on the property despite several contacts from the authorities and orders backed up with conditional fines. The acts had violated the provisions of several Acts and obligations of the entrepreneur in the immediate vicinity of an aquifer, and the state of affairs had been permitted to persist with callous disregard. The charges against the other defendant only concerned one estate, and his part in the acts was based on negligence rather than active violations. According to the District Court, the offence was not aggravated when assessed as a whole in his case, and he was sentenced to three months of conditional imprisonment for impairment of the environment.

The prosecutor’s demands for corporate fines were dismissed, since they were deemed to effectively fall upon the defendant persons, and the significant restoration costs of the properties were given weight in the overall assessment. The defendants and their companies were ordered to forfeit 2 x EUR 2,900 in delayed permit fees to the state as the proceeds of crime.
The defendants were also sentenced to long prohibitions to pursue business; one for four years and the other for six years.

Finally, at the demand of the City, the defendants were obligated to remove the waste on the properties by virtue of the Land Lease Act.

Figure 8. Export of construction waste from Finland to Estonia with a waste shipment permit (Finnish Environment Institute).

7.2.2. Environmental infraction, chapter 48, section 3

If the impairment of the environment referred to in chapter 48, section 1 of the Criminal Code is deemed petty when assessed as a whole, the perpetrator shall be sentenced for an environmental infraction. The penal scale ranges from fines to a maximum of six months of imprisonment.

A total of 246 environmental infractions, which is more than the average, were reported to the pre-trial investigation authorities last year. Environmental infractions and impairments of the environment make up the majority of environmental offences reported to the police. An environmental offence is an infraction when the act is deemed petty when assessed as a whole.

Nearly without exception, the suspected environmental infractions reported to the police consist of waste or scrap abandoned or left in inappropriate locations in small quantities. The perpetrators of environmental infractions are usually not known at the time of reporting the offence. If the perpetrator is identified, the most common sanction is a summary penal order filed by the police.

The environmental infractions investigated by the Border Guard mainly consisted of illegal oil discharges from ships that were deemed petty when assessed as a whole.
Sample court decision in 2018

Environmental infraction (Criminal Code, chapter 48, section 3)

Helsinki Court of Appeal, Judgment 9 February 2018, 18/105680, R 17/554 (final)

The manager and employees of a company were charged with two counts of environmental infraction. The first count concerned some chemical barrels owned by the company, which had been found in the woods, while the other count involved the company’s waste, likewise found in the woods.

The District Court dismissed the charges in count 1, as it found the defence’s explanation that the company had sold the chemical barrels and was no longer responsible for their handling to be credible. Count 2 was dismissed on the basis of inability to demonstrate that the defendants had deposited the waste in the woods.

After an appeal by the prosecutor, the Court of Appeal took a different view of the account given on the matter, finding the story of selling the containers unconvincing and that the company’s manager had, at the very least, neglected his duty of ensuring that the containers were transported to an appropriate place of reception. He was sentenced to 25 day fines. The charges against the other defendant were dismissed also in the District Court. Count 2 was dismissed also in the Court of Appeal on the basis of a lack of evidence that the company was responsible for the skip emptied in the woods or on the persons who had deposited the waste there. The Court of Appeal did not comment on the defendants’ duty to manage their own waste.

7.2.3. Negligent impairment of the environment, Criminal Code, chapter 48, section 4

The penal provision applying to negligent impairment of the environment makes certain negligent acts punishable, which would otherwise not be punishable as impairment of the environment due to the prerequisite of imputability. According to the baseline statutory definition, impairment of the environment is only a criminal offence when committed intentionally or through gross negligence. Application of the provision requires the damage or risk of damage caused to health or the environment to be particularly great. The penal scale ranges from fines to a maximum of one year of imprisonment.

Negligent impairment of the environment is a rare offence, with only a few pre-trial investigations carried out by the police each year. No cases of negligent impairment of the environment were recorded in 2018.

7.2.4. Nature conservation offence, Criminal Code, chapter 48, section 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 or protected, restricted or placed under an injunction based thereon shall be sentenced for a nature conservation offence. Other criminal offences include the import or export of protected species of plant or animal in violation of the CITES Convention. The penal scale ranges from fines to a maximum of two years of imprisonment.

The nature conservation offences investigated by the police normally involve the unlawful destruction of plant or animal species or unauthorised logging in protected areas.

In 2018, Customs investigated seven shipments imported in violation of the CITES Convention, five of which were managed through an administrative procedure. One CITES case was in Vainikkala, in which the perpetrator imported leeches to Finland, was deemed to constitute petty smuggling, and one cosmetics case is being investigated under the heading “other investigation”.

Environmental crime
### Table 2: Nature conservation offences under chapter 48 of the Criminal Code recorded by the pre-trial investigation authority, 2014–2018.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The police</td>
<td>40</td>
<td>33</td>
<td>29</td>
<td>46</td>
<td>52</td>
</tr>
<tr>
<td>Customs</td>
<td>5</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Border Guard</td>
<td>2</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>47</strong></td>
<td><strong>37</strong></td>
<td><strong>29</strong></td>
<td><strong>47</strong></td>
<td><strong>53</strong></td>
</tr>
</tbody>
</table>

**Sample court decision in 2018**

**Nature conservation offence (Criminal Code, chapter 48, section 5)**

Rovaniemi Court of Appeal, Judgment 6 April 2018, 18/114968, R 17/825 (no information available on finality)

According to the charge, the defendant had unlawfully destroyed a mother Ural owl, a species protected by the Nature Conservation Act, and its four owlets of a few weeks by shooting them with a shotgun. The mother bird had been shot outside the bird house where it had made its nest, and the owlets were shot into the nest through the bird house.

The defendant told the District Court that the owl had attacked him and he had acted in self defence. He had not wanted to leave the owlets to suffer but had killed them, as they could not survive without their mother. The District Court found the defendant’s account to be credible and accepted the claim of self defence. However, the District Court considered it unnecessary to kill the owlets, and the defendant should have attempted to deliver them to care instead. The defendant was sentenced to 35 day fines for a nature conservation offence against the owlets and ordered to forfeit EUR 757 as the value of the owlets to the state, along with the shotgun used to commit the offence. The prosecutor appealed the decision in the Court of Appeal, which did not accept the claim of self defence, but found the defendant guilty of killing the mother bird as well.

However, the Court applied chapter 4, section 5, subsection 2 of the Criminal Code in the matter and did not sentence the defendant to a punishment for killing the mother bird on that basis. The Court of Appeal also found cause to increase the sentence passed by the District Court to 45 day fines and ordered the defendant to also compensate the value of the mother owl, EUR 757, to the state.

**7.2.5. Aggravated nature conservation offence, Criminal Code, chapter 48, section 5(a)**

A provision on aggravated nature conservation offences was added to the Criminal Code in the beginning of 2016, before which this type of nature conservation offence did not exist. A nature conservation offence can be deemed aggravated if it causes a serious danger to natural resources, is committed in pursuit of significant financial gain or is committed in an especially systematic manner, and the offence is aggravated also when assessed as a whole. The sentences for such offences range from four months to four years of imprisonment.

No such cases were recorded in the police’s crime reporting system in 2018.

**7.2.6. Building protection offence, Criminal Code, chapter 48, section 6**

A person who, intentionally or through gross negligence, without the permit required by law, demolishes, destroys, impairs or covers an object of a built environment, which is protected by the Land Use and Building Act, shall be sentenced for a building protection offence. In addition to the protection of actual buildings, the provision also applies to the destruction of relics referred to in the Act on Archaeological Remains, among other things. The penal scale ranges from fines to a maximum of two years of imprisonment.

Four building protection offences were reported to the police in 2018.
Sample court decision in 2018

Building protection offence (Criminal Code, chapter 48, section 6)

District Court of Varsinais-Suomi, Judgment 2 November 2018, 18/147767, Case no. R 18/3290 (no information available on finality)

The defendant had commissioned earth-moving and excavation work in the soil in an archaeological area without the permit referred to in the Act on Archaeological Remains and without the supervision of an archaeologist, with the result that the archaeological data obtainable from the areas affected by the work had been lost and the archaeological layers and structures destroyed. The excavated area had been the site of an Iron Age burial ground, prehistoric settlement and a hill fort, comprising one of the most significant archaeological sites in Finland. Several other petty offences attributed to the perpetrator were discussed at the same trial, and he was sentenced to a joint fine of 80 day fines. The share of the building protection offence in the sentence was 50 day fines.

7.3. NATURAL RESOURCE OFFENCES UNDER THE CRIMINAL CODE

Chapter 48(a) of the Criminal Code provides for natural resource offences, which are presented in Table 3. The chapter’s penal provisions apply to hunting, fishing, forestry and timber, and protection of the Antarctic. A hunting prohibition with a minimum duration of one year and maximum duration of five years is also provided for in the chapter.

<table>
<thead>
<tr>
<th>Natural resource offences under the Criminal Code</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting offence, Criminal Code, chapter 48(a), section 1</td>
<td>218</td>
<td>191</td>
<td>131</td>
<td>131</td>
<td>162</td>
</tr>
<tr>
<td>Aggravated hunting offence, Criminal Code, chapter 48(a), section 1(a)</td>
<td>12</td>
<td>9</td>
<td>15</td>
<td>16</td>
<td>12</td>
</tr>
<tr>
<td>Fishing offence, Criminal Code, chapter 48(a), section 2</td>
<td>7</td>
<td>4</td>
<td>8</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Forestry offence, Criminal Code, chapter 48(a), section 3</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>Unlawful exploitation of mineral resources in the Antarctic, Criminal Code, chapter 48(a), section 3(a)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Timber offence, Criminal Code, chapter 48(a), section 3(b)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Concealing of poached game, Criminal Code, chapter 48(a), section 4</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated concealing of poached game, Criminal Code, chapter 48(a), section 4(a)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>245</td>
<td>207</td>
<td>154</td>
<td>162</td>
<td>183</td>
</tr>
</tbody>
</table>

Table 3: Natural resource offences recorded by the pre-trial investigation authority, 2014–2018.

7.3.1. Hunting offence, Criminal Code, chapter 48(a), section 1

A person who intentionally or through gross negligence hunts using a prohibited trap or trapping method or hunts in violation of an order given on protecting game or without a hunting permit, or when hunting, endangers or harms a person or the property of another. The penal scale ranges from fines to a maximum of two years of imprisonment. A total of 162 hunting offences were reported to the pre-trial investigation authorities last year.

The hunting offences investigated by the Border Guard are committed in a wide variety of ways. In the investigations begun in 2018, the subjects of the suspected offences included elk and black grouse.
Previously, under section 25, subsection 2 of the Hunting Decree (816/2014), animals such as elk cows followed by young less than one year old were always protected. One of the most typical hunting offences was precisely shooting an elk cow followed by calf less than one year old. Section 25 of the Hunting Decree was amended with Decree 759/2016 that entered into force on 6 September 2016.
to the effect that, according to subsection 3 of the section, an elk cow followed by a calf less than one year old is protected from 1 September until the date preceding the second Saturday of October.

<table>
<thead>
<tr>
<th>Hunting offence, Criminal Code, chapter 48(a), section 1</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>The police</td>
<td>200</td>
<td>176</td>
<td>121</td>
<td>126</td>
<td>155</td>
</tr>
<tr>
<td>Border Guard</td>
<td>17</td>
<td>15</td>
<td>10</td>
<td>5</td>
<td>7</td>
</tr>
<tr>
<td>Total</td>
<td>217</td>
<td>191</td>
<td>131</td>
<td>131</td>
<td>162</td>
</tr>
</tbody>
</table>

*Table 4: Hunting offences recorded by the pre-trial investigation authority, 2014–2018.*

**Sample court decisions in 2018**

**Hunting offence (Criminal Code, chapter 48(a), section 1)**

District Court of Lapland, Judgment 7 November 2018, 18/148476, Case no. R 18/421 (no information available on finality)

The leader of a hunting party had applied for an elk permit for shooting two elk. He had neglected to inspect the permit, however, which would have told him that the permit had only been issued for a single elk. The party then shot two elk while hunting. In the view of the District Court, the defendant's conduct did not meet the criteria for gross negligence required for a hunting offence, but the act had been committed out of simple carelessness. The charge of a hunting offence was therefore dismissed, but the defendant was sentenced, in accordance with the prosecutor's secondary demands, for a hunting violation under section 74 of the Hunting Act to a fine of 30 day fines. The EUR 190 obtained from the sale of the elk were also ordered forfeit to the state.

**7.3.2. Aggravated hunting offence, Criminal Code, chapter 48(a), section 1(a)**

A hunting offence is deemed to be aggravated if it is committed in a particularly brutal or cruel manner or if the object of the offence is a large amount of game. An offence committed in a planned manner or one seeking considerable financial gain can also be considered aggravated. The killing of certain species, such as wolverine, lynx, bear, deer, otter or wolf, can also meet the definition of an aggravated hunting offence if the offence is aggravated also when assessed as a whole. The media has covered the widespread hatred of wolves and the poaching of wolves and other large predators extensively in recent years.

In 2018, a total of 12 suspected aggravated hunting offences were recorded in the crime reporting system, constituting a decrease of four cases from the previous year.

In five of the cases, the police or Border Guard was able to identify the perpetrator. The pre-trial investigation authorities were able to investigate these acts in a particularly efficient manner, for example by uncovering suspected offences through various forms of surveillance. Coercive measures affecting personal freedom and various forensic investigation methods, both in the field and in the laboratory, were employed in these investigations.

The notable cases of aggravated hunting offences in 2018 consisted of the shooting of three lynx, three bears, four wolves and one deer. The aggravated hunting offences recorded in 2018 were mainly committed in Northern Finland. No cases were investigated in the Capital Region.
There is cause to believe that the amount of hidden crime (poaching) is especially large in the area of hunting offences. The detection and pre-trial investigation of hunting offences is also hindered by the “law of silence” possibly observed by local residents and hunters.

In the reported offences committed against wolves, the phenomenon of “pellet wolves”, i.e. wolves that have been shot or put down legally and found with shotgun pellets in them, bears mentioning. There have also been some cases of dog owners shooting wolves or, in one case, a lynx “to protect their dog”. A few such cases justified by necessity also occurred in 2018. This report (with no detailed knowledge of the cases) does not comment on the actual nature of these kills.

In 2018, the Border Guard launched investigations into two suspected aggravated hunting offences, both involving bears.

<table>
<thead>
<tr>
<th>Aggravated hunting offence, Criminal Code, chapter 48(a), section 1(a)</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>The police</td>
<td>10</td>
<td>8</td>
<td>13</td>
<td>14</td>
<td>10</td>
</tr>
<tr>
<td>Border Guard</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
<td>9</td>
<td>15</td>
<td>16</td>
<td>12</td>
</tr>
</tbody>
</table>

*Table 5: Aggravated hunting offences recorded by the pre-trial investigation authority, 2014–2018.*

### 7.3.3. Fishing offence, Criminal Code, chapter 48(a), section 2

A person who fishes to a considerable extent in violation of an order given 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 penal scale ranges from fines to a maximum of two years of imprisonment.

<table>
<thead>
<tr>
<th>Fishing offence, Criminal Code, chapter 48(a), section 2</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>The police</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Border Guard</td>
<td>5</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>7</td>
<td>4</td>
<td>8</td>
<td>9</td>
<td>8</td>
</tr>
</tbody>
</table>

*Table 6: Fishing offences recorded by the pre-trial investigation authority, 2014–2018.*

**Sample court decision in 2018**

**Fishing offence and game offence (Criminal Code, chapter 48(a), section 2 and chapter 28, section 10)**

District Court of Länsi-Uusimaa, Judgment 24 January 2018, 18/103429, Case no. R 17/691 (not final)

The defendant was charged with a fishing offence on the basis that he had not complied with the provisions imposed on the size of nets when fishing. He did not have the required fishing permit, so he was also charged for a game offence. The District Court found that it was not proven that the defendant had fished to a considerable extent, which is a requirement for meeting the statutory definition of a fishing offence. The charge only applied to a single instance of fishing. The District Court thus dismissed the charge in that regard. The defendant was nevertheless sentenced to a fine of 35 day fines for a game offence under count 2 and ordered to forfeit EUR 180 to the state as the proceeds of crime.
7.3.4. Forestry and timber offences (Criminal Code, chapter 48(a), sections 3 and 3(b))

A person who violates a provision of the Forest Act pertaining to protected forest areas or protected areas, or harms a natural environment that is particularly important from the point of view of the biodiversity of the natural forest, shall be sentenced for a forestry offence. A person who in violation of the EU Timber Regulation places on the market unlawfully harvested timber or products made from such timber shall be sentenced for a timber offence. The maximum sentence for a forestry offence is two years of imprisonment and for a timber offence six months of imprisonment.

A few forestry and timber offences are usually investigated by the police each year, but in 2018, only a single forestry offence and no timber offences at all were reported to the pre-trial investigation authority.

7.3.5. Concealing of poached game and aggravated concealing of poached game (Criminal Code, chapter 48(a), sections 4 and 4(a))

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 sentences for the basic form of the offence range from a fine to at most one year of imprisonment, and from a fine to at most three years of imprisonment for the aggravated form.

7.4. ENVIRONMENT-RELATED OFFENCES ENDANGERING HEALTH AND SAFETY UNDER THE CRIMINAL CODE

The offences endangering health and safety listed under chapter 44 of the Criminal Code also include acts that can have a significant impact on the environment. The protected objects of these provisions include human life and health and personal property. The above-mentioned other penal provisions of the Criminal Code can also apply to environmental offences.

<table>
<thead>
<tr>
<th>Offences endangering health and safety</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health offence (Criminal Code, chapter 44, section 1)</td>
<td>1</td>
<td>11</td>
<td>5</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Endangerment of health (Criminal Code, chapter 34, section 4)</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Aggravated endangerment of health (Criminal Code, chapter 34, section 5)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Causing the danger of the spread of a veterinary disease (Criminal Code, chapter 44, section 4(a))</td>
<td>8</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Genetic technology offence (Criminal Code, chapter 44, section 4)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Nuclear energy use offence (Criminal Code, chapter 44, section 10)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Explosives offence (Criminal Code, chapter 44, section 11)</td>
<td>143</td>
<td>117</td>
<td>149</td>
<td>119</td>
<td>126</td>
</tr>
<tr>
<td>Careless handling, Criminal Code, chapter 44, section 12</td>
<td>304</td>
<td>223</td>
<td>277</td>
<td>275</td>
<td>262</td>
</tr>
<tr>
<td>Radioactive material possession offence (Criminal Code, chapter 44, section 12(a))</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transport of dangerous substances offence, Criminal Code, chapter 44, section 13</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>16</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>464</td>
<td>364</td>
<td>443</td>
<td>422</td>
<td>424</td>
</tr>
</tbody>
</table>

*Table 7: Offences endangering health and safety under the Criminal Code recorded by the pre-trial investigation authority, 2014–2018.*

7.4.1. Health offence, endangerment of health and aggravated endangerment of health (Criminal Code, chapter 44, section 1 and chapter 34, sections 4 and 5)

A person who intentionally or through gross negligence in violation of the Plant Protection Act, the Consumer Safety Act, the Chemical Act, the Cosmetic Products Act, the Health Protection Act, the Foodstuffs Act or the Act on the Safety of the Handling of Dangerous Chemicals and Explosives, produces, handles, imports, keeps in his or her 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, shall be sentenced for a health offence. The penal scale ranges from fines to a maximum of six months of imprisonment.

A person who operates a radiation source in violation of the Radiation Act, uses nuclear energy in violation of the Nuclear Energy Act or 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 as provided for in chapter 34, section 4 of the Criminal Code. The penal scale ranges from a minimum of four months to a maximum of four years of imprisonment. If the act causes serious danger to the life or health of a great number of people, the offender can be sentenced for aggravated endangerment of health to imprisonment for at least two and at most ten years.

Sample court decision in 2018

Health offence (Criminal Code, chapter 44, section 1)

District Court of Ostrobothnia, Judgment 23 January 2018, 18/102913, Case no. R 17/970 (no information available on finality)

Since 2012, several shortcomings had been noted in the operations of the fish-processing plant operated by the defendant. The health authorities of Pietarsaari had restricted the operations to gutting, filleting and smoking in 2015. Everything else had been prohibited. During inspections, the authorities had nevertheless found goods such as unmarked, vacuum-packed and unpacked frozen fish, roe and dill, and there had been cured fish in plastic boxes in the refrigerator. The facility was not clean. Various shortcomings in storage, markings and cleanliness had been found at the facility on several occasions. Several inspections of the defendant’s operations had been conducted, and he had been issued with several requests, also backed with a conditional fine. The defendant was sentenced to 50 day fines for a health offence.

7.4.2. Explosives offence and radioactive material possession offence (Criminal Code, chapter 44, sections 9–11 and 12(a))

An explosives offence involves violations of the Act on the Safety of the Handling of Dangerous Chemicals and Explosives or of a provision given on its basis. The penal scale ranges from fines to a maximum of two years of imprisonment.

The police investigates approximately 100–150 cases of explosives offences each year, either reported to or discovered by the police. An explosives offence is typically discovered when the police finds unlicensed (e.g. stolen) explosives during a house or area search related to another suspected offence.

Sample court decision in 2018

Explosives offence (Criminal Code, chapter 44, section 11)

Vaasa Court of Appeal, Judgment 7 September 2018, 18/136820, Case no. R 17/811 (no information available on finality)

The matter involved containers containing hazardous and explosive substances that were being stored without a permit on the yard of a factory owned by the company. The District Court found the company’s managing director, as the superior of the director in charge of the factory, the company’s quality manager and the director in charge of the factory guilty of gross negligence in ensuring the proper storage of explosives and hazardous substances, placement of operations, acquiring of permits, keeping an up-to-date safety assessment, storage of hazardous substances in appropriate packages and training the staff. They were convicted of an explosives offence. The quality manager and director in charge of the factory had
neglected to apply for an environmental permit, which fulfilled the criteria for an environmental infraction. The defendants were sentenced to fines of 20–30 day fines. The company was also sentenced to a corporate fine of EUR 40,000 and ordered to forfeit EUR 25,000 to the state as the proceeds of crime. Charges had also been brought for a transport of dangerous substances offence in the case, but these were dismissed by the District Court.

The defendants appealed the case in the Court of Appeal, with the result that the Court dismissed the charges against the quality manager and managing director completely and changed some of the imputations. The amount of the corporate fine was not changed. The demand for the forfeiture of the proceeds of crime was dismissed.

7.4.3. Careless handling, Criminal Code, chapter 44, section 12

A person who uses, handles or stores a firearm, fire or an explosive, a chemical or other corresponding substance that is dangerous to health or the environment or a radioactive substance so that the act is conducive to causing a danger to the life, health or property of another, shall be sentenced for careless handling. The penal scale ranges from fines to a maximum of six months of imprisonment. The police conducts pre-trial investigations for approximately 200–350 suspected careless handling offences each year.

Sample court decision in 2018

Careless handling (Criminal Code, chapter 44, section 12)

District Court of Itä-Uusimaa, Judgment 1 November 2018, 18/147696, Case no. R 17/680 (final)

While working for a company as a blaster and blasting foreman, the defendant had neglected to ensure the provision of adequate safeguards against the possible detrimental effects of the blasting, with the result that the roof of a warehouse building owned by a real estate company had sustained holes and dents and the roof of a building owned by another real estate company had been dented and its paint had been damaged. The blasting work had also caused a hazard to the personnel and property in the area. The defendant was sentenced to 50 day fines. Discussion of the damages was postponed to a separate trial.

7.4.4. Transport of dangerous substances offence, Criminal Code, chapter 44, section 13

A person who violates the Act on the Transporting of Dangerous Substances so that the action is conducive to endangering the life or health of another or endangering the property of another, shall be sentenced for a transport of dangerous substances offence. Slightly less than two dozen cases have been reported to the authorities annually.

Sample court decision in 2018

Transport of dangerous substances offence (Criminal Code, chapter 44, section 13 and impairment of the environment, Criminal Code, chapter 48, section 1)

District Court of Helsinki, Judgment 17 July 2018, 18/130158, R 17/8634 (no information available on finality)

According to count 1 of impairment of the environment, the defendants had given/received for transport and transported hazardous waste for purposes of export for financial gain, to the amount of 1,026 used batteries (UN 2794), with a combined weight of 20,130 kg, without fulfilling the requirements for such export and transport; without the necessary notifications/waste shipment permits, and with partially deficient safety measures in the manner referred to in count 2. The authorities had stopped the waste shipment in the Port of Helsinki on its way to Estonia. According to count 2 regarding the transport of dangerous substances offence,
the defendants had transport batteries classified as dangerous goods without, for example, the necessary precautions and documents or the ADR permit required for the driver. Neither had the batteries been packed or loaded according to regulations.

The defendants included both the companies involved in the operations and the persons responsible for the operations of the companies. The involvement of the defendants in the offence differed somewhat. For the persons responsible for the companies, the District Court found imprisonment to be the appropriate type of punishment. The lengths and types of the sentences also varied due to the different crime histories of the defendants. Three of the defendants were sentenced to fairly short periods of conditional imprisonment and one to community service. The counts of impairment of the environment were attributed to the companies, but punishment was waived on the basis that they would in actuality have been targeted at the defendant persons. The driver was sentenced to a six-month driving ban. Two of the companies were ordered to forfeit EUR 1,010 to the state as the proceeds of crime (the price of a waste shipment permit) and the third company EUR 655 in savings related to the driving permit and vehicle.

7.5. VIOLATIONS OF THE WATER ACT

The penal provisions applying to the Water Act are compiled in chapter 16 of the Act. The criminal offences are violation of a permit under the Water Act and violation of the Water Act, unless a more severe punishment is provided for in the Criminal Code. Permit violations include undertaking a water resources management project requiring a permit without a permit granted by the permit authority, while violations of the Water Act include preventing the free flow of water in a body of water and neglecting to inform the authorities.

<table>
<thead>
<tr>
<th>Penalties under the Water Act, chapter 16, sections 2–3</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation of a permit under the Water Act, Water Act, chapter 16, section 2</td>
<td>4</td>
<td>1</td>
<td>3</td>
<td>3</td>
<td>6</td>
</tr>
<tr>
<td>Violation of the Water Act, Water Act, chapter 16, section 3</td>
<td>14</td>
<td>8</td>
<td>4</td>
<td>6</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>9</td>
<td>7</td>
<td>9</td>
<td>15</td>
</tr>
</tbody>
</table>

Table 8: Numbers of criminal offences under the Water Act recorded by the police in 2014–2018.

Sample court decision in 2018

VIOLATION OF A PERMIT UNDER THE WATER ACT AND VIOLATION OF THE WATER ACT (Water Act, chapter 16, sections 2 and 3)

District Court of North Karelia, 3 July 2018, judgment 18/128926 (final)

The person had drained a marshy spring area of approximately 60 m in length on a property owned by him. The spring area consisted of a seepage area roughly 10 m wide and 30 m long at its eastern edge, giving way to spring basins and connecting rivulets. A sizable patch of *Trichocolea tomentella* moss grew in the spruce-dominated forest spring. This species of moss is endangered in all of Finland and belongs to the threatened species in need of particular protection listed in Appendix 4 to the Nature Conservation Decree. As an environment type, forest springs fall under the category of coniferous swamp groves, classified as particularly endangered in North Karelia, for example. As a result of the measures taken by the defendant, a large quantity of ground water from the springs flowed in the ditches, thus endangering the natural state of the spring area.

The person had not filed the notification of ditch drainage provided for in chapter 5, section 6 of the Water Act to the ELY Centre, nor had he applied for the exception referred to in chapter 2, section 11 of the Water Act for the implementation of the project.

The defendant was found guilty of both a violation of a permit under the Water Act and a violation of the Water Act and sentenced to 30 day fines.
7.6. OFFENCES UNDER OTHER ACTS

In addition to the penal provisions presented above, there are more than two dozen penal provisions applying directly to the environment or touching on it. For example, section 147 of the Waste Act, section 225 of the Environmental Protection Act, section 118 of the Fishing Act, section 25 of the Off-Road Traffic Act, section 58 of the Nature Conservation Act, section 17 of the Land Extraction Act and section 7 of the Act on Fishing in the River Tornionjoki Fishing Region all include penal provisions. The number of petty violations of these special provisions is much higher than the numbers of environmental offences and natural resource offences referred to in the Criminal Code. Table 9 presents the violations of the above-mentioned provisions reported to the pre-trial investigation authorities in 2014–2018. A total of 164 violations of the Waste Act were recorded last year, along with 566 fishing violations. In comparison to previous years, there was a statistically significant difference in the statistics for 2018 only in transport of dangerous substances violations, which nearly tripled in 2018. An examination of the individual penal provisions shows that some of them are hardly ever realised. These include chemical violations, building protection violations and antiquities violations, for example. Very rarely applied penal provisions have not been included in the table below.

<table>
<thead>
<tr>
<th>Waste violation</th>
<th>1</th>
<th>0</th>
<th>0</th>
<th>160</th>
<th>164</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violations of the Waste Act</td>
<td>201</td>
<td>193</td>
<td>215</td>
<td>160</td>
<td>164</td>
</tr>
<tr>
<td>Fishing violation</td>
<td>962</td>
<td>865</td>
<td>602</td>
<td>485</td>
<td>566</td>
</tr>
<tr>
<td>Off-road traffic violation</td>
<td>200</td>
<td>233</td>
<td>251</td>
<td>280</td>
<td>257</td>
</tr>
<tr>
<td>Nature conservation violation</td>
<td>47</td>
<td>36</td>
<td>26</td>
<td>28</td>
<td>21</td>
</tr>
<tr>
<td>Land extraction violation</td>
<td>5</td>
<td>3</td>
<td>4</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Violation of the Act on Fishing in the River Tornionjoki Fishing Region</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transport of dangerous substances violation</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>6</td>
<td>16</td>
</tr>
</tbody>
</table>

Table 9: Other criminal offences involving the environment recorded by the pre-trial investigation authority in 2014–2018.

Sample court decision in 2018

Nature conservation violation (Nature Conservation Act, section 58)

District Court of South Savonia, Judgment 31 May 2018, 18/123747, Case no. R 18/174 (no information available on finality)

The defendant was convicted by the District Court of negligently performing cable-digging work in an area in which Carlina biebersteinii, a plant protected by the Nature Conservation Act, grew. The locations of the plants had been marked. Approximately 70–80 plants had been destroyed. The fine sentenced for the offence amounted to 15 day fines.

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

Helsinki Court of Appeal, Judgment 2 November 2018, 18/147495, Case no. R 17/2165 (final)

The company’s foreman had neglected to ensure that the terms of the permit granted by the municipal environmental board were followed. The terms applied to the constant monitoring of the pH value of waste water, for example. The prosecutor also demanded the proceeds of crime obtained by the company to be ordered forfeit to the state. The proceeds had been generated by failing to install the required measurement devices. The foreman was sentenced to 15 day fines and the company was ordered to forfeit EUR 4,000 in estimated savings on equipment costs to the state as proceeds of crime.
Off-road traffic violation (Off-Road Traffic Act, section 25)

Decision by the District Prosecutor of the Prosecutor’s Office of Itä-Uusimaa, 7 December 2018, 18/4562, Case no. R 17/8839 (final)

A prosecutor of the Prosecutor’s Office of Itä-Uusimaa ordered a fine to be imposed for several instances of motorcycle training without meeting the terms of the permit provided for in the Off-Road Traffic Act. The noise bank required in the permit had not been built in the area. A total of 12 day fines were imposed.

7.6.1. Violations of the Waste Act

The majority of reports by the environmental authorities or citizens recorded as violations of the Waste Act are probably cases of littering or the abandonment or uncontrolled processing of waste. Private persons or companies have neglected their duty to manage their own waste, and the waste (e.g. domestic waste, furniture, appliances or construction waste) has been abandoned in the forest or other places where it does not belong. Society, and sometimes private property owners, incur costs from the collection of such waste.

The violations of the Waste Act investigated by Customs mostly consisted of the export of used batteries from Finland to Estonia and the other Baltic States. The offenders were Estonian, Latvian and Lithuanian citizens.

Sample court decision in 2018

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

District Court of Pirkanmaa, Judgment 5 January 2018, 18/100490, Case no. R 17/2889 (no information available on finality)

The defendant had burned old bales of hay and planks from a demolished barn in violation of waste management regulations on land leased by him. At least the bales had smouldered, generating smoke into the environment and causing detriment to the neighbours. The defendant was sentenced to 15 day fines for his actions.

7.6.2. Oil discharges and spills detected and oil discharge fees imposed

In addition to Finland’s waters and exclusive economic zone, the Border Guard monitors oil discharges from ships in Estonian waters in the Gulf of Finland and Swedish waters in the Gulf of Bothnia. A high percentage of oil discharges detected immediately in territorial waters and the exclusive economic zone during surveillance are proven and the parties responsible for the discharges brought into the administrative oil discharge fee procedure. The Border Guard’s Dornier aircraft monitor Finnish waters nearly every day.

The Border Guard participates in international cooperation in the Baltic Sea in accordance with the common principles agreed under the Baltic Marine Environment Protection Commission (HELCOM). The above-mentioned cooperation in the field of oil discharge detection has demonstrated its functionality in practice. The busiest shipping lanes are monitored in cooperation with Sweden and Estonia in particular. Trans-border cooperation is vital in discharge control, especially in the narrow Gulf of Finland where the ships sail on the border of the Finnish and Estonian exclusive economic zones. Finland also participates actively in international surveillance operations in which surveillance aircraft from several states carry out enhanced monitoring over a predetermined marine area.

Finland, Sweden and Estonia have all updated the environmental monitoring equipment of their surveillance aircraft in recent years, allowing for the monitoring of maritime transport also in darkness and inclement weather. Side-looking radars enable the detection of oil spills up to tens of kilometres distant from the route of the surveillance aircraft.
The aircraft are also outfitted with equipment suitable for identifying ships. The satellite imaging service of the European Maritime Safety Agency (EMSA) has also provided images of suspected oil spills.

In 2018, the Border Guard detected 23 oil discharges in comparison to 30 detected cases in Finland's territorial waters in 2017. The majority of the detected discharges occurred close to shore or port and were very minor in volume. The focus areas of oil discharge monitoring are the exclusive economic zone and Finland's territorial waters. As in recent years, discharges in these areas were low.

One new administrative oil discharge investigation was begun in 2018 to determine the conditions for levying an oil discharge fee. Five oil discharge fee decisions were made, with the payment of an oil discharge fee ordered in three of them.

An appeal against an oil discharge fee imposed by the Border Guard in 2011 was pending in the Supreme Court. The appeal process regarding the oil discharge fee in question was initiated in 2011, and the legal points of the case have been discussed by all instances. In 2014, the Supreme Court overruled a Court of Appeal decision appealed against by the Border Guard, by which the Court of Appeal had released the appellant of the oil discharge fee imposed by the Border Guard in a written procedure. At the same time, the Supreme Court returned certain aspects of the case to the Court of Appeal. The Court of Appeal heard the case again and decided to uphold the oil discharge fee imposed by the Border Guard. In 2015, the Supreme Court granted the appellant leave to appeal against the latest decision made by the Court of Appeal. The Supreme Court requested a preliminary ruling on the matter from the European Court of Justice in 2016. In December 2017, the European Court of Justice held an oral hearing on the matter and Finland participated in the hearing. The decision of the Advocate General of the European Court of Justice was published in February, and the Court delivered its ruling in July 2018. The Supreme Court will probably issue a decision on the matter in 2019.

7.6.3. Pre-trial investigation of oil discharges from ships

According to a memorandum of understanding between the Border Guard and National Police Board, responsibility for the pre-trial investigation of oil discharges from ships was transferred from the police to the Border Guard from the beginning of 2011. With the MoU, the competent pre-trial investigation authorities agreed on the transfer of pre-trial investigation responsibilities in Finland's territorial waters and exclusive economic zone to the Border Guard. However, the police still conducts pre-trial investigations of oil discharges from ships in inland waters and when the nature or scope of the pre-trial investigation so requires or the police requests the transfer of the pre-trial investigation under its jurisdiction, for example due to a connection with another serious offence.

The Border Guard has centralised the investigation of oil discharges from ships, along with the administrative investigations related to oil discharge fees, with the West Finland Coast Guard. Pre-trial investigations of maritime environmental crimes are carried out by a specialised head investigator and investigator. The Gulf of Finland Coast Guard and Air Patrol Squadron support the West Finland Coast Guard also in measures related to the pre-trial investigation of oil discharges from ships.

Six pre-trial investigations into oil discharges from ships were launched in 2018. A summary penal order for a fine in a case of environmental violation was given in one of the cases, while two cases resulted in cautions. In another two cases, the pre-trial investigation was closed because there was no cause to suspect that a crime had been committed. The pre-trial investigation of one case was terminated on the basis of the petty nature of the offence.
Figure 10. Oil discharges in the sea in port (Border Guard).

7.7. ENVIRONMENTAL OFFENCES REFERRED TO PROSECUTORS AND COURTS

According to statistics compiled by the prosecution service, environmental offences and natural resource offences (hereinafter “environmental offences”) have been referred to prosecutors as follows in recent years.

<table>
<thead>
<tr>
<th>Environmental offences</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impairment of the environment, Criminal Code, chapter 48, section 1</td>
<td>76</td>
<td>68</td>
<td>65</td>
<td>79</td>
<td>91</td>
</tr>
<tr>
<td>Aggravated impairment of the environment, Criminal Code, chapter 48, section 2</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>3</td>
<td>10</td>
</tr>
<tr>
<td>Environmental infraction, chapter 48, section 3</td>
<td>32</td>
<td>18</td>
<td>34</td>
<td>32</td>
<td>34</td>
</tr>
<tr>
<td>Negligent impairment of the environment, Criminal Code, chapter 48, section 4</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>Nature conservation offence, Criminal Code, chapter 48, section 5</td>
<td>24</td>
<td>23</td>
<td>8</td>
<td>20</td>
<td>17</td>
</tr>
<tr>
<td>Building protection offence, Criminal Code, chapter 48, section 6</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>142</td>
<td>121</td>
<td>118</td>
<td>135</td>
<td>155</td>
</tr>
</tbody>
</table>

Table 10: Environmental offences and infractions referred to prosecutors, 2014–2018.
## Natural resource offences under the Criminal Code

<table>
<thead>
<tr>
<th>Offence</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hunting offence, Criminal Code, chapter 48(a), section 1</td>
<td>96</td>
<td>97</td>
<td>41</td>
<td>36</td>
<td>32</td>
</tr>
<tr>
<td>Aggravated hunting offence, Criminal Code, chapter 48(a), section 1(a)</td>
<td>6</td>
<td>7</td>
<td>2</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Fishing offence, Criminal Code, chapter 48(a), section 2</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td>4</td>
<td>4</td>
</tr>
<tr>
<td>Forestry offence, Criminal Code, chapter 48(a), section 3</td>
<td>2</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Unlawful exploitation of mineral resources in the Antarctic, Criminal Code, chapter 48(a), section 3(a)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Timber offence, Criminal Code, chapter 48(a), section 3(b)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Concealing of poached game, Criminal Code, chapter 48(a), section 4</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated concealing of poached game, Criminal Code, chapter 48(a), section 4(a)</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>108</strong></td>
<td><strong>105</strong></td>
<td><strong>45</strong></td>
<td><strong>45</strong></td>
<td><strong>46</strong></td>
</tr>
</tbody>
</table>

*Table 11: Natural resource offences referred to prosecutors, 2014–2018.*

## Offences endangering health and safety

<table>
<thead>
<tr>
<th>Offence</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health offence (Criminal Code, chapter 44, section 1)</td>
<td>3</td>
<td>3</td>
<td>5</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>Endangerment of health (Criminal Code, chapter 34, section 4)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Aggravated endangerment of health (Criminal Code, chapter 34, section 5)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Causing the danger of the spread of a veterinary disease (Criminal Code, chapter 44, section 4(a))</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Genetic technology offence (Criminal Code, chapter 44, section 9)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Nuclear energy use offence (Criminal Code, chapter 44, section 10)</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Explosives offence (Criminal Code, chapter 44, section 11)</td>
<td>59</td>
<td>63</td>
<td>48</td>
<td>49</td>
<td>70</td>
</tr>
<tr>
<td>Careless handling, Criminal Code, chapter 44, section 12</td>
<td>43</td>
<td>48</td>
<td>67</td>
<td>53</td>
<td>59</td>
</tr>
<tr>
<td>Radioactive material possession offence (Criminal Code, chapter 44, section 12(a))</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Transport of dangerous substances offence, Criminal Code, chapter 44, section 13</td>
<td>4</td>
<td>2</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>109</strong></td>
<td><strong>116</strong></td>
<td><strong>126</strong></td>
<td><strong>110</strong></td>
<td><strong>140</strong></td>
</tr>
</tbody>
</table>

*Table 12: Offences endangering health and safety referred to prosecutors, 2014–2018.*

## Penal provisions of the Water Act

<table>
<thead>
<tr>
<th>Offence</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation of a permit under the Water Act, Water Act, chapter 16, section 2</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Violation of the Water Act, Water Act, chapter 16, section 3</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>6</strong></td>
<td><strong>4</strong></td>
<td><strong>3</strong></td>
<td><strong>3</strong></td>
<td><strong>1</strong></td>
</tr>
</tbody>
</table>

Table 14: Other criminal offences involving the environment referred to prosecutors in 2014–2018.

In 2018, prosecutors brought charges for offences provided for in chapter 48 of the Criminal Code 76 times, i.e. in 50.7% of cases. The average time taken for the consideration of charges was 5.8 months. A total of 25 charges were brought for offences provided for in chapter 48(a) of the Criminal Code, amounting to 54.4% of all cases. In these cases, the average duration of consideration of charges was 4.48 months.

<table>
<thead>
<tr>
<th>Offences under other Acts</th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste violation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Violations of the Waste Act</td>
<td>24</td>
<td>19</td>
<td>19</td>
<td>21</td>
<td>22</td>
</tr>
<tr>
<td>Fishing violation</td>
<td>11</td>
<td>11</td>
<td>10</td>
<td>18</td>
<td>17</td>
</tr>
<tr>
<td>Off-road traffic violation</td>
<td>9</td>
<td>7</td>
<td>10</td>
<td>10</td>
<td>9</td>
</tr>
<tr>
<td>Nature conservation violation</td>
<td>8</td>
<td>9</td>
<td>7</td>
<td>10</td>
<td>0</td>
</tr>
<tr>
<td>Land extraction violation</td>
<td>1</td>
<td>0</td>
<td>5</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td>53</td>
<td>46</td>
<td>51</td>
<td>60</td>
<td>48</td>
</tr>
</tbody>
</table>

Table 15: Development of the numbers and percentage of completely or partially dismissed charges for environmental offences and natural resource offences, 2014–2018.

The average fine imposed for offences under chapter 48, section 1 of the Criminal Code amounted to approximately 50 day fines.

7.8. ENVIRONMENTAL OFFENCES REPORTED TO THE PRE-TRIAL INVESTIGATION AUTHORITIES AND REFERRED TO CONSIDERATION OF CHARGES

The Finnish Environmental Crime Monitoring Group has been monitoring environmental crime since 1997. The penal provisions for environmental offences are collected in Finland’s Criminal Code if the offence can carry a sentence of imprisonment. Other Acts contain less severe penal provisions in addition to these. This, along with the classification criteria of environmental offences, has an impact on the monitoring of environmental crime. Our legislation provides for several criminal offences that also touch upon environmental matters. Thus, it is difficult to take all neglect and offences related to the environment into account in the monitoring. This report mainly deals with environmental crimes decreed as criminal offences in the Criminal Code.

The environmental offences reported to the pre-trial investigation authorities are presented in the report by offence title. The pre-trial investigation authorities that investigate environmental offences are the police, Customs and the Border Guard. Environmental crime statistics are compiled according to the type of offence investigated in the pre-trial investigation phase. The title of the offence may then change during the consideration of charges and court hearing. Statistics on environmental offences do not reflect the actual state of environmental crime or provide information.
on threats to the environment, because a large part of environmental crime remains hidden and is not likely to be discovered by the authorities.

The environmental offences and violations with an environmental dimension discovered by Customs and referred to consideration of charges have mostly consisted of the export of scrap electrical and electronic devices and scrap batteries. The nature conservation offences and violations detected by Customs usually consist of imported goods of animal or plant origin requiring a licence, either sent to Finland by post or brought by passengers. In some cases, the offences have been related to business operations. The offenders in the investigated cases have been Finnish and foreign natural persons, along with some Finnish legal entities. These offences are described in more detail in the chapters above. The numbers of environmental and nature conservation offences referred to Customs for pre-trial investigation decreased slightly from 2017.

Environmental offences investigated by the Border Guard are typically discovered in connection with the border control performed outside the border crossings maintained by the Border Guard. The Border Guard has excellent capabilities for environmental monitoring, since it conducts surveillance on land, sea and air and has equipment appropriate to the task. Environmental offences are also reported to the Border Guard by civilians.

The numbers of environmental and natural resource offences investigated by the Border Guard rose steeply from 2017. According to the tables, a total of 108 cases of environmental and natural resource offences or infractions were referred to the Border Guard for pre-trial investigation in 2017, with the corresponding figure in 2018 being 146 cases.

In addition to these, the Border Guard also recorded 10 hunting violations in 2018 (in comparison to two cases in 2017). There were no violations of the provisions of the Hunting Act (one case in 2017) or poaching (four cases in 2017) recorded in 2018. The numbers of fishing violations in particular and also hunting violations discovered by the Border Guard increased clearly from 2017.

8. SITUATION REPORT ON ILLEGAL TRANSNATIONAL WASTE TRANSPORT AND NEW POSSIBILITIES FOR PREVENTION

Below is a brief summary of the report of Police University College researchers Leila Suvantola and Terhi Kankaanranta on the key results of the BlockWaste17 research project (Blocking the Loopholes for Illicit Waste Trafficking, BlockWaste) implemented at the Police University College in 2016–2017 related to the future trends and threats of the illegal transnational waste trade.

This summary is based on the following reports published on the research project: Meneghini, C. – Favarin, S. – Andreatta, D. – Savona, E. U.: An exploratory estimate of the extent of illicit waste trafficking in the

17 The project was funded by the Internal Security Fund of the European Union, funding agreement number HOME/2014/ISFP/AG/EFCE/7199.

8.1. VALUABLE WASTE IS DISAPPEARING INTO ILLEGAL STREAMS

The proceeds of illegal waste trafficking are estimated to equal those obtained from smuggling narcotics. More than a tenth of the ordinary waste generated in the EU never ends up in legal processing. In Finland, the issue is still relatively minor, with only 0.3 per cent of waste "disappearing", while in Ireland, the figure is hundredfold (38%). It is alarming that hazardous waste in particular is more likely to end up in illegal channels due to its higher processing cost. Nevertheless, the value of waste ending up in illegal channels in Finland has been estimated at EUR 37.2 million at minimum and EUR 60 million according to the highest estimates.

8.2. HOW DOES ONE COMMIT AN INTERNATIONAL WASTE OFFENCE?

The falsification of documents is typical for cross-border waste offences. Waste codes and weights are easy to falsify, as they are based on the operator’s own declarations. The falsification of documents is also easier than ever from a technical point of view. Indeed, the supervisory authorities have trouble distinguishing genuine documents from false during inspections.

In consignment notes, waste is untruthfully categorised as commercial products, "end-of-waste" material removed from the waste category, personal property or "green waste" that may be exported. For example, in a judgment issued by the District Court on Helsinki on 17 July 2018 (18/130158, not final) decommissioned batteries containing acid and requiring an export permit had been declared as lead (pb scrap) in the consignment note. In a judgment issued by the Helsinki Court of Appeal on 14 February 2019 (19/106230; District Court of Helsinki, 22 September 2017, no. 136991), 20 cars that had been cut in half had been declared as used spare parts, even though the shipment consisted of entire front sections of cars from which the hazardous fluids had not been removed or any parts detached for spare parts and which were classified as waste. Waste can also be concealed among legal cargo, or even sprayed or otherwise mixed into it in a manner difficult to detect.

8.3. THE RISK OF BECOMING A SAFE HAVEN

The different levels of control in different countries and their ports have an impact on the choice of illegal waste trafficking routes. There is a risk of less-controlled ports or ports with less expertise becoming the favoured routes of criminals. Countries known for mild sanctions can also end up as "safe havens" for illegal cross-border waste trafficking, in which the risk of being caught and/or the risk of sanctions is low.

The punishments imposed for trans-border waste offences sentenced as impairments of the environment in Finland are mild. In the cases referred to above, the person exporting the cars was sentenced to 40 day fines. The battery exporters were sentenced to imprisonment ranging from 40 days to 3 months. Despite its mild sanctions, Finland probable has a low risk of becoming a transit country. Finland is not situated along the routes to Asia or Africa. In addition, maritime freight from Finland mainly passes through German and Dutch ports, in which the risk of detection is not low. The above-mentioned car halves were returned to Finland precisely from the Netherlands.
8.4. SIGNIFICANCE OF SITUATIONAL PREVENTION

The current toolkit of situational waste offence prevention should be expanded to increase the risk of detection, particularly during transport. The identification of illegal waste shipments in traffic control could be enhanced by requiring all waste shipments to be marked with labels similar to the ADR symbols required for dangerous goods transport. This would enable the enhanced monitoring of such shipments in traffic control. Likewise, the availability of registered waste driver data and transboundary waste shipment documents in electronic form to traffic control officers in the field would improve the possibility of identifying waste traffickers and reduce the use of false or falsified documents. The GPS tracking of waste shipments would deter the delivery of waste to other parties than the registered recipient. A statutory obligation to return illegal waste shipments to the point of origin at their own cost could encourage transport entrepreneurs to monitor the legality of their shipments and documents. The means listed above would be cost-effective methods of intervening in illegal waste shipments.

9. HARMFUL SUBSTANCES COMPlicate THE ENVIRONMENTAL OFFENCE PROCESS

The “Harmful substances complicate the environmental offence process” section has been written by Senior Researcher Katarina Björklöf of the Finnish Environment Institute and Salla Finnilä, a student of Water and Environmental Engineering at Aalto University.

The RISTE project implemented in cooperation by the Finnish Environment Institute (SYKE) and Aalto University and funded by the Ministry of the Environment and SYKE studied the perceived information needs of environmental and pre-trial investigation authorities on chemicals classified as hazardous and emissions identified as harmful to the environment and the availability of such information in processes related to environmental offences. The thesis included in the project consisted of a questionnaire and interview study, in which the police, prosecutors and municipal and state environmental authorities were asked about the current practices in and experiences of environmental offence investigations, along with the need for information and support on chemicals and environmental risks.

The Webropol survey was taken by 102 municipal and 15 ELY Centre environmental authorities, along with 11 pre-trial investigation authorities and 11 prosecutors. Two municipal and six ELY Centre environmental authorities, two pre-trial investigation authorities and two prosecutors took part in the interviews. Several development themes related to knowledge of chemicals, identification of environmental risks and the environmental offence process were identified in the replies (Figure 1).

<table>
<thead>
<tr>
<th>Current practices and development, information and support needs</th>
<th>Environmental offence investigation in general</th>
<th>Chemicals knowledge and identification of environmental risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harmonisation of investigation request thresholds</td>
<td>Resources and expertise of the environmental authorities</td>
<td></td>
</tr>
<tr>
<td>More detailed requests for expert statements and additional information</td>
<td>Roles of authorities in chemicals knowledge and risk identification</td>
<td></td>
</tr>
<tr>
<td>Giving the information in an understandable form</td>
<td>Finding reliable information on chemicals</td>
<td></td>
</tr>
<tr>
<td>Smooth cooperation and low-threshold communication between authorities</td>
<td>Lack of an established risk identification method</td>
<td></td>
</tr>
<tr>
<td>Experience of and specialization in environmental offences</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Figure 11. Development areas identified in the interview study.
Less than 30% of the environmental authorities thought that their competence in the assessment of the environmental impact of harmful substances, required for issuing expert statements, was at a good level. Municipal environmental authorities in particular felt that they had shortcomings in this area. In addition, the environmental authorities expressed a distinct concern over their lack of resources and the availability of sufficient expertise. Inadequate knowledge of criminal law and a lack of a common vocabulary were also seen as problematic. The replies indicate a great need for expert support in chemical knowledge, which the respondents felt they were lacking at the moment. The roles of SYKE and TUKES in the monitoring of the environmental impact of harmful substances were considered ambiguous. In addition to expert support, the majority of environmental authorities (60%) and pre-trial investigation authorities (73%) expressed a need for further training.

More than half of the pre-trial investigation authorities considered their competence in the area to be at a poor level. It is clear that police officers and prosecutors are not required to possess an in-depth understanding of the environmental effects of the harmful substances contained by chemicals. However, they should be able to ask for the necessary information from the relevant environmental authorities to support their conclusions in the criminal process.

The objective of improving the cooperation between authorities, set in Finland’s national strategy for combating environmental crime completed in 2015, was partly reflected in the results of the study. As a rule, the pre-trial investigation authorities and prosecutors were satisfied with the investigation requests and statements made by the environmental authorities and with their mutual cooperation. The replies nevertheless indicated variation in the content and quality of the expert statements. Indeed, the environmental authorities and pre-trial investigation authorities both expressed a wish for more accurate information from the other, pointing to ambiguities (what and how) in the drawing up of expert statements.

Substances harmful to the environment do not occur solely in chemicals, but can also be involved in waste processing and the dumping of contaminated soil. Even though the experts taking part in the study felt that cases related to detrimental discharges of chemicals and materials to constitute a relatively minor part of environmental offences committed in Finland, they were still in favour of investments in training and expertise. Increased training could also facilitate a better understanding of the role of harmful substances in various types of environmental offences.

The results of the project clearly indicate that additional training and the availability of reliable instructions and operating models would improve the environmental offence investigation process with regard to harmful substances. Guidelines and training would be required on, for example,

- searching for and interpreting information on chemicals and identifying reliable sources of information;
- drawing up and interpreting expert statements;
- identifying, evaluating and interpreting abstract hazards; and
- the appropriate threshold for filing requests for investigation.

The breakage of tanker cars and discharge of the gasoline additive methyl tert-butyl ether (MTBE) into the environment in Mäntyharju in April is a good example of a chemical discharge requiring a high level of chemicals knowledge and the ability to identify the abstract hazard caused by the chemical from the authorities. The Safety Investigation Authority’s report on the case noted several deficiencies in the activities of the authorities. The dangers of the chemical were not fully grasped, which caused an occupational safety hazard due its highly flammable nature. In addition, the substance was not immediately prevented from draining into the surrounding environment, even though it causes a serious hazard to human health and the environment.

Even though every environmental offence is unique, there are always certain common features. For this reason, it would be useful to compile prior experience of the stages and challenges of environmental offence investigation into various decision-making and operating models to avoid problems and save resources in the future.

The results show that the roles and responsibilities of the various authorities and experts in the handling of environmental offences involving harmful substances require further clarification. A major chemical accident will cause serious damage to human health and the environment, for which the responsibilities of the authorities have been
defined and operating models drawn up. Based on the results of this survey, it could be useful for the authorities to discuss whether these major accident procedures could also be applied to smaller scale chemical offence processes where appropriate. In their expert statements, the environmental authorities should describe the environmental accident and the damage caused by it in a manner that provides all relevant information required by the police, prosecutor and judge, regardless of the assignment given to them. It could also be beneficial to centralise the investigation of environmental offences with certain investigators and units in order to ensure the availability of sufficient environmental expertise and save resources.

The study is presented in more detail in the thesis of Salla Finnilä, available from the Aalto University website (https://aaltodoc.aalto.fi/).

10. CONCLUSIONS

In its history of operations, the Finnish Environmental Crime Monitoring Group has published 19 reports in Finnish and English. The report delivered to Interpol has also been used as Interpol’s model report for high-quality cooperation between authorities. Each year, the reports have presented suggestions and future trends. In late 2014, the cooperation group instituted by the Ministry of the Environment and Ministry of the Interior promoted the implementation of these suggestions by drawing up a strategy and action plans for combating environmental crime.

The number of offences related to impairment of the environment is increasing. Even in the present situation, climate change can be expected to affect Finnish nature, animals and populations negatively. It is expected that, to control climate change, new stricter policies will be introduced that will increase technical and tactical costs created by reducing emissions and waste management. Thus, environmental crimes where the perpetrator evades proper emission and waste management to minimize environmental protection costs will become more beneficial to the perpetrator. The proceeds of illegal waste trafficking are already estimated to be in the same category as those obtained from smuggling narcotics. The Finnish Environmental Crime Monitoring Group regards the implementation of a national environmental crime strategy and action plan as key objectives.

Major financial and other illegal benefits can be gained from environmental crime. To prevent such crime being profitable to the perpetrator, special attention should be paid to tracking and confiscating the proceeds during the pre-trial investigation of environmental crimes. Cooperation between authorities is emphasised in the tracing and confiscation of the proceeds of crime. The evaluation of the proceeds of crime is not always straightforward at the time a request for investigation is made. The proceeds or a part thereof may remain unclaimed if the author of the request for investigation is unable to present and underscore them in a sufficient manner. If the proceeds of crime were not evaluated to a sufficient degree of accuracy at the time of making the investigation request, the request can always be supplemented later in this regard and more detailed information delivered to the pre-trial investigation authority.

Good results have been obtained from the control of waste shipments; on this basis, the Finnish Environmental Crime Monitoring Group recommends that each regional cooperation team plan and arrange annual, theme-based control periods on waste shipments in their areas. This will have an impact on both specific and preventative crime-fighting efforts. The identification of illegal waste shipments in traffic control could be enhanced by requiring all waste shipments to be marked with labels similar to the ADR symbols required for dangerous goods transport. The availability of registered waste driver data and transboundary waste shipment documents in electronic form to traffic control officers in the field would improve the possibility of identifying waste traffickers and reduce the use of false or falsified documents. The GPS tracking of waste shipments would deter the delivery of waste to other parties than the registered recipient.
Environmental values are given priority in the assessment of the severity of environmental offences, and they are the primary objects of protection with regard to environmental offences. But environmental values are difficult to measure. The expenses incurred from repairing environmental damage caused by an offence and the amount of possible restoration costs could be given more weight in the assessment of the severity of environmental offences and the significance of environmental values. The restoration costs of even relatively minor environmental offences can be quite high. If this is not taken into consideration, it will distort the comparison between different types of crime and lead to a less severe legal practice deviating from the principle of proportionality in comparison to other crimes.

The Monitoring Group has been apprised of the need of judges for training in the investigation of environmental offences. Training needs have become evident in, for example, the types of technology available for obtaining evidence during the investigation of environmental offences and what can be investigated in the first place. The Ministry of Justice has been informed of these training needs. The roles and responsibilities of the various authorities and experts in the handling of environmental offences involving harmful substances could use clarification and training.

The Finnish Environmental Crime Monitoring Group seeks to maintain an up-to-date picture of environmental crime in Finland and issue recommendations for combating environmental crime. One significant method of preventing environmental crime is the communication of sentences given in environmental cases to the public. The other method is to increase the risk of being caught. In the opinion of the Monitoring Group, efficient ways of increasing the risk of detection for environmental offences would be the increase and proper allocation of resources, providing training to the authorities and maintaining cooperation networks between the authorities.