

Agreement between Finland and Sweden Concerning Transboundary Rivers



MINISTRY OF AGRICULTURE AND FORESTRY

2013

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Introduction

The Agreement between Finland and Sweden Concerning Transboundary Rivers entered into force on 1 October 2010, replacing the Agreement between the two countries concluded in 1971. The purpose of the Agreement is to promote cross-border cooperation in water and fisheries issues and ensure equal opportunities for the two countries to use transboundary rivers for the benefit of the frontier region. Besides this, the Agreement contributes to the efforts to prevent flood and environmental damages.

The Transboundary River Agreement creates the conditions for the implementation of the Water Framework Directive and Floods Directive of the European Union in the River Tornionjoki-River Muonionjoki river basin in the frontier region between Finland and Sweden. By the agreement, an international river basin district of Finland and Sweden has been established for this river basin. The Agreement also sets up the Finnish-Swedish Transboundary River Commission as a cooperation body between the two states, which sees to water management and protection, flood risk management and other tasks specified in the Agreement. The Commission works together with the municipalities, business entrepreneurs, public authorities and other actors in the regions covered.

The provisions of the legislation applicable to water resources projects in the River Tornionjoki area and competent authorities are laid down in the national legislation of each country. However, the Agreement provides the residents of the region with extensive rights to participate in the management of water permit issues on the other side of the border as well.

The Fishing Rule for the River Tornionjoki Fishing District, as an integral part of the Agreement, lays down provisions concerning the protected districts, fishing seasons and closed seasons, minimum sizes, and fishing gear and their use. The public authorities specified by the Finnish and Swedish Governments discuss any derogations from the Fishing Rule which may be needed on an annual basis. Such derogations are to be assessed on the basis of changes in the fish populations and they may concern, for example, allowable fishing seasons.

This publication contains the English language version of the Agreement between Finland and Sweden Concerning Transboundary Rivers. Finland has long traditions as one of the most active players in the field of international water law, both in the UN context and in relations with the neighbouring countries. The Ministry of Agriculture and Forestry hopes to bring the Agreement to the attention of a wider audience as an example of cooperation in transboundary watercourses and, more broadly, of development in international water law.

Ministry of Agriculture and Forestry

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Agreement between Finland and Sweden Concerning Transboundary Rivers

The Republic of Finland and Kingdom of Sweden, hereinafter referred to as the Parties to the Agreement (Parties), which with a view to replacing the Agreement between Finland and Sweden Concerning Frontier Rivers of 1971 by a new agreement, taking into account the Frontier Regulation Treaty of 1810, taking into account the principles of international water law, taking into account the Convention on the Protection and Use of Transboundary Watercourses and International Lakes of 1992 and Protocol on Water and Health thereof and the Convention on the Protection of the Marine Environment of the Baltic Sea Area of 1992, taking into account Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy and other relevant European Communities legislation, and taking into account Article 66 of the United Nations Convention on the Law of the Sea of 1982 and the Convention on Biological Diversity of 1992, have concluded the following agreement:

General provisions

Article 1

Geographical area of application

1. The Agreement is applicable in the water areas of the following watercourses, including lakes:
 - a) the Rivers Kōnkämäeno and Muonionjoki and the part of the River Tornionjoki and lakes in which the national frontier between Finland and Sweden runs (transboundary rivers):
 - b) watercourses which are tributaries of the transboundary rivers or flow into the transboundary rivers; and
 - c) branches of the mouth of the River Tornionjoki.
2. The Agreement is applicable in the following coastal water areas (coastal waters):
 - a) in the coastal waters of Sweden, the part of the Bothnian Bay whose boundary follows the line which is drawn from the mainland from the southern tip of the headland of Patokari east of Skomakaren and through the northern tip of Stora Hepokari parallel with the national frontier to the south one nautical mile from the baseline and which continues to the east as far as the national frontier; and
 - b) in the coastal waters of Finland, the part of the Bothnian Bay whose boundary follows the meridian 25°20.2' longitude to the municipal boundary between Tornio and Kemi and continues along the municipal boundary to the south-west as far as the national frontier, except for the Iso-Huituri island.
3. The areas listed in paragraphs 1 and 2 of this Article constitute the Finnish-Swedish water management area (water management area). The location of the water management area is shown in broad outline in the annexed map.
- 4 The special area of application specified in Article 23 applies to fishing.

Article 2

Purpose

1. The purpose of the Agreement is to
 - a) secure equal opportunities for both Parties to use the transboundary rivers in the water management area in a way that promotes the interests of the frontier region;
 - b) prevent flood and environmental damages;
 - c) reconcile the programmes, plans and measures in the water management area which are necessary for reaching the objectives set for the status and sustainable use of waters, taking into account the international obligations binding on the Parties and Community law; and
 - d) also in other respects promote collaboration between the Parties in water and fisheries issues.
2. Special attention shall be paid to
 - a) reaching the objective set for the status of shared surface waters and groundwater;
 - b) nature conservation, protection of cultural values and environmental protection;
 - c) sustainable use of water resources; and
 - d) conservation and sustainable exploitation of fish stocks.
3. A cooperation body between the two states shall be established to create the conditions for the collaboration necessary for implementing the purpose of the Agreement.

Article 3

Right to the water and water area of the transboundary rivers

1. Each of the Parties has an equal right to the water in the transboundary rivers and their tributaries also in a case where a larger share of the water flows within the territory of one Party than in the territory of the other Party. This does not alter the right to water which a private party may hold by virtue of a court decision, possession since time immemorial or other specific legal grounds.
2. The owner of land on the transboundary river shore or holder of the right to use such land is entitled, independent of the national frontier, to use the water area off the shore for a small construction such as a jetty or boathouse.
3. Anyone has the right to use water and ice in the transboundary rivers for household need or other similar purpose.
4. Anyone has the right to access the transboundary rivers and travel freely in them.
5. In uses referred to in paragraphs 2–4 above due consideration shall be given to national judicial systems, and they may not cause notable harm to private or public interest. The use may not interfere with fishing.

Cooperation

Article 4

Joint programmes and plans

The authorities of the Parties cooperate with each other with the aim to preparing joint programmes and plans for implementing the purpose of the Agreement specified in Article 2(1).

Article 5

Objectives for the status of aquatic environment in the transboundary waters

The national objectives to be set for the status of aquatic environment in transboundary waters shall, as far as possible, be coordinated between the Parties.

Article 6

Preventing flood damages

Representatives of public authorities involved in flood prevention may cross the national frontier to assist the authorities of the other Party when it is necessary to take practical action to prevent an immediate flood risk in the transboundary river. Consent to this from a public authority designated by the other Party shall be obtained in advance.

Article 7

Monitoring of flow relations

The Parties are constantly monitoring the flow relations at the point where the River Tärennönjoki branches from the River Tornionjoki. The monitoring information is reported to the cooperation body.

Cooperation body between the states

Article 8

Finnish-Swedish Transboundary River Commission

1. Hereby the Parties establish a cooperation body between the states, the Finnish-Swedish Transboundary River Commission (Commission), to manage the functions specified in this Agreement.
2. The Commission shall have the legal capacity necessary for managing its functions in both countries.
3. The standing orders which set down the administrative regulations of the Commission (Standing Orders) are an integral part of the Agreement.

Article 9

Composition

1. Each Party appoints three members to the Commission for a fixed time period, one of them from the government authority responsible for water issues and one from the municipality in the area of application of the Agreement, as well as one or several deputy members for each member.
2. The Commission chairmanship alternates between the Parties each calendar year. The chair is appointed by the Party which holds the chairmanship while the other Party appoints the vice-chair. Both of them must be members to the Commission.
3. Each Party may appoint up to three permanent experts to assist the Commission. The Commission may also use other experts.

Article 10

Functions

1. In accordance with the regulations of this Agreement the Commission shall:
 - a) develop cooperation between the Parties in the water management area;
 - b) promote cooperation between the authorities of the Parties in coordinating and reconciling programmes, plans and measures designed to reach the objectives for the status of the aquatic environment and monitoring the status of waters;
 - c) promote the coordination of planning work by authorities and municipalities of the Parties to prevent flood and environmental damages in the transboundary rivers;
 - d) promote the coordination and reconciliation of work by authorities and municipalities of the Parties relating to nature conservation plans for the transboundary rivers;
 - e) see that the Parties communicate jointly on the programmes and plans referred to in this Article and hold joint hearings; and
 - f) adopt or reject proposals for programmes or plans concerning the water management area.
2. The Commission shall monitor the application of this Agreement and the permit practices as well as draw the attention of the Parties to any needs to amend the Agreement.

Article 11

Competence

1. In matters concerning activities practised in the water management area which fall under the water and environmental legislation and which may have impacts on the status and use of the transboundary rivers or coastal water areas the Commission has the right to:
 - a) give a statement on a permit matter;
 - b) appeal a decision concerning a permit matter; and
 - c) bring a claim for rectifying a violation of a permit decision or rules or regulations issued by law or under it to a public authority for consideration in accordance with the national legislation.
2. The Commission has the right to make motions and give statements in other matters concerning waters in the water management area.
3. The Commission has the right to give a statement before a decision on regulations concerning fishing and a derogation from these is made.

Article 12

Right of access to information

1. The authorities preparing programmes and plans referred to in Article 4 above shall keep the Commission fully informed of the progress of their work at all times.
2. The Commission shall be informed of matters and decisions on which it has the right to give a statement or which it has the right to appeal so that the Commission is able to exercise the competence assigned to it in Article 11.
3. Courts of law and public authorities shall give the Commission, upon request, all the available information necessary for managing its functions.

Article 13

Publicity

1. Anyone has the right to access information in the documents held by the Commission as specified in paragraphs 2 and 3 below.
2. When information is requested from the Commission on a document received from a Finnish or Swedish authority, the decision on access to the document is made by the authority which submitted the document to the Commission in accordance with the legislation applicable to this authority. The Commission shall forward the information on such a request to the relevant authority without delay.
3. The decision on access to other documents held by the Commission, including documents referred to in Article 34(7), is made by the supervision authority referred to in Article 17(1) in the country where the Commission office is located in accordance with the legislation of the country in question. For making the decision, the Commission shall deliver the request and the document concerned to the supervision authority without delay.

Article 14

Costs

The costs arising from the activity of the Commission are divided equally between the Parties so that each Party is responsible for half of the costs. Further provisions on this are issued in the Standing Orders.

Transboundary impacts

Article 15

Relationship of the Agreement to the Nordic Environmental Protection Convention

1. For an activity or measure in the water management area which may have transboundary impacts on the status or use of waters the regulations in Articles 16–21 of this Agreement apply instead of the Nordic Environmental Protection Convention concluded by Norway, Sweden, Finland and Denmark on 19 February 1974.
2. In matters referred to in paragraph 1 above the transboundary impacts other than those concerning the status or use of waters shall also be addressed by the same procedure.

Article 16

Equal treatment

1. When a court of law or public authority of the other country decides on a matter concerning a permit or allowable activity or measure in a matter referred to in Article 15, the impacts which the activity or measure has or may have in the territory of the other Party shall be taken into account in the same way as the impacts in one's own country.
2. Anyone that is or may be affected by an activity or measure referred to in Article 15 practised or to be practised in the territory of the other Party shall be recognised to hold the same rights in a court of law or a public authority as those held by a stakeholder in the country where the activity or measure takes place.
3. The regulations in paragraph 2 shall also apply to claims for compensating for damages made due to the activity or measure.
4. Stakeholders other than those referred to in paragraph 2 that by virtue of the legislation of either country have the right to speak or give an opinion in a matter referred to in Article 15 shall have a similar right in the other country in accordance with the provisions in force in that country relating to corresponding actors.

Article 17

Management of the public interest

1. Each Party shall designate a supervision authority which shall manage the public interest in matters relating to an activity or measure referred to in Article 15 in the court of law or public authority of the other Party which grants the permits.
2. In order to take the public interest into account the supervision authority has the right to demand further information, be heard, speak or appeal in a court of law or public authority of the other Party, if an authority or other representative of general environmental interest in the other country may be heard, speak or appeal in a similar matter.
3. If the supervision authority informs the court of law or public authority of the other Party that the responsibility for the functions of the supervision authority in a certain matter rests with another authority, the regulations of the Agreement also apply to this authority, as appropriate.
4. Each supervision authority is responsible for the costs arising to it from the application of the Agreement.

Article 18

Communicating on permit matters

1. When a matter referred to in Article 16(1) is brought before a court of law or public authority, the public authority or court of law shall notify the supervision authority of the other Party of this. This supervision authority shall see to the announcement and service of a permit application in its own country. The announcement and service of notice shall be effected in the same way and to the same extent as in the case of a similar application in the supervision authority's own country.
2. The regulations in paragraph 1 also apply to giving notice of judgements and decisions.

Article 19

Inspection

If when processing a matter referred to in Article 16(1) it is necessary to perform an inspection within the territory of the other Party to assess transboundary impacts, a public authority or court of law may perform the inspection with the consent of the supervision authority of the other Party and in collaboration with this. The supervision authority or an expert designated by it may be present in the inspection.

Article 20

Watercourse projects with significant impacts

In the area of application under Article 1(1) of the Agreement no permit may be granted, without negotiations between the Parties held in advance, for the construction of a hydropower plant, regulation of waters or transfer of water from the watercourse in a way that the project may have significant impacts on the water conditions in the transboundary river. In these negotiations efforts shall be made to reach an outcome that is in line with the purpose of the Agreement.

Article 21

Reconciliation of permit procedures

1. When permit is applied for concerning an activity or measure in the transboundary river which requires a permit from a court of law or public authority of each Party, the relevant courts of law or public authorities shall endeavour to process the permit applications simultaneously. The court of law or public authority shall provide the court of law or public authority of the other Party with information on processing the matter.
2. The court of law or public authority shall notify the court of law or public authority of the other Party of a judgement or decision it has issued on a matter referred to in paragraph 1.
3. The court of law or public authority may not regulate that a permit concerning an activity or a measure referred to in paragraph 1 may be enforced before the judgement or decision has become legally valid in the permit procedure of the other country.

Article 22

Language of application matters

The court of law or public authority processing a permit matter referred to in Articles 16 and 21 above shall see that during the proceedings adequate information in the Finnish and Swedish language is provided to the parties referred to in Article 16. The relevant court of law or public authority shall see that general descriptions of the permit applications and judgement or permit decision are available in the Finnish and Swedish language. It shall also see that the application documents are, in respects considered necessary, available in the Finnish and Swedish language.

Fishing regulations

Article 23

Geographical area of application

This section lays down the basic rules for the regulation of fishing in the following water areas (the River Tornionjoki fishing district):

a) the Rivers Könkämäeno and Muonionjoki and the part of the River Tornionjoki and lakes in which the national frontier between Finland and Sweden runs (transboundary rivers):

b) watercourses which are tributaries of the transboundary rivers, but not watercourses which flow into the transboundary rivers; and

c) branches of the mouth of the River Tornionjoki, and

d) the part of the Bothnian Bay which is located on the northern side and within the line which is drawn from the Port of Haparanda to the north-easternmost point of Skomakaren, easternmost point of Ylikari, northernmost point of Sarvenkataja and from there directly to the east to the national frontier and from there to the south along the national frontier to the municipal boundary between Tornio and Kemi and further to the north-east along the municipal boundary to the mainland.

Article 24

Fish passage

1. Each branch of a river where fish moves must have a fish passage at the deepest point in the water. The width of the fish passage must be a third of the width of the water during the usual low water period. A fish passage in a watercourse flowing into the river in accordance with the legislation of the relevant country shall continue at the same width all the way to the fish passage in the river.

2. A fishing gear or other device may not be placed or used so that the movement of fish in the fish passage may be prevented or fish cannot access the passage or move in it. When fishing in a fish passage using a specific type of drift net ("kulkuverkko" or "kulle" in Finnish) at least half of the width of the passage shall be open. If a certain party has a specific right to close a fish passage for fishing, this right shall remain.

Article 25

Further provisions

1. The fishing rule for fishing in the River Tornionjoki fishing district (Fishing Rule) is an integral part of the Agreement.

2. As regards the tributary watercourses of the River Tornionjoki fishing district the Parties are committed to issuing the necessary regulations and take the necessary action to enhance the fish stocks.

Article 26

Authorisation

The Fishing Rule states the authorities competent in the Fishing District and the extent to which they may issue further regulations concerning fishing and grant derogations from regulations included in the Fishing Rule. Before making a decision the Commission shall be given the opportunity to give a statement on the matter.

Article 27

Research and statistics on fish stocks

1. The Parties conduct research and monitoring of fish stocks in collaboration with each other.
2. The Parties compile joint fishing statistics on an annual basis. The data on the shares in the catch and quantities caught needed for this purpose are collected for each fishing season.
3. The competent authorities of the Parties follow common procedures in compiling the data.

Article 28

Measures to protect fish stocks from diseases, etc.

1. The Parties are committed to take the necessary action to protect fish stocks from serious fish diseases and prevent stockings with alien fish species and fish stocks.
2. The Parties are both obliged to immediately notify each other of suspicion or detection of serious infectious fish diseases.

Article 29

Non-compliance with the fishing regulations

The provisions in force in each country concerning a penalty, seizure, forfeiture, specific legal consequence and other sanction shall apply to non-compliance with the Agreement and the Fishing Rule and regulations issued under it in the same way as to the violation of the law in the country where the violation took place.

Final provisions

Article 30

Settlement of disputes

1. A dispute between the Parties on the interpretation or application of the Agreement shall be settled by negotiating or other manner agreed by the Parties.
2. The negotiations shall be launched within three months from the date when one of the Parties presents a request for negotiations to the other Party through diplomatic channels.

Article 31

Follow-up and amendments

1. The Parties convene as necessary for following the application of the Agreement. A meeting shall be organised no later than within three months from the date of the demand presented by the other Party.
2. This Agreement and annexes to it may be amended by an agreement between the Parties. The amendments enter into force in a way specified in Article 35.

Article 32

Denunciation

1. Each Party may denounce the Agreement by a written notice addressed to the other Party. The denunciation enters into force twelve months from the receipt of such notice.
2. If this Agreement is denounced, the Parties shall ensure that they are in other respects able to fulfil their international obligations.

Article 33

Agreements to be repealed

1. The following agreements expire upon the entry into force of this Agreement:
 - a) Agreement between the Republic of Finland and Kingdom of Sweden on Log Floating in the Frontier Rivers of Tornio and Muonio of 17 February 1949;
 - b) Frontier Rivers Agreement between Finland and Sweden of 16 September 1971 (Agreement of 1971); and
 - c) Agreement between Finland and Sweden of 3 October 2003 Establishing of a Common Water Management Area

Article 34

Transitional provisions

1. The matters pending at the Finnish-Swedish Frontier Rivers Commission of 1971 upon the entry into force of this Agreement shall be transferred to be processed by the competent national courts of law and permit authorities.
2. In a matter where the provisions of Chapter 8, Article 4 of the Agreement of 1971 apply upon the entry into force of this Agreement the substantive provisions of the Agreement of 1971 shall apply. In other respects the national provisions shall apply.
3. Permits issued by virtue of the Agreement of 1971 remain in force as if they had been issued by virtue of the relevant national legislation. National provisions shall apply to revising and amending these and the supervision of compliance with them.
4.
 - a) Anyone who violates the regulations of a permit issued by virtue of the Agreement of 1971 before the entry into force of this Agreement shall be sentenced to a punishment in accordance with the legislation in force at the time when the act was committed.

b) Anyone who violates the regulations of a permit issued by virtue of the Agreement of 1971 after the entry into force of this Agreement shall be sentenced to punishment in accordance with the legislation in force.

5. Upon entry into force of this Agreement the funds accumulated from sales of fishing cards in accordance with the decision of the Finnish-Swedish Frontier Rivers Commission of 1971 shall be transferred to the Centre for Economic Development, Transport and the Environment of Lapland in Finland and the Swedish Board of Fisheries (Fiskeriverket)¹.

6. Other funds of the Finnish-Swedish Frontier Rivers Commission of 1971, deducted by any debts, are transferred to the Commission upon the entry into force of this Agreement. Fees ordered to be paid to the Finnish-Swedish Frontier Rivers Commission of 1971 in the permit decisions in force shall be paid to the Commission after the entry into force of this Agreement.

7. Documents in the possession of the Finnish-Swedish Frontier Rivers Commission of 1971 shall be transferred to the Commission.

8. Allowable nets in use upon the entry into force of the Agreement which do not fulfil the requirements of section 8(1) of the Fishing Rule regarding the structure of the gear may be used for three years from the entry into force of the Agreement.

Article 35

Entry into force

This Agreement enters into force 30 days from the date when the Parties notify each other through diplomatic channels of the fulfilment of the constitutional requirements set for the entry into force.

In witness thereof both plenipotentiaries have signed this Agreement in two copies in the Finnish and Swedish languages, both texts being equally authentic.

Done at Stockholm, 11 November 2009.

On behalf of the Republic of Finland: On behalf of the Kingdom of Sweden:

Alec Aalto

Åsa-Britt Karlsson

¹ From 2011 the Swedish Agency for Marine and Water Management (Havs- och vattenmyndigheten)

Standing Orders of the Finnish-Swedish Transboundary River Commission

Section 1

Office

The Finnish-Swedish Transboundary River Commission has a seat and office in a location in the frontier region designated by the Parties. The Commission has a postal address in both countries.

The office manages the archives and records of the Commission.

Section 2

Staff

The Commission has a secretary. The person to be appointed as the secretary shall have the Master's degree and master both the Finnish and Swedish language. Where necessary, one or several assisting secretaries may be appointed.

In addition, the Commission may engage other staff.

The decision on hiring the secretary, assisting secretary and other staff is made by the Commission.

The law of the country where the seat and office of the Commission is located applies to the contractual employment relationship.

Section 3

Decision-making

The Commission has a quorum when all six members are present. If the members are not unanimous as to the decision, the decision shall be voted on. In voting the opinion supported by at least four members, at least two from each state, becomes the decision.

If the Commission cannot adopt or reject a joint programme or plan referred to in point f of Article 10(1) within the time limit, it shall notify the relevant authorities of the situation and of the causes which led to it.

Section 4

Tasks of the chair, members and experts

The chair shall direct the work of the Commission.

The other members and experts of the Commission attend the Commission meetings upon invitation by the chair as well as, where necessary, assist in the preparation of matters in their own area of expertise through specific surveys or studies.

When a member is prevented from attending a meeting the deputy member shall see to his or her tasks upon invitation by the chair.

Section 5

Tasks of the secretary

The secretary assists in the preparation of matters in accordance with the chair's guidance, keeps the minutes and records of the Commission and sees to sending out the invitations and other documents as well as the management of finances.

Section 6

Remuneration and conditions of employment

The fees, travel expenses and per diem allowances are paid by the Commission. The Parties shall cooperate in deciding on the grounds for the fees.

The travel expenses and per diem allowances are reimbursed in accordance with the travel regulations of the experts' home country.

The Commission determines the premiums or salaries of the secretary, assisting secretary and other staff and pays them.

The provisions of the law in the location of the seat and office of the Commission apply to the other conditions of employment, as appropriate.

Section 7

Budget and audit

The Commission shall prepare its proposal for the budget for the following calendar year and submit it to the Parties no later than 1 March. The Parties negotiate with each other on the budget proposal.

The Parties allocate the funds for use by the Commission annually no later than 15 January.

The Parties decide on the audit jointly. The audit and annual report shall be prepared annually no later than 1 February.

Section 8

Office hours and appointment policy

The office shall be open to public. The Commission decides on the office hours.

The chair, secretary or assisting secretary shall be available for appointment at the office at a specific time at least once a week, unless prevented by a valid reason.

The Commission shall communicate on the office hours.

Section 9

Language of the documents

The documents to be submitted to the Commission shall be drafted in a language which a private party has the right to use at a public authority. If translating the document is necessary, the Commission sees to this.

The minutes of the Commission are drafted in Finnish and Swedish, as considered necessary.

Section 10

Rules of procedure

The Commission ratifies the rules of procedure for itself.

Fishing Rule for the River Tornionjoki Fishing District

General provisions

Section 1

Purpose

This Fishing Rule is an integral part of the Agreement between Finland and Sweden Concerning Transboundary Rivers.

Fishing is allowed if it is to be considered reasonable in terms of the conservation and sustainable exploitation of the fish stocks of the River Tornionjoki fishing district in both Finland and Sweden. The objective is to create a reasonable and fair balance from the perspective of the fish stock and exploitation between the fisheries interests in the area of application as a whole, with due account for reasonable utilisation of the transboundary rivers in a way that serves the interest of the whole frontier region.

The regulations of the Fishing Rule and decisions issued under this Rule may not lead to application of the Fishing Rule which is in conflict with its purpose or in other respects with the international obligations of Finland and Sweden and, in particular, with the common fisheries policy of the European Union.

Section 2

Area of application

The regulations of the Fishing Rule apply in the following water areas specified in Article 23 of the Transboundary River Agreement (the River Tornionjoki fishing district):

- a) the Rivers Könkämäeno and Muonionjoki and the part of the River Tornionjoki and lakes in which the national frontier between Finland and Sweden runs (transboundary rivers);
- b) watercourses which are tributaries of the transboundary rivers, but not watercourses which flow into the transboundary rivers;
- c) branches of the mouth of the River Tornionjoki; and
- d) the part of the Bothnian Bay which is located on the northern side of and within the line which is drawn from the Port of Haparanda to the north-easternmost point of Skomakaren, easternmost point of Ylikari, northernmost point of Sarvenkataja and from there directly to the east to the national frontier and from there to the south along the national frontier to the municipal boundary between Tornio and Kemi and further to the north-east along the municipal boundary to the mainland. The coordinates of these points which delimit the fishing district are given in Annex 1.

In this Fishing Rule the river area means the part of the River Tornionjoki fishing district which is located to the north of the river mouth, defined as a straight line drawn from the tip

of the northern headland of Hellälä on the Finnish side to the tip of the headland of Virtakari on the Swedish side, as well as on the northern side as a straight line drawn through Uksei (Oxö) and southern tip of Palosaari. The sea area means the area of the fishing district which is located to the south of these lines.

Section 3

Protected districts

In addition to the fish passage provided by law, there are closed districts in the sea area in the water area of both states. These are composed of water areas which extend 200 metres to both sides of the lines whose coordinates are given in Annex 1.

Fishing gear or other device may not be placed or used so that the movement of fish in the protected district may be prevented or fish cannot access the protected district or move in it.

All kinds of fishing with a large bow net, gear equipped with a bottom as well as hook net and other equipment intended for capturing salmon or trout is prohibited in the part of the sea which borders on the river mouth and the line drawn from the southern shore of Salmenlahti through Kraaseli and southern headlands of the Tirro islands across the north-west tip of Sellö to the north-west headland of Pirkkiö.

Section 4

Definitions

In this Rule:

- 1) *fixed gear* means gear equipped with a leading fence such as a salmon bow net or large bow net which is intended for use in the same location for at least two days;
- 2) *a small bow net* means a bow net weighted to the bottom with a diameter of the bow of less than 1.0 metre and which in no part is higher than 1.5 metres;
- 3) *an anchored gill net* means a gill net which is lowered or anchored to the bottom or above the bottom with anchors, weights or with its own weight and which does not drift in water;
- 4) *a drift net* means a net which drifts in the stream;
- 5) *a specific type of drift net "kulleverkko" or "kulle"* means a seine attached to a boat;
- 6) *a lure* means an artificial plug, fly or other lure equipped with hooks which by its movement, colour or shape attracts the fish to bite;
- 7) *rod fishing gear* means a rod, jig rod and similar movable equipment with a line and lure or hook; and
- 8) *natural bait* means live or killed baits and scented products.

Section 5

Fishing management fee

In case where under the national legislation the fishing management fee is payable in the country where fishing is practised, such a fee shall be paid in accordance with that legislation.

Where the fee is to be paid in accordance with subsection 1 when fishing in a boat using a lure, such a fee also applies to the person who rows the boat.

Fishing equipment, fishing seasons and minimum sizes

Section 6

Allowable gear

In salmon and trout fishing the use of only the following gear is allowed:

- 1) fixed gear in the sea area;
- 2) drift net or "kulle" in the river area in fishing grounds in Annex 2;
- 3) rod and lure; and
- 4) scoop net "lippo" in fishing grounds in Annex 2.

In the fishing of species other than salmon and trout the use of only the following gear and fishing methods is allowed:

- 1) fixed gear in the sea area;
- 2) drift net or "kulle" in the river area in fishing grounds in Annex 2;
- 3) anchored gill nets in the sea area and slowly flowing and quiet waters and lakes in the river area;
- 4) burbot and pike hook and burbot bow net;
- 5) seine in the sea area;
- 6) scoop net "lippo" in fishing grounds in Annex 2;
- 7) crayfish trap "merta" and small bow net as well as fish trap "katiska";
- 8) rod and lure as well as jig; and
- 9) angling with natural bait except in rapids and streaming waters.

When fishing with rod fishing equipment no more than three lures per piece of equipment may be used. When fishing with rod fishing equipment they must be within the fisher's reach at all times.

In fishing grounds where a "kulle", drift net and scoop net "lippo" may be used in accordance with Annex 2, the clearing of the fishing grounds for fishing is allowed to the extent required for fishing.

In clearing under subsection 4 above no equipment for capturing fish may be used if the intention is to capture fish with these during the clearing.

A person who intends to clear fishing grounds under subsection 4 shall notify in Finland the Centre for Economic Development, Transport and the Environment for Lapland and in Sweden the local police of this no later than seven working days before starting this.

Section 7

Prohibited gear and fishing methods

Gear other than that listed in section 6 is prohibited. In addition, the following applies to the fishing of all species.

Fishing with a board with lines and lures for catching grayling (grayling trap) or a similar fishing method is prohibited.

Use of firearms, poisonous or stupefying substances or electric current in fishing is prohibited.

Fishing by means of rod fishing gear and hooks other than burbot or salmon hook whose intention is to stick to the fish on the outside or there is an evident risk of this is prohibited. A fish caught in a hook from outside the mouth must be immediately released back to the water.

Fishing with a fish spear or other equipment which pierces the fish from the outside is prohibited. The use of a lifting hook with a handle is, however, allowed to lift a fish caught in another gear.

When fishing with anchored gill nets the use of flow protector, leading fence or other fixed structure is prohibited.

Obstacles intended for scaring fish or preventing their movement may not be placed in or above the water.

Prohibited fishing equipment may not be kept in the boat or otherwise at hand. The same applies to gear which otherwise is allowed during the closed season. Transporting a firearm to be used for hunting is, however, allowed. In the sea area transporting gear allowed under section 6 is also allowed during the closed season. This is subject to the condition that the gear is tied and packed.

Section 8

Structure and placement of the gear

When fishing species other than salmon and trout with a gill net only drift nets and anchored gill nets may be used which are composed of single-line netting without a bag (halter) made of a polyamide monofilament thread which may be no more than 0.20 millimetres thick. At sea, however, thicker thread may be used in a gill net with a mesh size of no more than 40 millimetres.

A drift net may be no more than 120 metres long. A drift net "kulle" may be no more than 200 metres long.

An anchored gill net may be no more than 60 metres long. However, this does not apply to fishing in the sea area between 1 August and 30 April. This also does not apply to fishing in the sea area with anchored gill nets with a mesh size of no more than 40 millimetres. The distance between the anchored gill nets must be at least 60 metres.

The mouth of a river lamprey trap "merta" may be no more than 16 centimetres in any direction.

No metal thread, metal wire or the like may be used in fishing gear, except for a crayfish trap "merta", scoop net "lippo" intended for capturing salmon and trout and fish trap "katiska".

Fishing of species other than salmon and trout with a scoop net "lippo" in the river area is allowed only by using a scoop net "lippo" made of a polyamide monofilament thread which may be no more than 0.40 millimetres thick and netting with a mesh size of at least 80 millimetres.

Section 9

Marking the gear

Gear used for fishing shall be marked so that the marking shows clearly who the owner or user of the gear is and his or her contact information. The marking shall be clearly visible without having to lift the gear from water. No marking is required for rod fishing equipment held in the hand or otherwise within the fisher's reach.

Section 10

Mesh size

In the river area the mesh size of the gear shall be:

- 1) when fishing salmon or trout with a drift net and "kulle" at least 100 millimetres;
- 2) when fishing species other than salmon and trout with a drift net and "kulle" at least 80 millimetres and no more than 100 millimetres;
- 3) when fishing with anchored gill nets at least 80 millimetres and no more than 100 millimetres;
- 4) when fishing with a small bow net no more than 80 millimetres.

In the sea area the mesh size of the gear shall be:

- 1) when fishing with fixed gear no more than 80 millimetres in the fish chamber; and
- 2) when fishing with anchored gill nets no more than 90 millimetres from the beginning of 1 May until the end of 31 July no more than 40 millimetres or at least 90 millimetres at other times.

Section 11

Fishing season and closed seasons

Fishing of salmon and trout is prohibited, unless otherwise specified in this section.

All kinds of fishing in the river area are prohibited from the beginning of 15 September until the end of 15 December except for fishing of river lamprey with a trap "merta".

Fishing of salmon and trout with rod fishing gear is allowed from the beginning of 1 June until the end of 31 August. Such fishing of salmon and trout is, however, prohibited from Sunday 19 o'clock Finnish time (18 o'clock Swedish time) until Monday 19 (18) o'clock.

Fishing of salmon and trout in the river area is allowed in fishing grounds in Annex 2:

- 1) with a scoop net "lippo" in the Midsummer Week from Monday 19 (18) o'clock until Sunday 19 (18) o'clock, and

2) with a drift net and "kulle" in the Midsummer Week from Tuesday until Thursday and in the two weekends following Midsummer from Friday 19 (18) o'clock until the following Sunday 19 (18) o'clock.

Fishing of species other than salmon and trout in the river area is allowed in fishing grounds in Annex 2:

- 1) with a scoop net "lippo" only from Monday of the Midsummer Week 19 (18) o'clock until the end of 14 September, and
- 2) with a drift net and "kulle" only from the beginning of 15 July until the end of 14 September.

In the sea area fishing of species other than salmon and trout with fixed gear is allowed from the beginning of 11 June until the end of 31 October. Fishing of trout with fixed gear is allowed from 17 June 12 o'clock until the end of 31 August. Fishing of salmon with fixed gear is allowed from 17 June 12 o'clock until the end of 15 September.

Each Party may adopt by national regulations later starting days than those specified in section 6 for different categories of fishers but in a way that commercial fishing or other fishing with fixed gear starts no later than 29 June. Such national regulations may also concern restrictions on the gear.

Pile driving and anchoring of fixed gear may be started before fishing is allowed. Setting of leading fences other than those for capturing fish may be started no less than seven days before fishing is allowed.

Section 12

Minimum sizes and release of fish

Capturing and killing a salmon or trout which is less than 50 centimetres long and grayling which is less than 35 centimetres long is prohibited. The length is measured from the tip of the chin to the tip of the tail which is stretched out straight and squeezed together.

Undersized fish shall be immediately lowered back to the water alive or dead.

Full-sized fish shall be lowered back to water alive or dead if it has been:

- 1) captured during the closed season; or
- 2) captured with a prohibited gear or prohibited fishing method; or it is
- 3) an overwintered salmon (kelt).

When fishing species other than salmon and trout with fixed gear before the fishing of salmon and trout is allowed under section 11(6) all fish chambers shall be checked at least on a daily basis and all salmons and trouts caught in them shall be released with care.

Special regulations concerning rod and scoop net fishing

Section 13

Catch quota

When fishing with a rod and lure or scoop net "lippo" it is allowed to capture and take as catch one salmon or trout per fisher per day.

Section 14

Use of a boat in lure fishing

Fishing of salmon and trout with rod fishing gear in an anchored boat may not disturb other fishing.

When fishing in a boat with a lure the use of an engine is prohibited, except for the quiet waters downstream from the bridge between Övertorneå in Sweden and Aavasaksa in Finland. An engine may not be used within less than 200 from rapids. The prohibition in this subsection does not apply to a person with impaired functional ability which makes it difficult to use a boat without an engine.

In individual cases the Centre for Economic Development, Transport and the Environment for Lapland and Swedish Board of Fisheries (Fiskeriverket)² may each separately decide upon application to make derogations from a prohibition referred to in subsection 2 if there is a special reason for this. The authorities shall notify each other of such permits.

Further provisions

Section 15

Authorities

As regards the management of fisheries in the fishing district and granting derogations from the regulations of the Fishing Rule, the authorities referred to in Article 26 of the Transboundary River Agreement are the Finnish Ministry of Agriculture and Forestry or Centre for Economic Development, Transport and the Environment for Lapland and the Swedish Board of Fisheries (Fiskeriverket) or the Provincial Government of the province of Norrbotten or the authorities which substitute for these. Further regulations concerning fishing may be agreed by the Governments of Finland and Sweden or authorities designated by them.

Section 16

Regulations deviating from the Fishing Rule

In accordance with the purpose referred to in section 1 of this Rule and national legislation of each country, the Governments or authorities designated by them may by a joint agreement

² From 2011 the Swedish Agency for Marine and Water Management (Havs- och vattenmyndigheten)

deviate from the regulations of the Fishing Rule concerning fishing seasons, fishing methods, allowable gear, number of gear or other technical rules as well as the fishing grounds in Annex 2 if:

- 1) this is allowed by the status of the fish stocks; or
- 2) this is necessary for ensuring the conservation and sustainable exploitation of the fish stocks.

The regulations may be limited to apply to a certain part of the fishing district or fishing season or an individual fishing method. Regulations may be issued for a fixed period of one fishing season at a time and, where necessary, they may be assessed and amended as considered necessary for preserving the fish stocks in the River Tornionjoki fishing district.

The Governments or authorities designated by them review the allowable dates of starting the fishing on an annual basis in accordance with section 11 and subsection 1 of this section and agree jointly on any adjustments, taking account of the status of the fish stocks in the area. The amendments are recorded to specific, jointly drafted minutes.

Negotiations on amending the regulations shall be launched at a time and conducted in a manner which allows local stakeholders to be heard and conditions to exist for making the decisions on the regulations no later than 1 April of the year when the regulations apply.

Section 17

Fishing licenses

The Centre for Economic Development, Transport and the Environment for Lapland and the Swedish Board of Fisheries (Fiskeriverket) or the party to which the authorities assign the task may hand out fishing licenses where the right to salmon or trout fishing belongs to the state. Such a license may also be required for a rower who actively participates in salmon and trout fishing.

The authorities may agree with the other fishing right holders in the river area on a joint fishing license. A joint fishing license entitles to fish within the area covered by the fishing license independent of the national frontier. The authorities may issue regulations and instructions relating to the sale of fishing licenses and accounts of the sales revenue as well as supervise the sale of licenses by private parties.

Sales revenue produced by fishing licenses in a certain area belongs to the fishing right holders in the area divided in accordance with their shares in the water area. A fishing right based on the fishing right of the state or other special grounds whose value share is defined by an agreement referred to in subsection 2 forms an exception to the above.

Returns from licenses handed out in a certain area are deposited in a joint bank account of Finland and Sweden. After the holders of the fishing right have been given their share, the authorities shall use the remaining share for supervision and research measures in the area.

Section 18

Fishing exhibitions and fishing competitions

By derogation from the regulations of the Fishing Rule, the Centre for Economic Development, Transport and the Environment for Lapland, Swedish Board of Fisheries (Fiskeriverket) and Provincial Government of the province of Norrbotten may in individual cases and after having agreed on the matter grant a permit for fishing in accordance with guidelines agreed by the authorities in fishing exhibitions and fishing competitions. The authority which grants the permit may in the permit conditions allow the demonstration of traditional fishing methods that deviate from the regulations concerning gear in the Fishing Rule in fishing exhibitions. The permit is granted by the authority of the country where the activity takes place. Article 21 of the Transboundary River Agreement shall apply in processing the matter.

Section 19

Fishing for scientific purpose

By derogation from the regulations of the Fishing Rule, the Centre for Economic Development, Transport and the Environment for Lapland, Swedish Board of Fisheries (Fiskeriverket) and Provincial Government of the province of Norrbotten may in individual cases and after having agreed on the matter grant a permit for fishing for scientific purpose in accordance with conditions agreed by the authorities. The permit is granted by the authority of the country where the activity takes place. In addition, a permit from the holder of the fishing right is needed. The authority of the other Party shall be notified of a permit granted for scientific research. Article 21 of the Transboundary River Agreement shall apply in processing the matter.

Section 20

Statement of the Transboundary River Commission

A statement of the Transboundary River Commission referred to in Article 11(3) of the Transboundary River Agreement is not needed in cases where the responsible authority may be considered to have necessary and sufficient competence in the matter.

Section 21

Supervision

Compliance with this Fishing Rule is supervised by the Centre for Economic Development, Transport and Provincial Government of the province of Norrbotten as well as bodies which under the legislation of each country supervise the fisheries. Each Party shall act so that sufficient numbers of fisheries supervisors are appointed and the supervision is sufficient.

In addition, fisheries may be supervised by joint Finnish-Swedish supervision squads. In such supervision the supervisors of the other country have the role of observers.

Where necessary, the relevant law enforcement authorities and fisheries supervisors in Finland and Sweden shall exchange information with each other.

Section 22

Application of general fisheries legislation

Unless specific regulations are laid down by this Rule, the fisheries legislation of each country and provision issued under it apply.

Annex 1. Area of application of the Fishing Rule and protected districts at sea

Delimitation of the area of application at sea

The southern border of the area of application referred to in section 2(d) of the Fishing Rule runs as straight lines through the following points. The points are given as three-digit numbers on the map at the end of the Annex. The coordinates are based on the ETRS89 (WGS84) system.

No	Lat ggmm.ddd	Lon ggmm.ddd	Explanatory note
991	65 46.1562	23 53.8963	Breakwater at the Port of Haparanda
992	65 41.5757	24 00.1305	North-easternmost point of Skomakaren
993	65 39.5405	24 05.0768	Easternmost point of Ylikari
994	65 37.3485	24 08.3960	Northernmost point of Sarvenkataja
100	65 37.3484	24 09.7714	Point where the line to the eastern direction on the Swedish side meets the national frontier
444	65 37.1570	24 09.6966	Point IV on the national frontier
101	65 36.7703	24 09.5888	Point where the boundary of the municipality of Tornio meets the national frontier
189	65 41.1659	24 17.4295	Boundary stone 189 on Iso-Huituri, municipal boundary
437	65 46.0298	24 26.1716	Boundary stone 437 on Rajakari, where the boundaries of the three municipalities meet
222	65 46.7880	24 26.9516	Boundary stone 2 on Koivuluoto

Protected districts

The protected districts referred to in section 3(1) of the Fishing Rule are composed of water areas which extend 200 metres to both sides of the straight lines. The points of the lines are given as two-digit numbers on the map at the end of the Annex. The lines continue outside the area of application subject to the national jurisdictions.

a) From Kraaselikari (Kraaseligrundet) outside the mouth of the river from point 65°47,147' N, 24°07,109' O (no 10) to point 65°45,780' N, 24°06,160' O (no 11), from there to point 65°43,930' N, 24°09,710' O (no 12), from there to point 65°40,480' N, 24°11,660' O (no 13) and from there to point 65°36,773' N, 24°09,594' O (no 19),

b) From point 65°45,930' N, 24°06,264' O (no 20) of the line according to paragraph a to point 65°45,980' N, 24°02,460' O (no 21), from there to point 65°43,930' N, 23°59,210' O (no 22), from there to point 65°41,930' N, 24°01,410' O (no 23) and from here to point 65°41,177' N, 24°01,101' O (no 29),

c) From point 65°43,930' N, 23°59,210' O (no 22) to point 65°43,162' N, 23°57,977' O (no 39),

d) From point 65°44,530' N, 24°00,170' O (no 40) of the line according to paragraph b to point 65°44,492' N, 23°56,166' O (no 49),

e) From point 65°43,930' N, 24°09,710' O (no 12) to point 65°43,880' N, 24°13,860' O (no 52) and from there to point 65°40,726' N, 24°16,642' O (no 59),

f) From point 65°43,880' N, 24°13,860' O (no 52) to point 65°43,730' N, 24°19,110' O (no 62) and from there to point 65°43,018' N, 24°20,749' O (no 69).

The points of the protected districts are given as a table below. The lines of the protected districts outside the area of application have been included as additional information.

No	Lat ggmm.ddd	Lon ggmm.ddd	
Line a)			
10	65 47.147	24 07.109	
11	65 45.780	24 06.160	
12	65 43.930	24 09.710	
13	65 40.480	24 11.660	
19	65 36.773	24 09.594	a end point (= intersection point of the outer limit of the area of application)

1	65 34.930	24 08.570	point showing direction a outside the area of application
Line b)			
20	65 45.930	24 06.264	
21	65 45.980	24 02.460	
22	65 43.930	23 59.210	
23	65 41.930	24 01.410	
29	65 41.177	24 01.101	b end point

24	65 35.930	23 58.960	b point outside the area of application
2	65 34.930	23 59.849	point showing direction b outside the area of application
Line c)			
22	65 43.930	23 59.210	
39	65 43.162	23 57.977	c end point

32	65 38.930	23 51.210	c point outside the area of application
33	65 37.930	23 50.360	c point outside the area of application
3	65 34.930	23 51.552	point showing direction c outside the area of application
Line d)			
40	65 44.530	24 00.167	
49	65 44.492	23 56.166	d end point

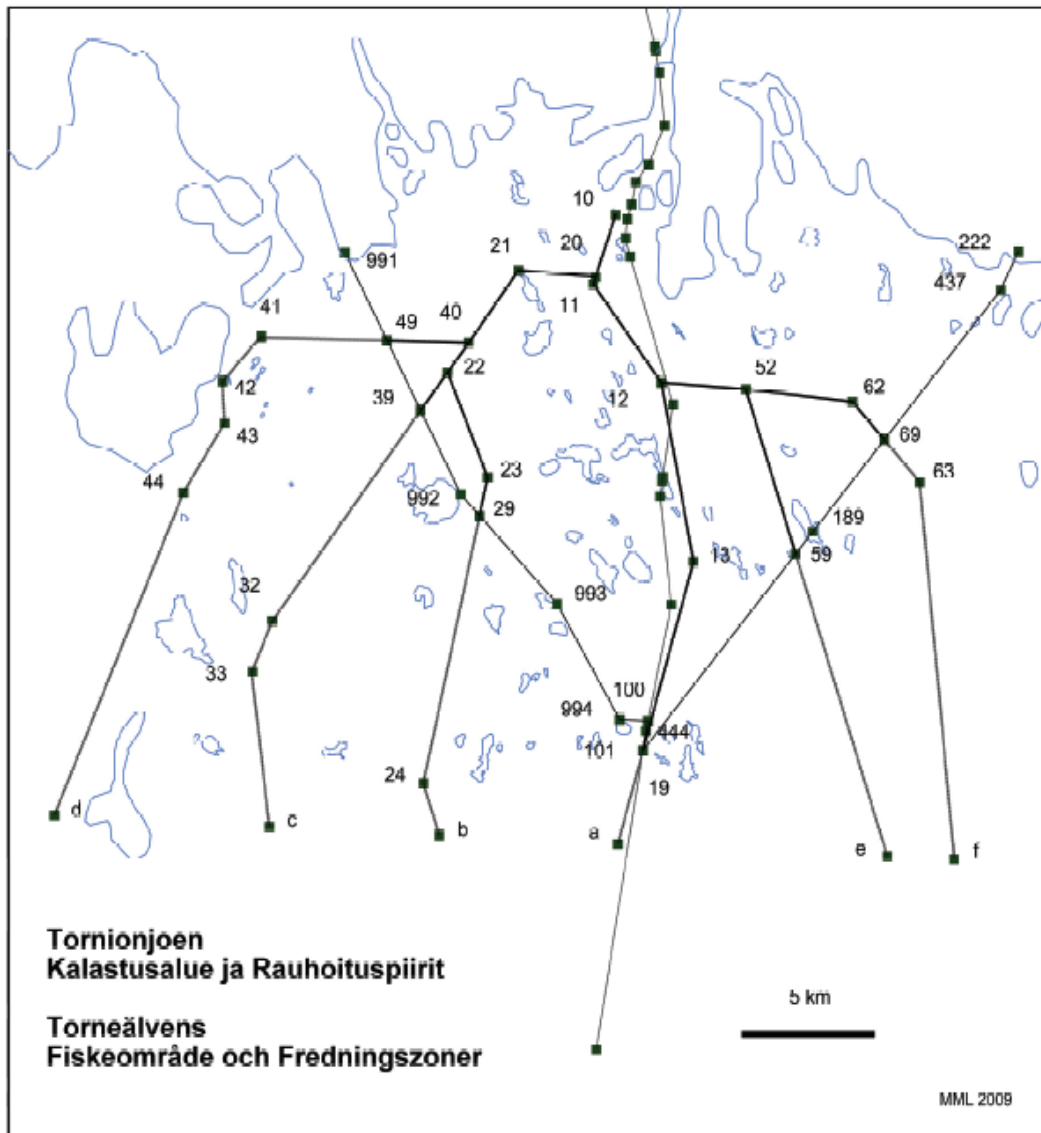
41	65 44.430	23 50.010	d point outside the area of application
42	65 43.530	23 48.210	d point outside the area of application
43	65 42.730	23 48.410	d point outside the area of application
44	65 41.330	23 46.560	d point outside the area of application
4	65 34.929	23 41.055	point showing direction d outside the area of application
Line e)			
12	65 43.930	24 09.710	
52	65 43.880	24 13.860	
59	65 40.726	24 16.642	e end point

5	65 34.931	24 21.721	point showing direction e outside the area of application

Line f)

52	65 43.880	24 13.860	
62	65 43.730	24 19.110	
69	65 43.018	24 20.749	f end point

63	65 42.230	24 22.560	f point outside the area of application
6	65 34.931	24 24.993	point showing direction f outside the area of application



River Tornionjoki fishing district and protected districts

Explanatory note to the map

Southern border of the area of application as three-digit numbers 991, 992, 993, 994, 100, 444, 101, 189, 437, 222.

Points of the national frontier without numbers.

Centre lines of the protected districts as two-digit numbers.

Line a: 10, 11, 12, 13, 19.

Line b: 20, 21, 22, 23, 29.

Line c: 22, 39.

Line d: 40, 49.

Line e: 12, 52, 59.

Line f: 52, 62, 69.

Annex 2. Fishing grounds

Scoop net "lippu"

Vaarankoski	Vojakkala village	Ylivojakkala fishing corporation
Kukkolankoski	Kukkola village	Kukkola fishing corporation Kukkola powan fishing consortium
Matkakoski	Korpikylä	Korpikylä fishing corporation Matkakoski powan fishing consortium
Vuennonkoski	Vitsaniemi village	Pekanpää fishing corporation Vitsaniemi fishing association

Drift net and "kulle"

Mustasaari	Karunki village	Karunki fishing corporation/ Karunki heritage fishermen's cooperative Karunki fishing association
Järviväylä	Karunki village	Karunki fishing corporation/ Karunki heritage fishermen's cooperative Karunki fishing association
Matkakoski	Korpikylä	Korpikylä fishing corporation
Tuoheanlahti	Korpikylä	Korpikylä fishing corporation
Kultaniitty	Pekanpää	Pekanpää fishing corporation Vitsaniemi fishing association
Pukulmi	Kainuunkylä	Kainuunkylä fishing corporation Päkkilä-Hedenäset fishing association
Tulkkila	Armassaari	Armassaari fishing corporation
Laurinhieta	Nuotioranta	Nuotioranta fishing corporation Luppio salmon fishing association
Karjosaari	Alkkula	Alkkula fishing corporation Ruskola fishing association
Vasikkasaari	Närkki-Tengeliö	Närkki-Tengeliö fishing corporation
Hannukkala	Närkki-Tengeliö	Närkki-Tengeliö fishing corporation
Kauvosaari	Kauliranta	Kauliranta fishing corporation
Koulunapaja	Kauliranta	Kauliranta fishing corporation
Juoksenki	Juoksenki village	Juoksenki fishing corporation Niemi-Saloniemi fishing corporation Juoksengi Pia fishing corporation



MAA- JA METSÄTALOUSMINISTERIÖ
JORD- OCH SKOGSBRUKSMINISTERIET