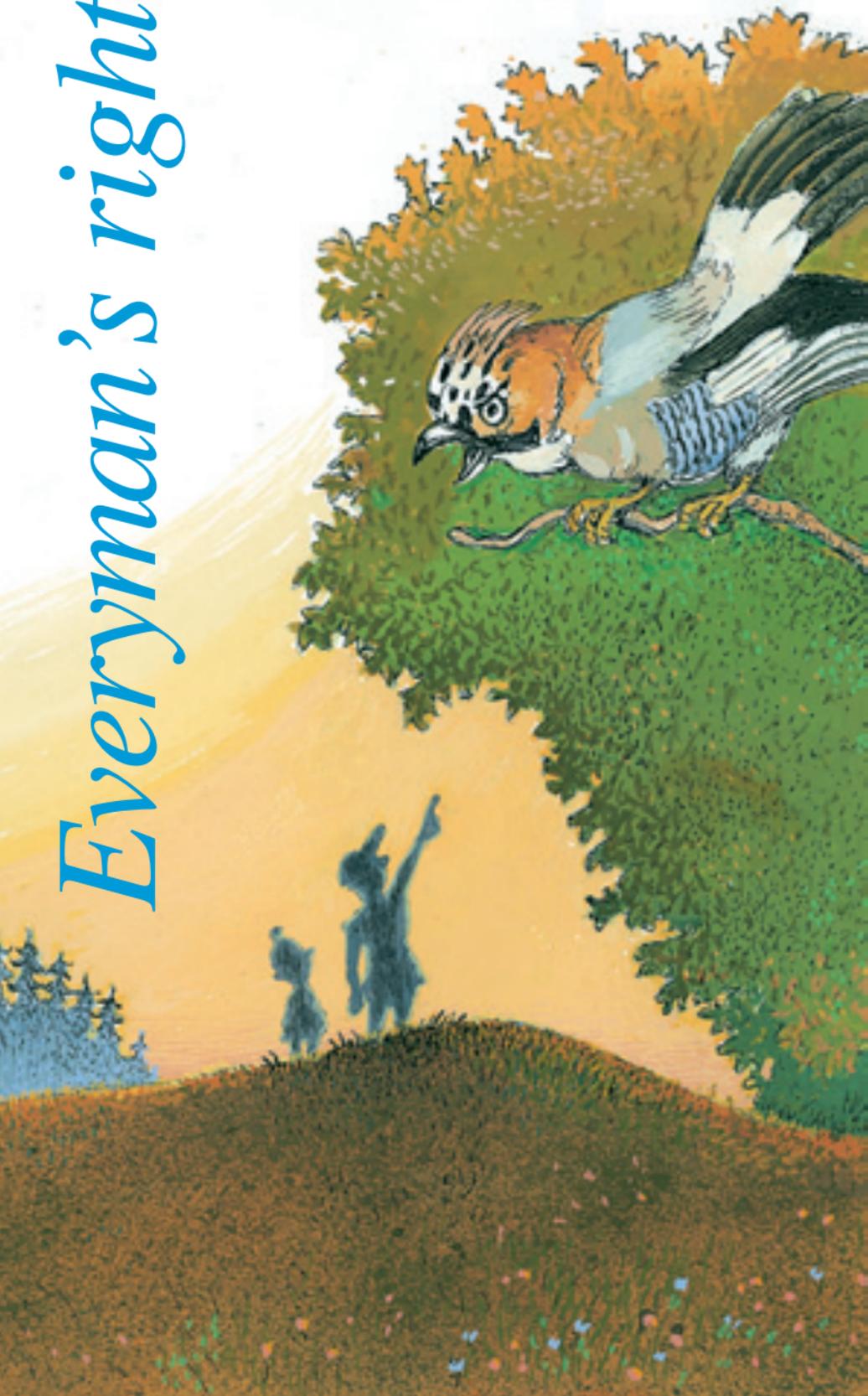


Everyman's right

in Finland



*Public access to the countryside:
rights and responsibilities*



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Introduction



Finland's legal concept of everyman's right gives everyone the chance to enjoy outdoor pursuits, and the freedom of the country's vast forests and fells, and many lakes and rivers, with few restrictions. Public access to private land is much wider in Finland, and the other Nordic countries, than in most other countries.

Nature is often fragile, however, and especially here in the North can be slow to recover from damage. With the freedom to enjoy the countryside comes the obligation to leave the environment undisturbed and preserve Finland's rich natural heritage for future generations to enjoy.

This booklet explains everyman's right in detail, with reference to the relevant legislation, and describes the responsibilities that come with these rights.

The Finnish Ministry of the Environment
Helsinki, February 1999

What is everyman's right?

The age-old concept of everyman's right gives everyone the basic right to roam freely in the countryside, without needing to obtain permission, no matter who owns or occupies the land. In the sparsely populated Nordic countries everyman's right has evolved over the centuries from a largely unwritten code of practice to become a fundamental legal right. Everyman's right does not, however, cover activities which damage the environment or disturb others.



Out and about

Everyone is basically entitled to walk, ski, cycle or ride freely in the countryside, as long as this causes no harm to property or nature. This right is limited in cultivated fields and plantations, and around people's homes.

In summer, walkers must go around fields, or follow tracks or ditches to cross them, but during the winter skiers are free to cross fields. Gates must always be left closed.

Everyman's right does not cover gardens or the immediate vicinity of people's homes, where there is no public right of way. Using someone's yard or garden as a thoroughfare repeatedly is punishable by law, as is disturbing the privacy of people's homes while on their land. Building on someone else's property, and digging to the extent that the appearance of the land is disturbed, are also prohibited.

There is no public right of way for walkers through fields and plantations which could easily be damaged.

Everyman's right is also restricted in protected areas such as nature reserves. Sensitive areas, such as certain lakes, bays and islands where many birds breed, must be avoided during the nesting season.

Right of way may only be limited by official prohibition enforced by the public authorities. Signs around restricted areas normally name the authority concerned, often the provincial administrators, the regional environment centre or the Ministry of Defence.

The Nature Conservation Act 1096/1996, Section 36

Outdoor advertising and prohibition notices

No sign prohibiting trespassing, mooring and landing or otherwise restricting free public access is to be erected on land or water in so far as there are no legal grounds for doing so.

Sports events, and other activities involving large numbers of people, should not be organised solely on the basis of access to land under everyman's right, if there is a risk of damage or disturbance to property or nature. Landowners should be consulted in such cases.



**“NO RIGHT OF WAY.
BEWARE OF THE DOG!”**

**The Penal Code 769/1990,
Chapter 28, Section 11**

Criminal trespass

Whoever without permission

- 1) takes into their possession, moves or hides any movable property belonging to another person,
- 2) uses another person's yard or garden as a thoroughfare, or builds, digs or similarly exploits another person's property, or
- 3) takes into their possession land, buildings or part of a building belonging to another person, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *criminal trespass* to a fine or to imprisonment for at most three months. Actions which only result in minor inconvenience will not, however, be considered to constitute criminal trespass.



Camping out



As well as guaranteeing free right of way in the countryside, everyman's right also allows everyone freedom to stop and rest, swim, sunbathe or enjoy a picnic on private land. Camping for a weekend or a similarly short period is also covered, as long as this causes no damage or disturbance. Where a longer stay is planned, the landowners should be consulted.

Camping may be prohibited on public beaches, and in public recreation areas campers are often directed to special areas, many of which have facilities provided free of charge. Some local authorities forbid camping in public places or sleeping overnight in vehicles under their vagrancy bye-laws.

The fruits of the forest

Picking flowers, berries and mushrooms

Berries, mushrooms and flowers, as long as they are not protected species, may be picked freely wherever everyman's right applies.

Finland's Penal Code mentions the most important natural products which may be collected on other people's land. Many other plants, such as certain naturally occurring herbs and spices, may also be collected unless they are protected under the Nature Conservation Act.



The Penal Code 769/1990, Chapter 28, Section 14

Everyman's right

The legal restrictions in this chapter do not apply to the collection of dry twigs and branches, cones and nuts found on the forest floor, or to the picking of wild berries, mushrooms, flowers or other naturally growing products, with the exception of mosses and lichens, on other people's property.

Picking plants and flowers is controlled in nature reserves, and certain rare plants are more widely protected under the Nature Conservation Decree (see page 7). In parts of Lapland cloudberries may only be picked by local residents during certain times of the year.

The Water Act allows swimming and bathing in rivers, lakes and the sea, and the drawing of water for drinking, washing and cleaning, as long as this causes no disturbance.

Plants protected under the Nature Conservation Decree 160/97 (incomplete list)

Plants protected nationwide

Red forms of water-lilies	<i>Nymphaea</i>
Northern wolfsbane	<i>Aconitum septentrionale</i>
Pale pasque flower	<i>Pulsatilla vernalis</i>
a species of pasque flower	<i>Pulsatilla patens</i>
Lesser butterfly orchid	<i>Platanthera biofolia</i>
Glacier buttercup	<i>Ranunculus glacialis</i>
Greater meadow-rue	<i>Thalictrum aquilegifolium</i>
a species of meadow-rue	<i>Thalictrum kemense</i>
	<i>Dianthus arenarius</i> subsp. <i>borussicus</i>
Common rock rose	<i>Helianthemum nummularium</i>
a variety of rhododendron	<i>Rhododendron lapponicum</i>
Lady's slipper	<i>Cypripedium calceolus</i>
Marsh helleborine	<i>Epipactris pallustris</i>
Dark-red helleborine	<i>Epipactris atrorubens</i>
Red helleborine	<i>Cephalanthera rubra</i>
False musk-orchid	<i>Chamorchis alpina</i>
	<i>Pseudorchis albida</i> subsp. <i>straminea</i>
a species of marsh orchid	<i>Dactylorhiza sambucina</i>
Calypso	<i>Calypso bulbosa</i>
One-leaved bog orchid	<i>Microstylis monophyllos</i>
a subspecies of early marsh orchid	<i>Dactylorhiza incarnata</i> subsp. <i>cruenta</i>

Protected south of Oulu province

a subspecies of early marsh orchid	<i>Dactylorhiza incarnata</i> subsp. <i>incarnata</i>
Narrow-leaved marsh orchid	<i>Dactylorhiza traunsteinen</i>

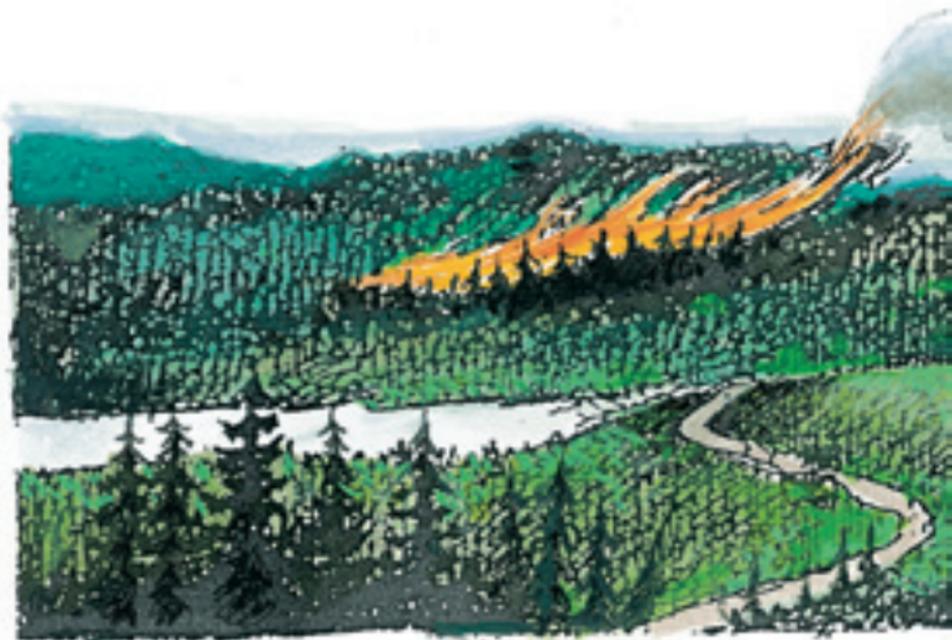
Protected in the provinces of Oulu and Lapland

Wood anemone	<i>Anemone nemorosa</i>
a species of corydalis	<i>Corydalis intermedia</i>
Yellow iris	<i>Iris pseudacorus</i>

The sale of the following plants is prohibited under the Ministry of Environment decision of 14.4.97 n exceptions to the protection of certain plant species.

Juniper (trees and shrubs)	<i>Juniperus communis</i>
Mezereon	<i>Daphne mezereum</i>
	<i>Hepatica nobilis</i>
Cowslip	<i>Primula veris</i>
	<i>Lathyrus vernus</i>
Unspotted lungwort	<i>Pulmonaria obscura</i>

Lighting fires



Lighting campfires is not allowed without the landowner's permission, except in cases of emergency. This restriction does not apply to camping stoves or portable heaters and lanterns, which are not considered as open fires.

Where there is a risk of forest fire, the lighting of open fires in and around woodland is absolutely prohibited, even where the landowner grants permission. There are often blanket bans on the lighting of open fires throughout Finland, or within certain provinces, especially during dry summers, when public warnings are issued. Landowners are obliged to ensure that fire precautions and safety regulations are followed in areas under their authority.



At campsites and in recreation areas special fireplaces are usually provided, and fires must not be lit elsewhere.

The Fire and Rescue Services Act 559/1975, Section 25

Lighting fires

Camp fires or other similar fires must not be lit in or near forests when conditions, due to drought or other factors, are such that there is a danger of forest fire.

Open fires may not be lit on land owned or occupied by other persons without due permission, except in the case of an emergency.

Litter



Leaving litter behind in the countryside is illegal under Finland's Waste Act. The definition of litter covers all kinds of objects or liquid wastes left on public or private land. Petrol and oil are hazardous wastes which must not be poured into the ground or water.

Everyone is legally responsible for cleaning up after themselves.

The Waste Act 1072/1993, Section 19

Prohibition on littering

No litter, dirt or discarded machine, device, vehicle, vessel or other object may be abandoned in the environment in a manner which may cause hazard or harm to health, uncleanliness, disfigurement of the landscape, decline in amenities or other comparable hazard or harm.



Dogs and cats

Dogs must be kept on a lead unless the landowner or the holder of the hunting rights to the land gives permission. Additionally, all dogs must be kept on a lead in the immediate vicinity of their handler from 1st March to 19th August.

Dogs may be kept off leash with the landowner's permission in yards and gardens, and in special areas fenced off for dogs.

Dog dirt can be unhealthy and unhygienic as well as unpleasant, and dog-owners and dog-handlers must ensure that dog dirt is disposed of safely and does not disturb others.

Cats may only roam freely in their owner's yard or garden. Cats found elsewhere will be considered to be abandoned or strays.



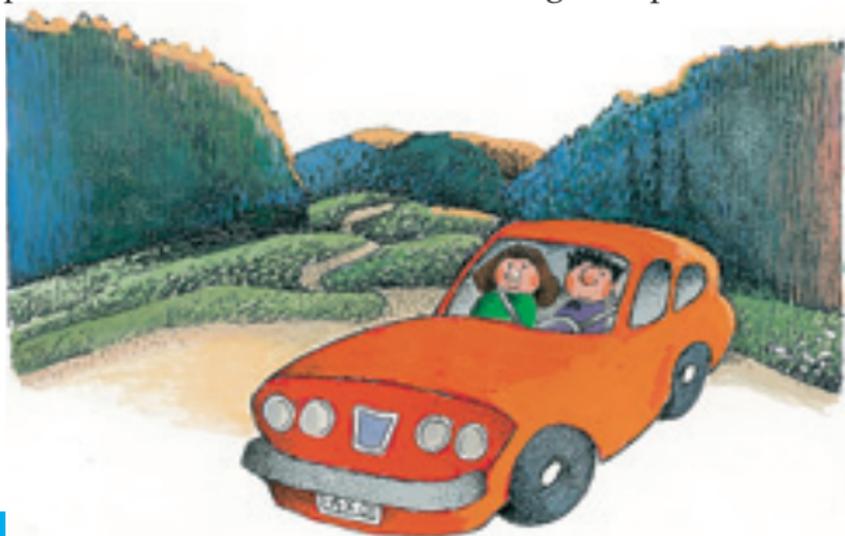
Driving off road



Everyman's right does not include driving motor vehicles off road. The use of motor vehicles is largely limited to public roads, although landowners may give consent for the use of their land by off road vehicles.

Residents of remote areas may have the right to drive off road in certain conditions where necessary. The landowner's permission is not required for driving off road in emergencies involving the fire, rescue and ambulance services, or where the authorities, commercial fishermen, foresters or reindeer-herders need access, or for the maintenance of energy and telecommunications infrastructure. Vehicles may be parked just beside the road where this is necessary for the safety of other road-users, as long as this causes no unreasonable damage or disturbance.

Walkers, cyclists and horse-riders have unrestricted right of way along private roads. Motor vehicles may also use private roads where there are no signs to prohibit this.



Snowmobiles

The use of snowmobiles is only normally permitted on frozen waterways and designated routes. Elsewhere, the landowner's permission is required. Normal road traffic laws apply on snowmobile routes, where drivers must be over fifteen years old and have a valid T-class licence.

Under-fifteens may not use snowmobiles even off these routes.

Snowmobile drivers must ensure that they cause no damage or disturbance to the environment, nature, local residents or their property. They must drive carefully to avoid accidents, and keep off public roads, except to cross roads or bridges.

The speed limit for snowmobiles is 60 km/h both on and off the designated routes, but drivers may travel at up to 80 km/h on frozen waterways. Where a passenger trailer is used, the limit falls to 40 km/h. Safety helmets must be worn at all times, and snowmobiles must be insured and registered.

Snowmobile traffic and other off road vehicles are supervised by the police, customs officials, frontier guards, and also the Finnish Forest and Park Service and the Finnish Forest Research Institute on state-owned land.



Boating

Everyone in Finland has free access to most waterways, even when they are frozen in winter. Boats may anchor temporarily without needing to obtain special permission.

The Water Act 1264/1961, Chapter 1, Section 24

Anyone shall have the right, while not causing undue disturbance, to use a water body for passage wherever it is open. A water body is considered open if it has not been closed by virtue of a legal right. The provisions issued above on passage through a water body shall also apply to passage on ice.

Anyone who uses a water body for passage shall also be permitted to use another person's water area for temporary moorage if this does not cause any major harm or disturbance to said person.

The use of waterways must not involve unnecessary disturbance. Motor boats must avoid the shallow, sandy bays where fish spawn, and ensure that fishing nets and traps, and people fishing from boats or shores are not unduly disturbed. The continuous use of jet-skis or noisy boats, for water-skiing for instance, is prohibited near shores where people are living.



**The Water Traffic Act 463/
1996, Chapter 2, Section 5**

General provisions concerning those who use water areas for passage

Anyone who uses a waterborne vehicle for passage through a water area shall take the care and precautions required by the conditions and act so as not to hinder or disturb others using the water area for passage or cause, with-

out a compelling reason, danger or harm to others or danger or notable or unnecessary harm or disturbance to wildlife, the overall environment, fishing, general recreational use of the environment or to other common good or private interest.

The operator of a waterborne vessel shall observe water traffic regulations and the rules, prohibitions and restrictions indicated by water traffic signs and light signals.

People using waterways may anchor or moor, and go ashore under everyman's right, except where this is expressly prohibited, for example in nature reserves during the birds' nesting season. Even where there is no express prohibition, certain lakes, bays and islands, where many birds breed, must be avoided.



Fishing

Everyman's right includes the right to fish with a rod and line, or fish through a hole in the ice in the winter-time, in most inland waters and the sea, free of charge. Fishing is prohibited, however, in some rapids and channels in salmon and whitefish rivers, and in certain other protected waters.

Other forms of fishing in Finland may require the payment of **two types of fishing fee**.

The payment of the **statutory fishing management fee** is compulsory for 18-64-year-olds fishing with a reel and lure, fly fishing, using nets or fish-traps, or fishing for crayfish, anywhere in Finland. A receipt from the bank or post office where the fee is paid serves as a permit.

Additionally, permission to fish, either from the owner of the fishing waters or the holder of the fishing rights is also required in principle. However, the payment of



a further fee, the **provincial lure fishing fee**, in addition to the national fishing management fee, permits fishing with a single rod, reel and lure in all unprotected inland and coastal waters in any particular province, in which case the owner's permission is not required. Separate fees are payable for each of Finland's five mainland provinces. Under-18's and over-65's do not need to pay this fee.

Finnish citizens, all citizens of the Nordic countries, and citizens of countries in the European Economic Area resident in Finland, may fish in state-owned waters in the Baltic Sea. Sea-fishing also requires the payment of the national fishing management fee, however. When fishing in privately-owned waters close to the mainland, the same rules apply as for inland waters. The boundaries between state-owned and privately-owned fishing waters are marked on fishing maps.

The Åland Islands have their own fishing regulations, and recreational fishing rights there differ from those in the rest of the country.



This table shows when fishing fees must be paid, and when the owner's permission is required for fishing:

	under-18's and over-65's	18-64-year-olds
Fishing with a rod and line	no fee or permission required	no fee or permission required
Fishing with a reel and lure • casting or trolling with a single rod	no fee or permission required no fee or permission required	statutory national fishing management fee and provincial lure fishing fee or owner's permission required
Other fishing • trolling with more than one rod • other types of fishing (incl. crayfish)	no fee payable, but owner's permission required	statutory national fishing management fee and owner's permission required

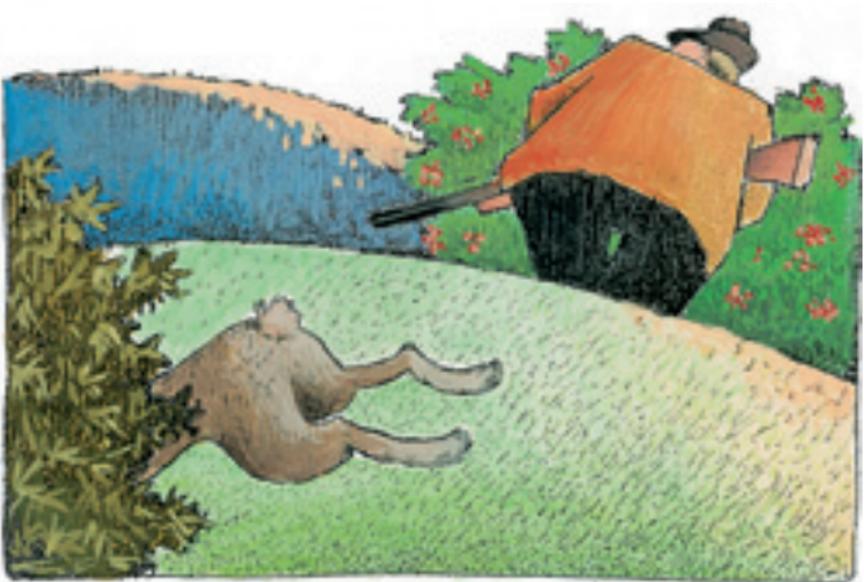
Hunting

All hunters in Finland pay an annual statutory game management fee.

Hunting rights in Finland are closely related to land ownership. Under the Hunting Act hunters require permission from the landowner or the holder of the hunting rights to the land, with few exceptions. There are separate hunting seasons for each game species, which are to be strictly observed.

All permanent Finnish residents have the right to hunt in unprotected waters out at sea, and on islands under state administration. In Lapland and parts of Oulu Province local residents may hunt on state-owned land. Åland has its own distinct hunting regulations.

Hunting must not endanger or harm people or property. The deliberate prevention, hindrance or disturbance of legal hunting is prohibited. Game birds and animals must not be deliberately disturbed.



Interpreting everyman's right

The extent to which everyman's right applies in practice often depends on the circumstances, and there may be differences of interpretation between landowners and people using their rights. Both parties have rights and responsibilities. Consideration for other people is paramount here, and differences of opinion can usually be sorted out through amicable discussion. The use of threats and illegal obstacles is prohibited, and the police may be called upon to resolve more serious conflicts.



The Penal Code 578/1995, Chapter 25

Section 7

Menace

A person who points a weapon at another or otherwise threatens another with an offence under such circumstances that the person so threatened has reason to believe that his/her personal safety or property or that of someone else is in serious danger shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *menace* to a fine or to imprisonment for at most two years.

Section 8

Coercion

A person who unlawfully by violence or threat forces another to do, endure or omit to do something shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *coercion* to a fine or to imprisonment for at most two years.

Landowners are not entitled to confiscate property, such as bicycles or tents, belonging to anyone temporarily on their land under everyman's right. Any lost property found must be reported to the owner or the police.

The authorities

The following Finnish authorities have various responsibilities related to outdoor activities:

National level

THE MINISTRY OF THE ENVIRONMENT

- safeguard the recreational use of the countryside
- supervise the use of off road vehicles

THE FINNISH ENVIRONMENT INSTITUTE

- monitor the recreational use of the countryside

THE MINISTRY OF AGRICULTURE AND FORESTRY

- supervise fishing and hunting

THE FINNISH FOREST AND PARK SERVICE

- supervise the recreational use of state-owned land
- supervise the recreational use of nature reserves

THE MINISTRY OF EDUCATION

- promote sports and outdoor activities

THE MINISTRY OF TRADE AND INDUSTRY

- promote economic activities in the countryside

FINNISH NATIONAL ROAD ADMINISTRATION

- provide and maintain lay-bys and roadside picnic areas

NATIONAL BOARD OF NAVIGATION

- supervise boating

Regional level

REGIONAL ENVIRONMENT CENTRES

- monitor the effects of recreational activities on the environment
- control off road and boat traffic

PROVINCIAL STATE OFFICES

- organise sports and outdoor activities

EMPLOYMENT AND ECONOMIC DEVELOPMENT CENTRES

- designate fishing limits

FINNISH FOREST AND PARK SERVICE, RECREATIONAL SERVICES AND PARKS

- supervise the recreational use of state-owned land
- supervise the recreational use of nature reserves

REGIONAL COUNCILS

- regional planning of recreation areas

Local level

LOCAL AUTHORITIES

- manage recreation areas and sports facilities
- issue permits for sports events involving off road vehicles and boats

Everyman's right: a practical summary

This list summarises the rights and responsibilities of both Finnish and foreign citizens in the Finnish countryside under everyman's right.

You may

- walk, ski or cycle freely in the countryside, except in gardens and the immediate vicinity of people's homes, and in fields and plantations which could easily be damaged.
- stay or set up camp temporarily in the countryside, a reasonable distance from homes.
- pick wild berries, mushrooms and flowers, as long as they are not protected species.
- fish with a rod and line.
- row, sail, use a motorboat, swim or wash in inland waters and the sea.
- walk, ski, drive a motor vehicle or fish on frozen lakes, rivers and the sea.

You may not

- disturb people or damage property.
- disturb breeding birds, their nests or young.
- disturb reindeer or game.
- cut down, damage, or break branches off trees on other people's property.
- collect moss, lichen or fallen trees from other people's property.
- light open fires on other people's property, except in an emergency.
- disturb the privacy of people's homes, by camping too near them, or making too much noise, for example.
- drop or leave litter.
- drive motor vehicles off road without the landowner's permission.
- fish or hunt without the relevant permits.

For more information:



More copies of this booklet in various languages and further information on everyman's right and related issues in Finland, are available from:

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