

No. 11827

**FINLAND
and
SWEDEN**

**Agreement concerning frontier rivers (with annexes). Signed at
Stockholm on 16 September 1971**

Authentic texts : Finnish and Swedish.

Registered by Finland on 26 May 1972.

**FINLANDE
et
SUÈDE**

**Accord relatif aux fleuves frontière (avec annexes). Signé à
Stockholm le 16 septembre 1971**

Textes authentiques : finnois et suédois.

Enregistré par la Finlande le 26 mai 1972.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FINLAND AND SWEDEN CONCERNING FRONTIER RIVERS

With a view to ensuring that frontier watercourses are used in the manner most in keeping with the interests of the two States and their frontier areas, the Government of Finland and the Government of Sweden have concluded the following Agreement regulating certain matters relating to water rights and fishing rights in connexion with the said watercourses.

Chapter 1

GENERAL PROVISIONS

Article 1

The Agreement shall be applicable to the following waters :

- The Rivers Kōnkämä and Muonio and the portion of the River Torne and the lakes through which the State frontier between Finland and Sweden runs “ frontier rivers ”;
- The special effluents formed by the various branches at the mouth of the River Torne;
- The part of the Gulf of Bothnia lying between the Finnish and Swedish parishes of Lower Torne.

The provisions of the Agreement relating to fishing shall be applicable within a special area, as indicated in chapter 5, article 1.

Article 2

The Agreement shall cover :

- Measures that involve hydraulic construction works within the meaning of chapter 3 or water regulation within the meaning of chapter 4 or that may cause pollution within the meaning of chapter 6, where such measures are carried out in frontier rivers;
- Measures of the same nature which are carried out within the area of application defined above in article 1, first paragraph, in either State and may produce effects in the other State;
- Fishing in the special area defined in chapter 5, article 1.

¹ Came into force on 1 January 1972, in accordance with chapter 10, article 3. The instruments of ratification were exchanged at Helsinki on 15 December 1971.

Provisions concerning timber floating appear in the Agreement of 17 February 1949¹ between Finland and Sweden concerning timber floating in the Torne and Muonio frontier rivers together with the accompanying Regulations concerning timber floating in the floatway of the Torne and Muonio frontier rivers. The necessary supplementary provisions will be issued in an additional agreement to the above-mentioned Agreement and accompanying supplementary regulations.

Article 3

In the light of the considerations set out in detail in this Agreement, the waters covered by the Agreement shall be used in such a manner that both countries derive benefit from the frontier watercourses and that the interests of the frontier areas are promoted as effectively as possible. Particular importance shall be accorded to the interests of nature conservancy; the greatest possible attention shall be given to the preservation of fish stocks and the prevention of water pollution.

Article 4

In cases involving a number of different projects which affect the same waters or for some other reason cannot be carried out concurrently, preference shall be given to the project which may be assumed to be of the greatest public and private benefit. Conflicting interests shall, in so far as possible, be adjusted in such a way that each may be satisfied without substantial injury to the others.

Article 5

In frontier rivers with branches, each party shall be entitled to an equal share of the water volume even if a larger portion thereof discharges in one State than in the other. This provision shall be without prejudice to any individual water rights based on a judicial decision, immemorial usage or other special legal grounds.

Article 6

An owner or usufructuary of the bank of a frontier river may, without regard to the frontier, use waters along the bank belonging to a third party to erect a small landing stage, boathouse, bath-house, wash-house or other similar building.

¹ United Nations, *Treaty Series*, vol. 197, p. 123.

Any person shall be entitled to take water or ice from frontier rivers for domestic requirements or to use the water for other similar purposes.

Waters may not be used for the purposes specified in this article if the owner of the waters is thereby caused significant inconvenience or if fishing or timber floating is hampered. This article shall be without prejudice to other regulations applicable to traffic across the State frontier.

Article 7

In accordance with article IV of the Frontier Regulation Treaty of 20 (8) November 1810, residents of either State shall be entitled to travel freely by boat on frontier rivers and, where necessary for the safety of the boat's passage or for the purpose of manœuvring the boat, to put in at the opposite bank.

Article 8

In cases where no special provision is made in the Agreement, the laws in force in each State shall apply.

Chapter 2

FRONTIER RIVER COMMISSION

Article 1

For purposes of the application of the Agreement, a permanent commission (the Finnish-Swedish Frontier River Commission) shall be established jointly by the two States.

Article 2

The Frontier River Commission shall have six members, of whom the Government of each State shall appoint three. Members shall be appointed for a fixed term. One member from each State shall be a legal expert with experience as a judge, and one shall be a technical expert; the third member shall be a person with an intimate knowledge of conditions in the frontier areas, being appointed in the case of Finland on the basis of a recommendation from the county administration of Lappland county and in the case of Sweden on the basis of a recommendation from the county administration of Norrbotten county.

The Governments of the two States shall alternately designate one of their members to serve as Chairman or Vice-Chairman of the Commission for a term of one year.

One or more alternates who meet the qualifications established for members shall be appointed for each member in accordance with the procedure applicable in the case of members.

Secretarial and other personnel required by the Commission shall be made available to it.

Article 3

The Frontier River Commission shall, pursuant to its own decisions, institute such inquiries and investigation as are required in order to enable it to accomplish its tasks in accordance with this Agreement.

The Commission may enter into direct contact with the authorities of either State and may call upon them for assistance in obtaining any necessary information and arranging for any necessary consultations.

The Commission may, where necessary, employ the services of experts for special investigations.

Article 4

Each State shall pay the salary of the members it appoints to the Commission. Other costs of the Commission's work which are not obviously to be regarded as expenditure by only one State shall be borne equally by the two States.

Article 5

Members of the Frontier River Commission shall, while serving with the Commission, be criminally liable for their actions under the law of the State by whose Government they were appointed. The staff of the Commission shall be subject, in the matter of criminal liability, to the legal provisions relating to civil servants at their State of residence.

Members and staff of the Commission shall, while in the performance of their duties, enjoy the protection under criminal law which is accorded to civil servants in the State in which the duties are performed.

Article 6

The authorities of each State shall permit members and staff of the Frontier River Commission and experts appointed to exercise supervision pursuant to chapter 9, article 1, to cross the frontier wherever appropriate for the purposes of the Commission's work or for the purpose of exercising supervision and shall

grant them the most favourable possible treatment with regard to passports and other identity papers and with regard to the times when they may cross the frontier and stay in the State concerned.

Article 7

The property of the Frontier River Commission shall be exempt from all customs formalities and from import and export duties.

Article 8

The statute of the Frontier River Commission appears in annex A of this Agreement.

Chapter 3

HYDRAULIC CONSTRUCTION WORKS

Article 1

For the purposes of this Agreement, the following shall be deemed to be hydraulic construction works :

- The erection of installations in any waters;
- Regulation of the water level or flow;
- The diversion of water from any body of water;
- Any other measure which may result in a change in the water level or flow or in the depth or position of the water.

The provisions concerning hydraulic construction works shall also apply to :

- Measures taken in any waters which may affect ground water conditions;
- The erection of bridges or other installations over any body of water;
- The laying of conduits or the construction of other installations under any body of water.

Any alteration or demolition of hydraulic structures shall be regarded as construction works if the measures in question are such as might cause a significant change in water conditions.

Article 2

Hydraulic construction works shall be carried out in such a way that their purpose is achieved without unreasonable cost and with the least possible

damage and inconvenience to other interests in either State. Due regard shall be given to proposed future projects that may be affected by the installation.

Article 3

Where any person would suffer damage or inconvenience as a result of hydraulic construction works, the works shall be carried out only if they can be shown to bring public or private benefit that substantially outweighs the inconvenience.

Where the construction would result in a substantial deterioration in the living conditions of the population or cause a permanent change in natural conditions such as might entail substantially diminished comfort for people living in the vicinity or a significant nature conservancy loss or where significant public interests would be otherwise prejudiced, the construction shall be permitted only if it is of particular importance for the economy or for the locality or from some other public standpoint.

Compensation pursuant to chapter 7 shall be paid in respect of any damage or inconvenience.

Article 4

In deciding whether projected construction is to be carried out, conditions in both States shall be given equal weight.

Article 5

Where several persons, by reason of ownership, perpetual easement rights or usufruct, has control over part of a stretch of rapids lying in a frontier river in either State, one or more of the said persons may, in accordance with the procedure provided for in article 13, be granted the right to make use of a part belonging to a third party if that is permissible under the relevant legal provisions of the State to which the part in question belongs. Compensation for such use shall be paid pursuant to chapter 7.

Article 6

Any person who, by reason of ownership, perpetual easement rights or usufruct, has control over part of a stretch of rapids lying in a frontier river in either State or who, by reason of such rights, together with any rights arising out of article 5, is entitled to make use of the said part of the rapids may propose to the person who has control over the opposite side that they should make

joint use of the rapids. If the proposal is rejected, the person making it may, in accordance with the procedure provided for in article 13, be granted the right to make use of the other person's part in return for compensation pursuant to chapter 7.

If the person who has control over the opposite side declares his willingness to participate in construction in the rapids but agreement cannot be reached on the conditions governing such participation, the conditions shall be determined in accordance with the procedure provided for in article 13.

Article 7

Where hydraulic construction works are such that they may have a harmful effect on fishing, the person carrying out the construction shall take or pay for such measures as are reasonably called for in order to protect the fish stock or maintain fishing of an equal standard.

Article 8

Any person who carries out hydraulic construction works shall be bound to take or pay for reasonable measures to prevent inconvenience to traffic.

Persons carrying out construction works shall also be bound to take or pay for the measures required in order to prevent any significant inconvenience to timber floating. Where, in a particular case, relatively extensive measures are required in order to relieve inconvenience to timber floating, the two States shall consider jointly whether and to what extent the cost of such measures may be defrayed from public funds.

Article 9

In carrying out hydraulic construction works, care shall be taken to ensure that, apart from occasional, temporary turbidity, no pollution occurs that causes any significant inconvenience.

Article 10

Where hydraulic construction works cause a substantial change in water conditions or are otherwise significant in their magnitude or impact, the person carrying out the project may be required to pay a specified annual charge. The said charge shall be used for preventing or minimizing damage or inconvenience caused by the project which is not of such a nature as to be subject to compensation, for making good such damage or inconvenience or for other purposes beneficial to the locality affected by the project.

The amount of the charge shall be fixed with due regard on the one hand, for the benefit derived from the project and, on the other hand, for the damage and inconvenience resulting therefrom. The charge shall in no case be fixed at more than 2 per cent of the estimated annual net profit from the project. It shall be paid to the Frontier River Commission and allocated to the fund referred to in chapter 9, article 8.

Other special conditions which may reasonably be deemed necessary from the standpoint of the locality and the public interest in general may also be laid down with respect to projects involving hydraulic construction works.

Article 11

In order to facilitate hydraulic construction works which are of substantial public or private significance or to prevent or minimize damage or inconvenience resulting from hydraulic construction works, the builder may be granted the right, in return for compensation pursuant to chapter 7, to make a permanent or temporary use of immovable property belonging to a third party.

Article 12

Under the conditions specified in article 11, the builder may be granted the right, in return for compensation pursuant to chapter 7, to make use of, alter or demolish hydraulic structures belonging to a third party.

Article 13

Permission from the Frontier River Commission shall be required for hydraulic construction works covered by the Agreement. Permission need not be obtained, however, where the construction is on a small scale and it is apparent that no public or private interest will be adversely affected by it.

Where the question arises of erecting or significantly altering a dam in a frontier river or of water regulation measures of such a nature as to substantially affect water conditions in a frontier river, the Commission shall, before permission is granted, submit for consideration by the two Governments the question of the admissibility of the project and the conditions which should apply to it from the standpoint of the public interest. Regardless of the nature of the project, such submission shall take place if the Commission finds that the project may have the effects referred to in article 3, second paragraph. Submission to the two Governments shall also take place in other cases if the Commission finds that a special reason for such action exists or if either Government reserves the right to consider the project and so notifies the Commission before the latter has decided the question of the admissibility of the project.

The question of the grant of permission under article 6, first paragraph, and of the establishment of conditions in accordance with the second paragraph of the same article shall be submitted to the two Governments for consideration.

Article 14

Where hydraulic construction works are carried out without the grant of permission under this Agreement or under provisions previously in force, the builder shall be entitled to call upon the Frontier River Commission to consider whether the construction is legal.

The burden of proof with respect to the water conditions prevailing before the construction shall rest with the builder. Articles 16, 18 and 19 shall apply, as appropriate, with respect to the effects of the decision of the Frontier River Commission.

Article 15

Permission to carry out hydraulic construction works may, where circumstances so require, be granted for a specified period of time.

Article 16

Decisions granting permission to carry out hydraulic construction works shall be applicable to all persons to the extent that they have legal force, but subject to the limitations indicated in articles 17–19.

Article 17

Where a project involving hydraulic construction works is not completed within the period fixed in accordance with chapter 8, article 9, (5), the permission granted shall lapse in respect of the uncompleted portion of the project. The Frontier River Commission may, however, upon application being made prior to the expiry of the said period, grant an extension for a maximum of 10 years if reason exists for so doing.

Article 18

Permission to carry out hydraulic construction works may be reviewed on application by the competent authority of either State or by the owner of the project, with regard to the conditions that should apply to the project from the standpoint of the public interest. Such application may be made during the fortieth year after the calendar year in which permission is granted and every fortieth year thereafter; in respect of the charge referred to in article 10, however, the period shall be 10 years. If the review is not requested during the last

year of a given period, the previously applicable provisions shall apply for the next period as well.

The provisions relating to the matter referred to in article 7 may be reviewed in accordance with this article without regard to any specific period of time if the said provisions prove to be unsuitable for protecting fishing; however, the provisions may not be amended in a manner that is prejudicial to the rights of third parties.

Where a review is carried out, the owner of the project may not be made subject to obligations entailing substantial costs or inconvenience over and above those previously imposed on him.

Article 19

Claims for compensation for damage or inconvenience for which no provision is made by the Frontier River Commission at the time of granting permission may be submitted within 10 years from the end of the period within which the construction is to be completed. Where the damage or inconvenience is significant, application may be made within the same period for the issue of amended regulations governing the project such as will, without prejudicing the rights of third parties or causing substantial inconvenience to the owner, prevent or reduce to a minimum any future damage or inconvenience.

Article 20

The owner of any project involving hydraulic construction works shall be required to maintain the installations belonging to the project in such a manner that no danger arises to public or private rights.

Article 21

Any clearance work required in order to maintain the depth or position of the water shall be permitted notwithstanding the provisions of article 13 and without consideration by the Frontier River Commission. Soil or other material removed during clearance work may, if necessary and if no significant inconvenience is caused thereby, be dumped on the nearest bank or taken to a suitable place in the vicinity. The owner of any property affected by the clearance work or dumping shall be notified of the measures in good time.

Where a watercourse has deviated from its position, the provisions of the first paragraph shall apply as appropriate to the restoration of the watercourse to its former channels provided that such restoration takes place within three years from the time the change occurred.

Compensation for damage and inconvenience resulting from the measures referred to in this article shall be payable pursuant to chapter 7.

Article 22

Hydraulic construction works undertaken for purposes of water regulation or to meet the requirements of fishing shall be governed in certain cases by the provisions of chapters 4 and 5.

Chapter 4

SPECIAL PROVISIONS CONCERNING WATER REGULATION

Article 1

Permission to regulate the flow of water from a lake or in a watercourse may be granted to any person wishing to achieve better water management with a view to promoting traffic, timber floating, the use of water power, agriculture, forestry, fishing, water supply, water conservancy or any other significant public interest.

The appropriate provisions of chapter 3 shall apply to projects falling within the scope of the first paragraph.

Article 2

Where a person has applied for permission to undertake a project falling within the scope of article 1, any other person who by virtue of the activities referred to therein derives substantial benefit from the project may join in the application and become a participant in the project.

Article 3

In connexion with the grant of permission for a water regulation project in which two or more interested parties participate, the Frontier River Commission shall issue rules governing participation in the project. If it is deemed necessary, the Commission shall also establish regulations for the project relating to the latter's governing body, review of the said body's administrative practices and, in general, the management of the project.

Article 4

Industrial, power or other such enterprises which benefit from water regulation in a frontier river in the manner referred to in article 1, first paragraph, without participating in such regulation may be required by the Frontier

River Commission to pay to the regulation project compensation representing a reasonable share of the costs of regulation. The compensation shall be fixed as a specified annual amount or in such other manner as may be found appropriate.

Chapter 5

FISHING

Article 1

The following provisions shall be applicable to fishing within the area formed by the frontier rivers with their branches and effluents and the parts of the Gulf of Bothnia lying between the Finnish and Swedish parishes of Lower Torne north of latitude 65°35'N "fishery zone of the River Torne".

The part of the fishery zone of the River Torne lying north of the mouth of the river defined as a straight line between the top of Hellälä north point on the Finnish side and the top of Virtakari point, the nearest site on the opposite Swedish side, shall be called the river zone; the party lying south of that line shall be called the sea zone. The effluents of the River Torne shall be part of the river zone.

Article 2

Within the river zone there shall be fish channels in the deepest water in each branch where fishing is carried on. The fish channel shall occupy one third of the width of the water at the most frequently occurring low water level. Fish channels which, in conformity with the law of the State concerned, lie in an affluent to the river zone shall extend with unchanged width up to the fish channels in the said zone.

The Frontier River Commission may, if there is reason for so doing, decide that the fish channels shall run in some other part of the water than that referred to in the first paragraph; however, such a change may be made only if it can be presumed that it will not cause any substantial injury to any person who has not agreed thereto.

Fishing gear and other devices may not, save in the case of measures for which permission has been obtained in accordance with the provisions of this Agreement relating to hydraulic construction works, be set up or used in such a manner as might hinder fishing in the fish channels or otherwise prevent fishing from proceeding there. The Frontier River Commission may, however, grant exceptions in certain cases if it can be presumed that this will not present a danger to fishery conservancy or cause substantial injury to any person who has not agreed to the measures in question. Where any person has a special right to close the fish channels to fishing, that right shall continue to exist.

Article 3

Within the sea zone there shall, in addition to fish channels, established in conformity with the law of each State, be reserve zones. These shall consist of the waters to a distance of 200 metres on each side of the following straight lines :

- (a) From Kraaselikari in front of the river mouth bearing 196° to a point $65^{\circ}45.85'N$, $24^{\circ}06.45'E$, thence to $65^{\circ}44.0'N$, $24^{\circ}10.0'E$, thence to $65^{\circ}40.55'N$, $24^{\circ}11.95'E$, thence between Sarvenkataja and Linnanklupu bearing 193° ;
- (b) From the point of intersection of the line running from Kraaselikari as indicated in (a) and latitude line $65^{\circ}46.0'N$ to $65^{\circ}46.05'N$, $24^{\circ}02.75'E$, thence bearing 213.5° to $65^{\circ}44.0'N$, $23^{\circ}59.50'E$, thence to $65^{\circ}42.0'N$, $24^{\circ}01.70'E$, thence to $65^{\circ}36.0'N$, $23^{\circ}59.25'E$, thence bearing 160° ;
- (c) From $65^{\circ}44.0'N$, $23^{\circ}59.50'E$ along the 213.5° bearing line referred to in (b) to $65^{\circ}39.0'N$, $23^{\circ}51.50'E$, thence to $65^{\circ}38.0'N$, $23^{\circ}50.65'E$, thence bearing 171° ;
- (d) From the point of intersection of the bearing line referred to in (b) and latitude line $65^{\circ}44.60'N$ to $65^{\circ}44.50'N$, $23^{\circ}50.30'E$, thence to $65^{\circ}43.60'N$, $23^{\circ}48.50'E$, thence to $65^{\circ}42.80'N$, $23^{\circ}48.70'E$, thence to $65^{\circ}41.40'N$, $23^{\circ}46.85'E$, thence bearing 200° ;
- (e) From the $65^{\circ}44.0'N$, $24^{\circ}10.0'E$ deflection point referred to in (a) to $65^{\circ}43.95'N$, $24^{\circ}14.15'E$, thence to west of Vähä Huituri and Iso Huituri bearing 160° ;
- (f) From the $65^{\circ}43.95'N$, $24^{\circ}14.15'E$ deflection point referred to in (e) to $65^{\circ}43.80'N$, $24^{\circ}19.40'E$, thence to $65^{\circ}42.30'N$, $24^{\circ}22.85'E$, thence bearing 172° .

The co-ordinates refer to Swedish chart No. 417 (Haparanda), all editions 1960–1967.

The extent of the reserve zones is indicated on the chart annexed to the Declaration of 1 April 1967 amending the regulations accompanying the Declaration of 10 May 1927¹ by Sweden and Finland concerning the adoption of Regulations for fishing in the fishery zone of the Torne (Tornio) River.

The county authorities in Norrbotten county and Lappland county shall be responsible for taking the necessary steps on their respective sides of the State frontier to mark out the position of the reserve zones in the water.

Fishing gear and other devices may not, save in the case of measures for which permission has been obtained in accordance with the provisions of this Agreement relating to hydraulic construction works, be set up or used in such a manner as might hinder fishing in the reserve zones or otherwise prevent fishing from proceeding there.

¹ League of Nations, *Treaty Series*, vol. LXX, p. 233.

Article 4

All fishing with large bow-purse nets, bottom nets and *mocka* nets or other gear designed for catching salmon or sea trout shall be forbidden within the portion of the sea zone lying between the mouth of the river and a line drawn from the south shore of the mouth of the bay of Salmis through the southernmost points of the islands of Kraaseli and Tirro and the northwest point of Sell Islands up to the southwest point of Björk Island.

Fishing gear more than 200 metres in length may not be set up on either side of the strait between the islands of Stora Tervakari and Hamppuleiviskä.

Article 5

The setting up of fishing gear constructed of timber or other durable materials and of a permanent nature "fixed fishing installations" shall, in accordance with chapter 3, article 1, be regarded as hydraulic construction and hence shall be subject to the provisions of chapter 3, article 13, regarding consideration of the grant of permission.

With regard to the setting up of other fishing gear with shore or bottom anchorings and to fishing with seines, the Frontier River Commission shall, where necessary, issue such regulations as will, without causing any significant interference with private fishing rights, prevent inconvenience to timber floating and traffic.

Article 6

With regard to seine fishing in the river zone for salmon or sea trout, it may be established in respect of certain fishing sites, provided that other fishing does not suffer significant inconvenience as a result, that fishing shall be carried on jointly across the State frontier. Decisions to that effect, which shall be valid for a maximum of 10 years in each case, shall be adopted by the Frontier River Commission on the proposal of one or more of the persons possessing fishing rights. In the decision the Commission shall establish regulations for joint fishing, indicating the area in question and the principles governing the conduct and management of fishing operations. Farm owners in villages at and near the fishing site shall, in accordance with the principles set out in the regulations, receive precedence in the granting of fishing rights.

Decisions of the Commission shall become effective upon confirmation by the two Governments.

Article 7

Without regard to the State frontier, it may be established in respect of a specified part of the river zone that fishing for salmon or sea trout with spinners

or similar gear shall be permitted upon presentation of a fishing card (certificate of fishing rights). Decisions to that effect, which shall be valid for a maximum of 10 years in each case, shall be adopted by the Frontier River Commission. Decisions shall become effective upon confirmation by the two Governments. Fishing cards shall be valid for a specific area indicated in the card and for a maximum period of one year.

The Commission shall issue any other necessary regulations concerning the sale of fishing cards. Income from fishing cards for a given area shall accrue to the persons having fishing rights in the area in proportion to their share in those rights.

Article 8

Regulations governing fishing in the fishery zone of the River Torne are contained in annex B of this Agreement.

Chapter 6

PROTECTION AGAINST WATER POLLUTION

Article 1

No solid or liquid wastes or other substances may be discharged into waters to a greater extent than is permitted under this Agreement where such discharge results in harmful aggradation, a harmful change in the nature of the water, damage to fish stocks, diminished comfort for the population or endangerment of their health or other such damage or inconvenience to public or private interests.

Article 2

The applicable provisions shall be, in addition to those of this chapter, the provisions of the legislation concerning health, construction and nature conservancy of the State in which the discharge occurs or is to occur and the provisions of that State's special protective legislation against specific types of water pollution.

Article 3

The provisions of articles 4–14 shall apply to use of land, buildings or installations in a way that may cause pollution of waters where such use does not constitute hydraulic construction.

Article 4

The Frontier River Commission may, on application by any person carrying out or planning to carry out the operations referred to in article 3, grant permission for such operations following consideration of the matter in accordance with this Agreement and establish the necessary conditions for the protection of public or private rights. Regulations concerning the requirement for consideration and notification in respect of the operations referred to in article 3 are contained in annex C of this Agreement.

The Commission may, if it deems such action necessary by reason of the nature and effects of the operations or for other reasons, submit for consideration by the two Governments the question of the admissibility of the operations and the conditions which should apply to them from the standpoint of the public interest. Such submission shall always take place if either Government reserves the right to consider the matter and so notifies the Commission before the latter has decided the question of the admissibility of the operations.

Article 5

Compensation pursuant to chapter 7 shall be paid in respect of any damage or inconvenience caused by the operations referred to in article 3.

In deciding whether permission should be granted for the operations, equal consideration shall be given to conditions in the two States.

A site shall be selected for the operations such that their purpose can be achieved in such a manner as to cause minimum inconvenience and without unreasonable costs.

Article 6

Any person carrying out or planning to carry out the operations referred to in article 3 shall take such protective measures, permit such restrictions on the operations and take such other precautions as may reasonably be required in order to prevent or relieve inconvenience.

The extent of the obligation arising under the first paragraph shall be determined on the basis of what is technically feasible in the case of operations of the type in question and in the light of both public and private interests.

In weighing the validity of different interests, particular account shall be taken, on the one hand, of the nature of the area that may be exposed to pollution and the magnitude and, on the other hand, of the benefit derived from the operations and the costs of protective measures and other financial implications of the precautions which must be taken.

Article 7

Where it is feared that the operations referred to in article 3 may cause substantial inconvenience even if the precautions referred to in article 6 are taken, the operations may be carried out only if special reasons exist for so doing.

When the anticipated inconvenience entails a substantial deterioration in living conditions for a large number of people or a significant loss from the standpoint of nature conservancy or any similar substantial damage to the public interest, the operations may not be carried out.

Article 8

Sewage from toilets or from built-up areas which has not undergone purification other than sludge separation may not be discharged into any water-course, lake or other waters unless it is clear that such action can be taken without causing inconvenience.

Article 9

Where it is necessary, in order to purify sewage which is to be discharged into a body of water, to set up an installation on property belonging to a third party, the Frontier River Commission may require the owner to tolerate, in return for compensation pursuant to chapter 7, the inconvenience caused by the installation. However, building plots, orchards and parks may not be used for this purpose if such use can be avoided without causing particular inconvenience.

Article 10

Permission pursuant to article 4 may, where circumstances so require, be granted for a specified period of time.

Decisions granting permission pursuant to article 4 shall be applicable to all persons to the extent that they have legal force, but subject to the limitations indicated in articles 11 and 12. With regard to the provision referred to in chapter 8, article 10, paragraph (4), the provisions of chapter 3, article 17, shall apply as appropriate.

Article 11

Where any person disregards the conditions set out in a decision granting permission and there is a significant degree of non-compliance, the Frontier River Commission may declare the permission forfeit and forbid any further operations.

Where 10 years have passed since the adoption of a decision granting permission or where conditions change significantly before that lapse of time, the Frontier River Commission may establish new or stricter conditions of a reasonable nature for the operations. Where special reasons exist for so doing, the Commission may also, upon the expiry of the above-mentioned period, review permission to discharge sewage into certain waters.

Where, as a result of the operations referred to in article 3, any significant inconvenience occurs that was not foreseen when permission was granted, the Frontier River Commission may issue regulations designed to prevent or reduce inconvenience in the future.

Matters falling within the scope of this article shall be considered on application by the competent authority or a private complainant in either State.

Article 12

The Frontier River Commission may, on application by a person to whom permission has been granted, rescind or mitigate any condition imposed in the decision granting permission if it is obvious that the condition in question is no longer necessary or is stricter than necessary or if the change is called for by circumstances that were not foreseen when the permission was granted.

Where the condition for permission was established by the two Governments, the Frontier River Commission may not depart substantially from the said condition without the consent of the Governments when applying the first paragraph.

Article 13

Where it has been decided that compensation for damage or inconvenience caused by the operations referred to in article 3 is to be paid in a specified annual amount, such decision shall not prevent the Commission from issuing, in connexion with a decision concerning new or amended regulations to combat pollution or if conditions have otherwise changed, such amended regulations as may be required with regard to compensation and the manner in which it is to be paid.

Article 14

Where permission pursuant to this Agreement has not been granted, the Frontier River Commission may decide to prohibit the operations referred to in article 3 or to require any person carrying out or planning to carry out such operations to take precautionary measures.

Matters falling within the scope of this article shall be considered on application by the competent authority or a private complainant in either State.

Chapter 7

COMPENSATION

Article 1

Any person who is granted the right under this Agreement to use property belonging to a third party, to use water power belonging to a third party or to take measures which otherwise cause damage or inconvenience to property belonging to a third party shall be liable to pay compensation for the property used or for the loss, damage or inconvenience caused.

Save as otherwise provided, compensation shall be fixed at the same time that permission is granted for the measure in question.

Article 2

The Frontier River Commission may also take decisions otherwise than in connexion with applications for permission on questions of compensation arising from measures falling within the scope of this Agreement.

Compensation for damage and inconvenience resulting from the measures referred to in chapter 3, article 21, shall, in the absence of agreement, be fixed by the Frontier River Commission.

Article 3

Save as otherwise provided in this Agreement, the law of the State in which the property used is situated or in which loss, damage or inconvenience otherwise occurs shall apply in respect of the grounds for compensation, the right of the owner of property used or damaged to demand payment and the manner and time of payment of compensation.

Chapter 8

PROCEDURE

Article 1

The Frontier River Commission shall, on application, take up cases relating to :

- (1) Permission for hydraulic construction works pursuant to chapter 3, article 13, for water regulation pursuant to chapter 4, article 1, or for the setting up of fixed fishing installations pursuant to chapter 5, article 5, first paragraph;
- (2) Consideration of the legality of construction pursuant to chapter 3, article 14;

- (3) Extensions pursuant to chapter 3, article 17;
 - (4) Review pursuant to chapter 3, article 18;
 - (5) Compensations or amended regulations relating to unforeseen damage pursuant to chapter 3, article 19;
 - (6) Rules pursuant to chapter 4, article 3;
 - (7) Compensation pursuant to chapter 4, article 4;
 - (8) Permission for the operations referred to in chapter 6, article 3;
 - (9) Extensions pursuant to chapter 6, article 10 (cf. chapter 3, article 17);
- (10) Review pursuant to chapter 6, articles 11–13;
 - (11) Prohibition or obligations pursuant to chapter 6, article 14;
 - (12) Compensation pursuant to chapter 7, article 2.

The Commission shall also take up cases under the timber floating agreement referred to in chapter 1, article 2, second paragraph.

Article 2

Applications falling within the scope of article 1 (1), (2) or (8) shall contain the information required in order to determine the nature, magnitude and effects of the project. Property affected by the project shall be specified as fully as possible together with the name and residence of the owner and usufructuary. If the proposed project is to be significant in its magnitude or impact, the application shall indicate the extent to which the authorities and other bodies affected by the project were consulted in connexion with its planning.

Other applications falling within the scope of article 1 shall contain such information as is required in the light of the existing circumstances for consideration of the matter to which the application refers.

Applications and accompanying documents shall be delivered or sent by post in sextuplicate or in such larger number of copies as the Frontier River Commission may determine in particular cases.

Where the Commission finds that an application is incomplete in any respect, it shall require the applicant to remedy the deficiency within a specified period of time, failing which the application shall be declared lapsed.

Article 3

Where the Commission finds that an application is of such a nature that the Commission is not competent to consider it, the application shall be dismissed.

The competent courts and other authorities of each State shall notify the Frontier River Commission of cases and other matters affecting the area

specified in chapter 1, article 1, first paragraph. Where the Commission finds that it is competent under the Agreement to consider such cases or other matters, they shall be referred to the Commission.

Where the Commission dismisses an application in accordance with the first paragraph or finds, following notification, in accordance with the second paragraph, that it is not competent to consider the case or other matter, the Commission's decision shall be binding on the courts and other authorities.

Article 4

Where an application is complete and the Frontier River Commission does not find that it should be dismissed in accordance with article 3, first paragraph, any persons known to oppose the application and the authorities and other bodies affected shall be notified by post of the application and afforded an opportunity to submit comments concerning it. If the application cannot be notified to opposing parties in any other appropriate manner, a public notice concerning it shall be inserted in one or more local newspapers. The said notice shall contain the necessary information concerning the substance of the application and particulars as to the time for the submission of comments, the manner of summoning the parties and the place where documents relating to the cases will be kept available for inspection in accordance with article 5.

Where it is deemed necessary, copies of the documents relating to the application shall be sent to the competent authorities of the two States.

After comments have been received, further correspondence may take place as decided by the Frontier River Commission.

Article 5

One copy of the documents relating to a case shall, unless that is clearly unnecessary, be kept available, by a reliable person "depository" and at a place convenient for the parties, for inspection by any person wishing to acquaint himself with the documents.

Article 6

The Frontier River Commission shall conduct hearings in cases brought before it. However, such hearings shall not be required for a decision pursuant to article 2, final paragraph, that an application has lapsed or for dismissal pursuant to article 3, first paragraph.

Article 7

The Frontier River Commission shall ensure that each case is dealt with in the manner appropriate to its nature. Where it is deemed necessary, the entire Commission or one or more of its members shall conduct on-site inspections.

Where the disposition of a case requires evidence to be taken by interrogating witnesses or by hearing the parties under oath, such evidence shall, at the request of the Commission, be taken by a court designated by the Commission.

Article 8

In considering a case, the Frontier River Commission may not take up the question of the ownership of immovable property or of the area embraced by such property.

Where a dispute exists concerning the matter referred to in the first paragraph or concerning any other matter which the Commission finds unsuitable for consideration, the Commission shall declare the case in abeyance pending settlement of the dispute or, if that seems feasible, shall decide the case subject to a stipulated outcome of the dispute.

Article 9

Decisions of the Frontier River Commission granting permission for hydraulic construction works shall contain :

- (1) A precise description of the location and nature of the construction;
- (2) The necessary provisions concerning limits for the raising and lowering of the water level and concerning water use and discharge;
- (3) Provisions concerning the compensation payable in respect of the project;
- (4) In appropriate cases, provisions concerning charges or other special conditions pursuant to chapter 3, article 10;
- (5) A provision specifying the time within which the project is to be completed;
- (6) In appropriate cases, provisions concerning inspection pursuant to chapter 9, article 7;
- (7) Such other conditions as may be necessary for the protection of public or private rights.

Article 10

Decisions of the Frontier River Commission granting permission for the operation referred to in chapter 6, article 3, shall contain :

- (1) A precise description of the operations for which permission is being granted;
- (2) Provisions concerning the anti-pollution measures to be taken;
- (3) Provisions concerning the compensation payable in respect of the project;
- (4) A provision specifying the time within which the installations for the project are to be completed;
- (5) In appropriate cases, provisions concerning inspection pursuant to chapter 9, article 7;
- (6) Such other conditions as may be necessary for the protection of public or private rights.

Article 11

The Frontier River Commission may decide separately the question of the admissibility of a project and, if the project is found to be admissible, grant permission for the necessary work.

If the effects of a project cannot be foreseen with sufficient certainty in some respect, the Commission may, at the time permission is granted for the project, defer pending the results of experience the question of the relevant provisions required with regard to compensation or other matters. To the extent deemed necessary interim provisions shall be issued concerning compensation or the measures to be taken for the protection of injured parties.

Article 12

The applicant in a case falling within the scope of article 1 (1), (2), (3), (8) or (9) shall be liable to reimburse an opposing party, as determined by the Frontier River Commission, for such costs as are shown to have been necessary for the preparation and presentation of the opposing party's brief before the Commission.

In other cases, the Commission shall determine, in accordance with the circumstances, who is to bear the costs.

The cost of remunerating experts whose services are obtained by the Commission shall be advanced by the applicant except as otherwise determined by the Commission. The question of the final payment of such costs shall be decided on the basis of the first or second paragraph.

Article 13

All the members of the Frontier River Commission shall take part in the consideration of cases. Where there is a difference of opinion, the opinion concurred in by at least four members, at least two of them from each State, shall prevail. Where no opinion receives the indicated number of votes and the question at issue is that of compensation for the use of property, for loss, damage or inconvenience or for costs as provided in article 12, that opinion shall prevail which, upon appropriate application of the voting rules for courts of the State to which the members belong, is concurred in by a majority of the members from the State where the property is situated, where the loss, damage or inconvenience occurred or to which the costs relate; other questions shall be referred to the Governments for decision.

The Chairman shall decide alone on matters connected solely with the preparation of the case.

Article 14

The Frontier River Commission's decision in cases shall, if not rendered immediately following the hearing of the case, be rendered on a date announced at the time of the hearing. Where such an announcement cannot be made, notice of the date of the decision shall be given to the parties in the same manner as that prescribed for summoning them.

Article 15

Appeals against the Frontier River Commission's decisions in cases may be lodged with the supreme water rights court of the State concerned in respect of matters relating to compensation for the use of property, for loss, damage or inconvenience or for costs as provided in article 12. The appeal must be submitted to the said court not later than sixty days after the date on which the Commission's decision was rendered. Notice of intent to lodge an appeal or complaint is not required. In all other respects, the law of the State concerned relating to appeals against decisions in water rights cases other than criminal cases shall apply to appeals.

In respect of matters other than those referred to in the first paragraph, the Commission's decision in a case shall immediately acquire legal force.

Decisions of the Commission granting permission for projects or measures may be implemented notwithstanding the lodging of an appeal pursuant to the first paragraph.

Article 16

The law of each State relating to special legal remedies shall apply, as appropriate, to decisions of the Frontier River Commission to the extent that such decisions affect interests in the State concerned.

Article 17

Questions within the competence of the Frontier River Commission which are not referred to in article 1 shall be taken up by the Commission as administrative matters.

Administrative matters shall be taken up by the Commission of its own motion or on the proposal of the authority or claimant concerned. In dealing with an administrative matter, the Commission shall afford the authority or claimant concerned an opportunity to present a statement and to obtain such information and take such other measures as are necessary, having regard to the nature of the said matter. A hearing shall be conducted if it seems likely to further the disposition of the matter before the Commission.

All the members of the Commission shall take part in the consideration of administrative matters. Where there is a difference of opinion, the opinion concurred in by at least four members, at least two of them from each State, shall prevail. Where no opinion receives the indicated number of votes, the matter before the Commission shall be deemed to have lapsed; matters whose nature is such that a decision is required shall be referred to the Governments. The Chairman shall decide alone on questions connected solely with the preparation of the administrative matter.

No appeal may be made against the Commission's decisions in administrative matters; in certain cases, however, pursuant to chapter 5, articles 6 and 7, confirmation of the decision by the two Governments shall be required.

Chapter 9

PROVISIONS CONCERNING SUPERVISION, CRIMINAL LIABILITY
AND OTHER MATTERS*Article 1*

The Frontier River Commission shall, in co-operation with the competent authorities of the two States, exercise supervision of water use and keep water conditions in general under review within the area of application of the Agreement. In matters of fishery supervision, this provision shall apply within the special area defined in chapter 5, article 1.

This Agreement does not entail any restriction of supervision exercisable under the legislation of either State.

The Frontier River Commission may issue regulations concerning the exercise of supervision by a specially appointed expert. Fishery supervision may, by decision of the Frontier River Commission, be exercised by joint supervisory patrols of the two States. Each State shall pay and equip its own supervisory personnel.

Article 2

The Frontier River Commission shall ensure that the supervisory authorities of the two States have access to the material required for their supervisory activities.

When there is reason to do so, the Commission shall bring observations made with regard to conditions in the area of application of the Agreement to the knowledge of the competent authority so that the latter may take such action as may be incumbent upon it.

Article 3

The Frontier River Commission shall maintain continuous observation of water flow at the point where the River Tärentö (Tärendö) flows out of the River Torne. As the basis for this activity the Commission shall have the necessary studies and calculations made as soon as possible in order to determine the volume of water flowing in each of the two rivers under prevailing natural conditions.

Article 4

In order to exercise supervision under this Agreement, the Frontier River Commission and experts appointed pursuant to article 1 shall be entitled to enter factories or other installations, whether or not they are in operation and to conduct investigations inside the installations or their grounds.

Where an investigation is required as to some other location, the Commission and experts shall have the right of access thereto for the purpose of conducting the investigation. This provision shall not, however, apply to houses, building plots or orchards.

Article 5

Where there is reason to fear that certain operations are contrary to this Agreement, the person carrying out the operations shall be bound to provide the Frontier River Commission on request with the necessary information concerning them.

Article 6

A person who has taken part in supervisory activities under this Agreement shall not disclose without authorization any professional secrets, operating procedures or business conditions or any circumstances of significance for the national defence of either country of which he has acquired knowledge in the course of such activities.

Article 7

When adopting a decision granting permission for projects or measures pursuant to this Agreement, the Frontier River Commission shall, if it finds that there is reason to do so, provide that upon completion of the work an inspection thereof shall be carried out by an expert at the expense of the entrepreneur.

The inspector shall be appointed by the Commission or its Chairman.

Article 8

There shall be a special fund for charges paid pursuant to this Agreement. The two Governments shall issue regulations, on the basis of proposals by the River Commission, governing the administration of the fund and the use of its assets for the stipulated purposes.

Article 9

Where any person takes measures whose nature is such that they clearly cannot be carried out without the grant of permission by the Frontier River Commission, the competent authority of the State in which the measures are being taken may forbid continuation of the work until such permission is obtained and, if there is reason to do so, may provide for assistance to be given in rectifying whatever may have been done illegally. Where work for which permission has been obtained is carried out in a manner contrary to the conditions laid down for the said work, such provision may also be made unless it is clear that neither public nor private rights are impaired by the non-compliance.

Article 10

Any person who carries out hydraulic construction in violation of the provisions of chapter 3, article 13, first paragraph, who engages in water regulation in violation of the provisions of chapter 4, article 1 (cf. chapter 3, article 13, first paragraph) or who sets up fixed fishing installations in violation of the provisions of chapter 5, article 5, first paragraph, without obtaining permission from the Frontier River Commission for the purpose shall, if he was aware or could reasonably have been expected to be aware that permission was required under the above-mentioned provisions, be subject to a fine or to imprisonment for a period not exceeding one year.

Any person who has obtained the Commission's permission for projects or measures falling within the scope of the first paragraph but deviates from the conditions laid down for the projects or measures in such a way as to impair public or private rights shall also be subject to a fine or to imprisonment for a period not exceeding one year.

Article 11

Any person who wilfully or negligently :

1. Violates the prohibition laid down in chapter 6, article 1;
2. Violates a prohibition imposed pursuant to chapter 6, article 11 or 14;
3. Fails to comply with the regulations concerning the requirement for consideration and notification issued by the two States pursuant to chapter 6, article 4, or
4. Disregards conditions established or regulations issued pursuant to chapter 6, article 4, 11, 12 or 14, in such a manner that public or individual rights may be impaired

shall be subject to a fine or to imprisonment for a period not exceeding one year.

Any person who wilfully or negligently violates the provisions of chapter 9, article 6, shall be subject to a fine or to imprisonment for a period not exceeding one year.

Any person who wilfully or negligently fails to fulfil his obligation under chapter 9, article 5, shall be subject to a fine.

Article 12

Criminal proceedings in respect of the acts specified in articles 10 and 11 shall be instituted in the lower court of the place where the offence was committed.

Where a violation of the provisions of chapter 9, article 6, relates to anything other than circumstances of significance for the national defence of either country, proceedings shall be instituted by the public prosecutor only upon the petition of an aggrieved party.

Article 13

The consequences ensuring for any person who sets up and uses fishing gear or other devices in violation of the provisions of chapter 5, article 2 or 3, concerning fish channels or reserve zones or who engages in fishing in violation of the provisions of chapter 5, article 4, or of regulations issued pursuant to chapter 5, article 5, second paragraph, are specified in the regulations for the fishery zone of the River Torne.

Chapter 10

FINAL PROVISIONS

Article 1

Any dispute between the two States concerning the interpretation and application of this Agreement shall be settled in accordance with the Convention concluded between Finland and Sweden on 27 June 1924¹ concerning the establishment of a permanent Commission for investigation and conciliation.

Article 2

This Agreement, which has been drawn up in duplicate in the Swedish and Finnish languages, shall be ratified. The instruments of ratification shall be exchanged at Helsinki as soon as possible.

The Swedish and Finnish texts are equally authentic.

Article 3

The Agreement shall enter into force on 1 January 1972.

Article 4

Upon the entry into force of this Agreement, the following shall cease to have effect :

- The Convention of 10 May 1927² between Finland and Sweden concerning the joint exploitation of the salmon fisheries in the Tornea and Muonio Rivers;
- The Declaration of 8 September 1966 by Finland and Sweden concerning the application of the Convention of 10 May 1927 concerning the joint exploitation of the salmon fisheries in the Tornea and Muonio Rivers;
- The Declaration of 10 May 1927 by Finland and Sweden concerning the adoption of Regulation for fishing in the fishery zone of the Tornea River.

Article 5

If any installation or project referred to in this Agreement is built or carried out before the Agreement enters into force or is built or carried out subsequently pursuant to a decision of a court or other authority based on previously applicable provisions, the previously applicable provisions shall be applied in determining the legality of the installation or project and the associated rights and

¹ League of Nations, *Treaty Series*, vol. XXIX, p. 19.

² *Ibid.* vol. LXX, p. 201.

obligations. However, the provisions of this Agreement concerning review shall apply to the said installation or project.

Cases or other matters which, at the time of the entry into force of this Agreement, are pending in court or before any other authority and which affect questions covered by the Agreement shall be dealt with and decided in accordance with the previously applicable provisions.

The Kiviranta trap may be deployed and operated pursuant to the rules applicable heretofore for one year from the entry into force of the Agreement.

Article 6

The Agreement shall cease to have effect at the end of the year falling two years after denunciation of the Agreement by either State. Upon such denunciation, the States shall, in order to prevent injury to public interests and private rights, begin negotiations on the continued existence of installations extending across the State frontier which were built pursuant to the Agreement.

IN WITNESS WHEREOF the plenipotentiaries hereunder indicated have signed this Agreement.

DONE at Stockholm on 16 September 1971.

For the Government of Finland :
LEO TUOMINEN

For the Government of Sweden :
KRISTER WICKMAN

ANNEX A

STATUTE OF THE FINNISH-SWEDISH FRONTIER RIVER COMMISSION

OFFICE AND STAFF

1

The Finnish-Swedish Frontier River Commission shall have an office situated at a place within the Frontier area to be determined jointly by the two Governments. The Commission shall have a postal address in each State.

The necessary premises for the office shall be provided and paid for by the State in which the office is situated.

2

The Commission shall have a Secretary versed in the law whom it shall appoint. The person so appointed must have a command of both the Finnish and Swedish languages. If necessary, more than one Secretary may be appointed.

The Commission shall also employ such other staff as are necessary for the work of the office. These staff shall also be appointed by the Commission.

OFFICIAL DUTIES, REMUNERATION, AND OTHER MATTERS

3

The Chairman of the Commission shall be responsible for directing and supervising the preparation of cases and administrative matters. He shall ensure that the staff employed by the Commission perform their duties and that cases and administrative matters brought before the Commission are promptly dealt with.

The other members of the Commission shall, when summoned by the Chairman, participate in the Commission's meetings and, where appropriate, assist in the preparation of cases and administrative matters by conducting special inquiries or investigations within their sphere of competence.

Alternate members shall, when summoned by the Chairman, assume the duties of members who are prevented from serving.

4

The Secretary shall, pursuant to the Chairman's instructions, assist in the preparation of cases and administrative matters, keep the Commission's minutes and records, attend to the dispatch of summonses and other documents, attend to the administration of funds pursuant to the provisions of article 12 of this Statute and otherwise assist in the work of the Commission's office.

Other staff shall, in accordance with detailed regulations established by the Chairman and with the Secretary's instructions, perform clerical and other necessary tasks in the Commission's office.

5

Members of the Commission shall be required to have taken the judicial oath in their respective countries before entering upon their duties.

6

No decision of the Commission or of its Chairman may be disclosed by members of the Commission or by persons employed by the Commission before the decision is announced in the appropriate manner.

7

The salaries of members of the Commission and the basis for the reimbursement of their travel and subsistence costs shall be determined by the Governments of their respective States.

8

The wages and salaries of the staff of the Commission shall be determined by the Commission. As regards other conditions of employment, the legal provisions relating to civil servants of the employee's State of residence shall apply as appropriate.

HOURS OF BUSINESS AND RECEPTION TIMES

9

The office of the Commission shall be open for business every working day during certain hours fixed by the Commission.

The Chairman or the Secretary shall, provided that they are not prevented from doing so by their official duties on behalf of the Commission or for other valid reasons, be present at the office at a specified time at least once a week.

There shall be a notice on the door of the office showing the hours of business and the time when the Chairman or the Secretary is normally to be found there. Particulars as to the hours of business shall also appear in the public telephone directory.

FINANCIAL MANAGEMENT

10

The salaries of members of the Commission shall be paid in their respective States by an authority designated by the Government of the State concerned.

11

Costs occasioned by the Commission's activities other than those referred to in article 1, second paragraph, and article 10 shall be paid by the Commission. The necessary funds shall be advanced to the Commission for this purpose. The advances shall be paid on requisition by the Commission, normally in equal amounts from the two States, by an authority designated by the Government of each State.

12

The administration of the Commission's funds shall be the responsibility of the Secretary.

A statement of accounts for the administration of funds shall be submitted to the Commission semi-annually by the Secretary for examination. When it examines the statement the Commission shall determine the final apportionment of costs between the two States.

The Commission shall transmit one copy of the statement of accounts to an authority designated by the Government of each State. The Governments of the two States shall jointly arrange for an audit.

PROVISIONS CONCERNING PROCEDURES FOR DEALING WITH CASES
AND ADMINISTRATIVE MATTERS

13

Applications and other documents delivered or sent to the Commission may be drawn up in either the Finnish or the Swedish language. The Commission shall arrange for any necessary translations to be made.

The Commission's minutes and decisions shall be drawn up in either or both languages, as the circumstances require.

14

For its meetings the Commission shall be entitled, as determined by the county administration concerned, to the use of the necessary premises in courthouses, schools or other public buildings. Special costs for heating, cleaning and the like shall be reimbursed.

15

The Government of the State in which the Commission's office is situated shall issue regulations concerning charges paid pursuant to decisions and other documents of the Commission; the proceeds from charges shall accrue to the said State.

ANNEX B

REGULATIONS GOVERNING FISHING IN THE FISHERY ZONE
OF THE RIVER TORNE

GENERAL PROVISIONS

1

The fishery zone of the River Torne shall comprise the following waters :

- The Rivers Kōnkämä and Muonio and the portion of the River Torne and the lakes through which the State frontier between Finland and Sweden runs " frontier rivers ";
- The lakes and watercourses that form branches of the frontier rivers;
- The special effluents formed by the various branches at the mouth of the River Torne;
- The part of the Gulf of Bothnia lying between the Finnish and Swedish parishes of Lower Torne north of latitude 65°35'N.

The part of the fishery zone of the River Torne lying north of the mouth of the river defined as a straight line between the top of Hellälä north point on the Finnish side and the tip of Virtakari point, the nearest site on the opposite Swedish side, shall be called the river zone; the part lying south of that line shall be called the sea zone. The effluents of the River Torne shall be part of the river zone.

2

In these regulations :

“ Fixed gear ” shall mean fixed fishing installations, including fishing gear fitted with leaders, fastened to the bed or bank with piles or weights or in some other manner and intended to remain in position for more than forty-eight hours at a time;

“ Fixed fishing installations ” shall mean fishing gear constructed of timber or other durable materials and of a permanent nature (traps);

“ Large bow-purse net ” shall mean bow-purse nets whose height is at some point greater than 1.5 metre;

“ *Laiska* ” or “ *kosteverkko* ” shall mean nets one end of which is secured in the shelter of a natural or man-made bar.

3

In these regulations the term “ mesh size ” shall mean :

When applied to nets that can be stretched: the distance between the mid-points of two opposite and furthest separated knots measured when the gear is wet and the mesh is stretched diagonally lengthwise.

When applied to nets that cannot be stretched: the shortest distance between the two nearest opposite sides of the mesh.

The provisions concerning mesh size shall not be deemed to have been violated because one or two meshes deviate from the stipulated measurement.

FISHERY PROTECTION AND EXPLOITATION

4

Regulations concerning fish channels in the river zone and concerning reserve zones in the sea zone appear in chapter 5, articles 2 and 3, of the Agreement between Finland and Sweden concerning frontier rivers.

Certain prohibitions with regard to fishing in the sea zone close to the mouth of the river shall apply pursuant to chapter 5, article 4, of the Agreement concerning frontier rivers.

5

Fishing with large bow-purse nets shall be forbidden within the river zone.

Fishing with a *laiska* or *kosteverkko* in the shelter of a man-made bar shall be forbidden.

6

Fishing with fish-spears shall be forbidden.

Fishing with gaffs fitted with shafts shall be forbidden; such gear may, however, be used to take in fish caught with other gear. The foregoing shall also apply to other gear with which fish can be speared.

7

In fishing with landing nets, torches or lights may not be used.

8

Fishing with otter trawls or similar gear such as lines strung out between fishermen with one or more casts fitted with hooks, spoons or the like, and fishing with trolling or spinning lines fitted with more than three separate hooks on the same line, shall be forbidden in the river zone.

9

Fishing with explosives, with narcotic or poisonous substances or with electric current shall be forbidden.

Furthermore, no use may be made in fishing of objects or devices on the bottom or in or above the water whose purpose is to frighten fish into the catching gear.

Fishing with firearms shall be forbidden.

10

All fishing shall be forbidden from 15 September to 20 October in the portion of the River Kōnkämä extending from Lake Kilpisjärvi to the point of junction with the River Lätäseno.

Fishing with fixed gear shall be forbidden from 1 September to 14 September in the river zone downstream from the point of junction with the River Lätäseno.

All fishing for fish other than lamprey shall be forbidden from 15 September to 15 November in the river zone downstream from the point of junction with the River Lätäseno.

11

Fishing with seines, including goreless seines, elsewhere than in fixed fishing installations and fishing with drift nets shall be forbidden in the river zone, from 0800 to 1800 hours Swedish time or during the corresponding period reckoned by Finnish time.

12

Crayfishing shall be forbidden unless the Frontier River Commission decides otherwise.

Fishing for pearl mussel shall be forbidden.

13

Fish of the following types may not be caught if they are smaller than the minimum size indicated below, as measured from tip of nose to extreme end of tailfin :

- (1) Salmon : 50 centimetres;

- (2) Sea trout in the case of fishing in Lake Kilpisjärvi and in the portion of the River Kõnkämä extending to the point of junction with the River Lätäseno : 25 centimetres; elsewhere in the fishery zone of the River Torne : 35 centimetres;
- (3) Grayling : 25 centimetres.

14

Where a person, while fishing for lawful types of fish unintentionally catches fish which under article 10, third paragraph, or article 13 he was not entitled to catch, he shall not be considered to have violated the catch prohibition if the fish is promptly released into the water.

15

During the close season and within the area where fishing is forbidden, there shall be no fishing gear in the water other than gear for catching lamprey in so far as such catching is permitted.

When fishing operations end, piles, poles, trestles and other materials used for fishing shall be promptly removed from the water and taken ashore.

Trap weights shall be taken ashore when the trap is dismantled.

All building materials for traps intended for catching burbot in winter shall be removed from the water before the spring break-up of the ice and taken ashore.

16

Wickets in fixed fishing installations shall be made with an interval of at least 16 centimetres between vertical slats and at least 9 centimetres between horizontal slats.

17

In traps intended for catching pollan or smaller varieties of fish, *mocka* nets may not be used nor may bow-purse nets, wire cages or creels whose mouth or ring are more than 16 centimetres in diameter in any direction.

18

Within the river zone, fishing gear shall have the following mesh sizes :

Gear intended for catching salmon and sea trout :

- (1) Fixed gear : not less than 66 millimetres;
- (2) Seines : not less than 100 millimetres; in the case of seines used to take fish in karsina-type traps, however, the mesh size may be as little as 80 millimetres;
- (3) Nets : not less than 100 millimetres;

Gear intended for catching other fish :

- (1) Traps, bow-purse nets, wire cages and creels other than lamprey creels : not less than 60 millimetres;
- (2) Seines : not less than 64 and not more than 80 millimetres;
- (3) Nets : not less than 60 and not more than 80 millimetres.

19

Within the sea zone, fishing gear shall have the following mesh sizes :

Fixed gear :

- (1) If the gear is intended for catching Baltic herring and Whitefish : not less than 24 and not more than 38 millimetres in the so-called " fish-house ";
- (2) If the gear is intended for catching other fish : not less than 66 millimetres;

Seines :

- (1) If intended for catching Baltic herring and Whitefish : not less than 24 and not more than 38 millimetres;
- (2) If intended for catching salmon and sea trout : not less than 100 millimetres;
- (3) If intended for catching other fish : not less than 66 millimetres;

Nets :

- (1) If intended for catching Baltic herring, Whitefish and bait fish : not less than 24 and not more than 38 millimetres;
- (2) If intended for catching other fish : not less than 60 millimetres.

Should the use of gear referred to in this paragraph which is intended for catching Baltic herring, Whitefish and bait fish prove to have a harmful effect on the supplies of these or other varieties of fish, the Frontier River Commission shall be entitled to limit or prohibit its use.

20

The Frontier River Commission may issue regulations providing for a specified minimum distance between deployed fishing gear and for protected areas for fixed fishing gear in which fishing with movable gear shall be forbidden.

21

The Frontier River Commission may, to the extent required by considerations of fish conservancy, for pisciculture or for scientific purposes, grant exceptions from the provisions of these regulations.

Fish stocking which is not carried out pursuant to specially enacted provisions may not take place without permission from the Frontier River Commission. Such permission may not be granted unless the relevant application has first been approved by the State fishery authority.

In connexion with the grant of permission pursuant to the first or second paragraph, the Commission shall issue suitable regulations for the purpose of preventing misuse of such permission.

22

Where necessary, the Frontier River Commission may also grant exceptions from the provisions of articles 10 and 16–19 in cases other than those referred to in article 21. If the question is of particular importance, it shall be submitted to the two Governments for consideration.

MARKING OF FISHING GEAR

23

Fishing gear which is set up and is not supervised shall be marked in such a manner that it is unmistakably clear who the owner or user of the gear is and where his place of residence is. The markings must be clearly observable without removing the gear from the water.

LIABILITY FOR VIOLATIONS AND OTHER MATTERS

24

Any person who intentionally

- Installs and uses fishing gear or other devices in clear violation of the provisions relating to fish channels or reserve zones of chapter 5, article 2 or 3, of the Agreement concerning frontier rivers;
 - Or engages in fishing in clear violation of the prohibition provided for in chapter 5, article 4, of the Agreement concerning frontier rivers;
 - Or engages in fishing in a manner prohibited under article 5, 7 or 9 of these regulations or in violation of the provisions of article 10–13
- shall be subject to a fine or to imprisonment for a period not exceeding six months.

25

A fine shall be imposed on any person who intentionally

- Fishes with gear prohibited under article 6 or 8;
- Or, with the intention of engaging in or promoting fishing with the gear referred to in article 6, first paragraph, or article 8, carries such gear while proceeding to the fishing site;
- Or, with the intention of engaging in or promoting fishing of the kind referred to in article 9, first or second paragraph, carries substances, objects or devices intended for such fishing while proceeding to the fishing site;
- Or uses, in fixed fishing installations, wickets which do not have the interval between the slats specified in article 16;
- Or fishes with gear prohibited under article 17 or with gear which does not have the mesh sizes specified in article 18 or 19;
- Or violates regulations issued pursuant to article 20;
- Or stocks fish without the permission referred to in article 21, second paragraph;
- Or engages in fishing in violation of regulations issued pursuant to chapter 5, article 5, second paragraph, of the Agreement concerning frontier rivers.

26

Any person who wilfully or negligently disregards the provisions of article 15 or 23 shall be subject to a fine.

27

Where a person is found to have engaged in fishing operations punishable under article 24 or 25, the fish caught or, if the fish has spoiled or was not kept, the value thereof shall be declared forfeit unless that is clearly unreasonable.

Where fish which are subject to forfeiture under the first paragraph because they were caught at a prohibited time or are below the specified minimum size are found in a catch, the other fish shall, unless the owner of the catch immediately arranges at his own expense for a trustworthy person to sort them from the forfeit fish, also be declared forfeit unless that is clearly unreasonable.

Where fish are declared forfeit, the box or other packing in which they are kept shall also be forfeit.

28

Fishing gear which is used for fishing operations punishable under article 24 or 25,

— Or which, even though fishing has not taken place, is carried by a person proceeding to a fishing site under circumstances giving rise to penalties under article 25,

— Or which is left standing in violation of article 15 or is not marked in accordance with article 23,

shall be declared wholly or partly forfeit if the owner or someone acting in his stead wilfully committed the act or assisted therein and if such forfeiture is not clearly unreasonable; where the gear was not kept, its value shall be declared forfeit instead.

The provisions of this article shall not apply to firearms.

29

The provisions of articles 27 and 28 relating to forfeiture shall not apply to persons who, acting in good faith, acquire property or special rights thereto.

Forfeit property or the value thereof shall revert to the State in which the decision concerning forfeiture was rendered.

30

Where, in the cases referred to in article 24 or 25, a person is caught in the act or where there is found in the water fishing gear which is not permitted under these regulations or has been left standing in clear violation of the provisions of article 15 or is not marked in accordance with article 23, property subject to forfeiture under

article 27 or 28 as well as boats and anything else which may be presumed to be of importance to the investigation of the offence may be impounded.

In addition to police authorities, policemen and prosecutors, fishery wardens appointed by State authorities and employees of the competent coast and frontier guards shall also be authorized to impound property pursuant to the first paragraph. Where property is impounded by someone other than a police authority, policeman or prosecutor, the impoundment shall be notified as soon as possible to a police authority or prosecutor or to the nearest policeman; the person receiving such notification shall proceed as if he himself had carried out the impoundment.

31

Where it is clear that fishing gear has been set up or other measures taken in violation of the provisions relating to fish channels or reserve zones of chapter 5, article 2 or 3, of the Agreement concerning frontier rivers or in violation of the prohibition provided for in chapter 5, article 4, of the said Agreement and where the situation is not promptly corrected after notice of the violation is given, the local bailiff shall, at the request of the injured party and after he has inspected the place with a trustworthy person, provide any necessary assistance at the expense of the contumacious party.

Where public fishing interests are affected, prosecutors, State fishery officials or fishery wardens appointed by State authorities may also request assistance.

32

Where the owner or possessor of fishing gear fails to comply with the provisions of article 15, the bailiff may order work to be performed at the expense of the non-complying party.

33

Proceedings in respect of offences under these regulations shall be instituted in the lower court of the place where the offence was committed or in the lower court of the place in either State where the suspect is domiciled or habitually resides.

ANNEX C

REGULATIONS CONCERNING THE REQUIREMENT FOR CONSIDERATION AND NOTIFICATION IN RESPECT OF THE OPERATIONS REFERRED TO IN CHAPTER 6, ARTICLE 3, OF THE AGREEMENT BETWEEN FINLAND AND SWEDEN CONCERNING FRONTIER RIVERS

1

For the purposes of these regulations, the term "permission" shall mean permission to carry out operations pursuant to chapter 6, article 3, of the Agreement between Finland and Sweden concerning frontier rivers which is granted pursuant to chapter 6, article 4, of the said Agreement by the Finnish-Swedish Frontier River Commission.

2

The following types of factories or other installations may not be constructed without permission if operations falling within the scope of chapter 6, article 3, of the Agreement concerning frontier rivers are to be carried out in the process of such construction :

1. Mining or dressing works;
2. Sintering, iron or steel works, or ferrous alloy works;
3. Metal works or metal refineries;
4. Installations for surface-treating metals;
5. Foundries;
6. Cable factories;
7. Cement works, crushing works, macadam works, stone works;

8. Installations for the manufacture of lime or lime products;
9. Asphalt works, oil gravel plants;
10. Chalk works;
11. Factories for the manufacture of mineral-based building materials;
12. Mineral-wool works;
13. Hard rock, stone, gravel or sand quarries and pits;
14. Porcelain, glazed tile or earthenware factories;
15. Glass factories;
16. Wood impregnation works;
17. Pulp mills, paper mills, cellulose or wall board factories;
18. Sugar mills;
19. Starch factories;
20. Dairy, dried milk or ice-cream factories;
21. Slaughterhouses, canned meat factories or refuse-disposal installations;
22. Fish meal or fish oil factories or factories for the processing or canning of fish;

23. Factories for the processing or canning of vegetables, root crops, fruit or berries;

24. Margarine factories;
25. Yeast factories;
26. Bonemeal or hide glue factories;
27. Breweries, maltworks, distilleries, soft drink factories;
28. Factories for manufacturing ready-cooked foods; smokehouses;
29. Coffee roasthouses;
30. Factories for the processing or dyeing of textiles; wool scouring mills;
31. Laundry installations with a capacity for handling more than 500 kilogrammes of laundry in a 24-hour period;
32. Tanneries or other installation for processing skins;
33. Factories for the manufacture of alkaline chemicals;
34. Factories for the manufacture of fertilizers;
35. Factories for the manufacture of plastics, artificial fibres, synthetic rubber or plastic products;
36. Rubber factories;
37. Carbon black factories;
38. Pharmaceutical factories or serobacteriological installations;
39. Gunpowder or explosive factories;
40. Factories for refining oils or fats;
41. Factories for the manufacture of paint, resins, varnishes or solvents;
42. Factories for the impregnation of paper, plastic or artificial fibre materials;
43. Factories for the manufacture of electrode carbon, graphite or graphite electrodes;
44. Factories for filler or pigment manufacture;
45. Detergent factories;
46. Factories for the manufacture of pesticides;
47. Nuclear or gas turbine power stations;
48. Steam power stations or other installations burning fossil fuel with output capacity exceeding 50 MW;
49. Coal gas, liquid gas or acetylene gas works;
50. Installations for the treatment or dumping of refuse if the amount of refuse delivered exceeds 50 tons a year, or installations for the treatment or central collection of oil refuse or other special refuse;
51. Scrapyards or installations for handling scrap;
52. Installations for keeping animals with space for more than 500 pigs for slaughter or 10,000 domestic fowl for slaughter;
53. Installations for drying animal-produced fertilizer;
54. Factories which may discharge poisonous effluents;

3

The following shall apply to measures which entail changes in the installations referred to in article 2 or changes in the use of such installations :

If the measure is such that it may immediately or ultimately result in increased pollution or a change in the composition or manner of discharge of a pollutant, it may not be taken without permission unless it clearly will not cause significant inconvenience from the standpoint of health, nature conservancy or other public interests.

4

If an installation referred to in article 2 is constructed or altered in such a manner that effluent water from the installation is conveyed to an effluent installation belonging to a third party, the latter may not discharge effluent water from the effluent installation without permission.

5

Effluent water of the following types may not be discharged into any watercourse, lake or other waters or be conveyed to an effluent installation belonging to a third party without permission :

1. Effluent water from built-up areas with more than 200 inhabitants or from barracks, hotels, hospitals or similar establishments designed to accommodate more than 200 persons;
2. Liquid pressed from silage;
3. Urine from cattle sheds;
4. Whey which is not simply spillage;
5. Metal industry surface-treatment bath solutions or concentrated rinse water from such baths.

6

Where permission to lead off effluent water of a type specified in article 5 has been granted pursuant to the Agreement concerning frontier rivers or regulations previously in force, effluent water may not be discharged without permission in greater quantities or in some other manner than previously stipulated, or where it is of a type or composition other than that previously stipulated, unless this can clearly be done without causing significant inconvenience from the standpoint of health, nature conservancy or other public interests.

7

Solid wastes or other solids from land, buildings or installations may not be discharged into any watercourse, lake or other waters without permission unless this can clearly be done without causing significant inconvenience from the standpoint of health, nature conservancy or other public interests. This shall apply as appropriate to the piling up of solid substances in such a way that waters may be polluted.

8

Where there is no obligation to apply for permission pursuant to article 2-7, the obligation to give notice under the regulations of the State in which the operations are to be carried out shall apply.

9

There shall be no requirement for consideration or notification in respect of measures for which permission has been granted or concerning which notification or application has been made under regulations previously in force.
