

# Agreement between Finland and Sweden Concerning Transboundary Rivers



MINISTRY OF AGRICULTURE AND FORESTRY

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# Agreement between Finland and Sweden Concerning Transboundary Rivers

## Introduction

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

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

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

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

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

**Ministry of Agriculture and Forestry**

**Helsinki 16.4.2013**

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## Agreement between Finland and Sweden Concerning Transboundary Rivers

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

### **General provisions**

#### Article 1

##### *Geographical area of application*

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

## Article 2

### *Purpose*

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

## Article 3

### *Right to the water and water area of the transboundary rivers*

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

## **Cooperation**

### Article 4

#### *Joint programmes and plans*

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

### Article 5

#### *Objectives for the status of aquatic environment in the transboundary waters*

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

### Article 6

#### *Preventing flood damages*

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

### Article 7

#### *Monitoring of flow relations*

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

## **Cooperation body between the states**

### Article 8

#### *Finnish-Swedish Transboundary River Commission*

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



## Article 9

### *Composition*

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

## Article 10

### *Functions*

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

## Article 11

### *Competence*

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

## Article 12

### *Right of access to information*

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

## Article 13

### *Publicity*

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

## Article 14

### *Costs*

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

## **Transboundary impacts**

## Article 15

### *Relationship of the Agreement to the Nordic Environmental Protection Convention*

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

## Article 16

### *Equal treatment*

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

## Article 17

### *Management of the public interest*

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

## Article 18

### *Communicating on permit matters*

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

## Article 19

### *Inspection*

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

## Article 20

### *Watercourse projects with significant impacts*

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

## Article 21

### *Reconciliation of permit procedures*

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

## Article 22

### *Language of application matters*

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

## **Fishing regulations**

### Article 23

#### *Geographical area of application*

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

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

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

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

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

### Article 24

#### *Fish passage*

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

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

### Article 25

#### *Further provisions*

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

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

## Article 26

### *Authorisation*

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

## Article 27

### *Research and statistics on fish stocks*

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

## Article 28

### *Measures to protect fish stocks from diseases, etc.*

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

## Article 29

### *Non-compliance with the fishing regulations*

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

## **Final provisions**

## Article 30

### *Settlement of disputes*

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

## Article 31

### *Follow-up and amendments*

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

## Article 32

### *Denunciation*

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

## Article 33

### *Agreements to be repealed*

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

## Article 34

### *Transitional provisions*

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

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

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

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

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

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

### Article 35

#### *Entry into force*

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

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

Done at Stockholm, 11 November 2009.

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

*Alec Aalto*

*Åsa-Britt Karlsson*

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



## Standing Orders of the Finnish-Swedish Transboundary River Commission

### Section 1

#### *Office*

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

The office manages the archives and records of the Commission.

### Section 2

#### *Staff*

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

In addition, the Commission may engage other staff.

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

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

### Section 3

#### *Decision-making*

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

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

### Section 4

#### *Tasks of the chair, members and experts*

The chair shall direct the work of the Commission.

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

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

## Section 5

### *Tasks of the secretary*

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

## Section 6

### *Remuneration and conditions of employment*

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

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

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

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

## Section 7

### *Budget and audit*

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

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

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

## Section 8

### *Office hours and appointment policy*

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

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

The Commission shall communicate on the office hours.

#### Section 9

##### *Language of the documents*

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

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

#### Section 10

##### *Rules of procedure*

The Commission ratifies the rules of procedure for itself.

## Fishing Rule for the River Tornionjoki Fishing District

### General provisions

#### Section 1

##### *Purpose*

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

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

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

#### Section 2

##### *Area of application*

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

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

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

