

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of the Environment, Finland**

### **Waste Act**

*(646/2011; amendments up to 494/2022 included)*

By decision of Parliament, the following is enacted:

## **Chapter 1**

### **General provisions**

#### **Section 1 (714/2021)**

##### **Objectives of the Act**

The objectives of this Act are to promote a circular economy and the sustainability of the use of natural resources, to reduce the quantity and harmfulness of waste, to prevent waste and waste management from endangering and harming health and the environment, to ensure effective waste management and to prevent littering.

#### **Section 2**

##### **Scope of application**

This Act applies to waste, waste management and littering as well as to products and activities generating waste.

This Act applies to:

- 1) waste from the normal operation of ships referred to in the Act on Environmental Protection in Maritime Transport (1672/2009) once the waste has been delivered ashore from the ship;
- 2) waste generated through oil spills or chemical spills from ships referred to in the Act on Oil Pollution Response (1673/2009) once the necessary response action to limit the damage and recover the oil or other noxious substance has been completed.

Provisions on preventing pollution of the environment caused by waste are, in addition, laid down in the Environmental Protection Act (527/2014) and provisions on preventing adverse health effects caused by waste are, in addition, laid down in the Health Protection Act (763/1994). (528/2014)

The provisions of this Act on waste apply to mercury waste referred to in Article 2(5) and to mercury and mercury compounds, whether in pure form or in mixtures, from large sources referred to in Article 11 of Regulation (EU) 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008, hereinafter the *Mercury Regulation*. (757/2018)

*The Act on Oil Pollution Response (1673/2009) was repealed by the Act Repealing the Act on Oil Pollution Response (1358/2018).*

### **Section 3**

#### **Restrictions on the scope of application**

This Act does not apply to the following waste:

- 1) emissions discharged into the air;
- 2) carbon dioxide recovered and transferred for geological storage or stored geologically to the extent that provisions on it are laid down elsewhere by law, or to geological storage of carbon dioxide if the total amount intended for storage is below 100,000 tonnes and the intention is to study, develop or test new products and methods;
- 3) waste water to the extent that provisions on it are laid down elsewhere by law;
- 4) explosives referred to in the Act on the Safe Handling and Storage of Dangerous Chemicals and Explosives (390/2005), nuclear waste referred to in the Nuclear Energy Act (990/1987) or radioactive waste referred to in the Radiation Act (859/2018);
- 5) the placing of uncontaminated dredged material that is carried out under chapter 2, section 6 of the Water Act (587/2011) or that is subject to a permit under chapter 3, section 2 or 3 of the Water Act;
- 6) animal by-products to the extent that provisions on them are laid down in Regulation (EC) No 1069/2009 of the European Parliament and of the Council, laying down health rules as regards

animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation), including manure and processed products falling within the scope of the Animal by-products Regulation; this Act does, however, apply to such by-products and derived products that are destined for incineration, landfilling or use in a biological treatment facility;

7) contaminated soil not removed from the bedrock or ground;

8) substances other than those referred to in paragraph 6 that are intended to be used as feed materials as defined in Article 3(2)g of Regulation (EC) No 767/2009 of the European Parliament and of the Council on the placing on the market and use of feed, amending European Parliament and Council Regulation (EC) No 1831/2003 and repealing Council Directive 79/373/EEC, Commission Directive 80/511/EEC, Council Directives 82/471/EEC, 83/228/EEC, 93/74/EEC, 93/113/EC and 96/25/EC and Commission Decision 2004/217/EC. (714/2021)

Chapter 11 and sections 118–121 of this Act do not apply to waste from agriculture and forestry consisting of natural material that is harmless to the environment and health and used in agriculture and forestry for purposes other than energy production, or to plant waste from agriculture and forestry consisting of said materials and used in energy production.

## **Section 4**

### **Application in the Defence Forces**

This Act does not apply to such activities of the Defence Forces where the application of the Act would compromise national security or the security of supply. Furthermore, the Act does not apply to products specifically intended for military use or to products related to protecting essential national security interests.

The Defence Forces shall, however, in activities and concerning products referred to in subsection 1 take account of the general obligations and principles of chapter 2 to the extent possible taking account of the safeguarding of national security or the security of supply.

Further provisions may be given by government decree on activities and products to which this Act, or part of the provisions of this Act, do not apply.

## **Section 5**

## **Definition of waste**

For the purposes of this Act, *waste* means any substance or object that the holder discards, intends to discard or is required to discard.

*Paragraphs 2–5 were repealed by Act 714/2021.*

## **Section 5a (714/2021)**

### **By-products**

A substance or object is not waste but a by-product if it results from a production process the primary aim of which is not the production of that substance or object and:

- 1) further use of the substance or object is certain;
- 2) the substance or object can be used directly as is or without any further processing other than normal industrial practice;
- 3) the substance or object is produced as an integral part of a production process; and
- 4) the substance or object fulfils all relevant product requirements as well as environmental and health protection requirements for the specific use and, when assessed overall, its use will not endanger or harm health or the environment.

Further provisions may be given by government decree on conditions referred to in subsection 1 for classification as a by-product, specified for each by-product.

## **Section 5b (714/2021)**

### **End-of-waste status**

Waste which has undergone a recycling or other recovery operation ceases to be waste if:

- 1) it is to be used for specific purposes;
- 2) a market or demand exists for it;
- 3) it fulfils the technical requirements for the specific purposes and complies with the provisions and standards applicable to equivalent products; and

4) its use will not, when assessed overall, endanger or harm health or the environment.

Further provisions may be given by government decree on detailed assessment criteria for the application of the conditions laid down in subsection 1 to certain waste types. The assessment criteria shall include, at a minimum:

- 1) permissible waste input material for the recovery operation;
- 2) allowed treatment processes and techniques;
- 3) quality criteria for end-of-waste materials resulting from the recovery operation in line with the applicable product standards, including limit values for pollutants where necessary;
- 4) requirements set for management systems to demonstrate compliance with the end-of-waste criteria, including for quality control and self-monitoring, and accreditation, where appropriate; and
- 5) a requirement for a statement of conformity.

Where criteria for end-of-waste assessment of a certain type of waste are not laid down in European Union legislation or by government decree specified in subsection 2, the environmental permit authority may decide on a case-by-case basis on end-of-waste status on the basis of the conditions laid down in subsection 1. Where necessary, decision-making shall comply with the provisions of subsection 2 and take into account limit values for pollutants and any possible hazard or harm to health or the environment caused by the material. Provisions of the Environmental Protection Act on granting or amending an environmental permit shall be complied with in the processing of the matter.

Those placing an end-of-waste material on the market shall ensure that the material complies with chemical and product legislation. If the material has not been placed on the market, the obligation to ensure lies with the first user of the material.

## **Section 6 (714/2021)**

### **Other definitions**

For the purposes of this Act:

- 1) *hazardous waste* means waste which displays a hazardous property and *non-hazardous waste* means waste which does not display any hazardous properties;
- 2) *municipal waste* means waste generated from permanent dwellings, free-time dwellings and residential homes as well as other residential waste, including paper, cardboard, glass, metal, plastic, textile and biowaste as well as discarded electrical and electronic equipment, discarded batteries and accumulators, and discarded large items, as well as waste that is similar in nature generated from administrative, service and business activities excluding, however, septic tank and cesspool sludge;
- 3) *septic tank and cesspool sludge* means sludge formed from household waste water in a septic tank, cesspool, small sewage treatment plant or other equivalent treatment system;
- 4) *mixed municipal waste* means the municipal waste remaining after fractions specified by waste type have been separately collected at source;
- 5) *construction and demolition waste* means waste generated by new and repair construction as well as demolition of buildings or other fixed structures, civil engineering work as well as other construction and demolition activity;
- 6) *biowaste* means biodegradable food and kitchen waste from residential units, offices, restaurants, wholesale, canteens, caterers, retail premises and other equivalent activities, comparable biodegradable waste from food processing, and biodegradable garden and park waste;
- 7) *food waste* means food referred to in Article 2 of Regulation (EC) No 178/2002 of the European Parliament and of the Council laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety, that has become waste;
- 8) *POP waste* means waste containing substances listed in Annex IV of Regulation (EU) 2019/1021 of the European Parliament and of the Council on persistent organic pollutants at a minimum in concentrations in accordance with the concentration limit laid down in the Annex;
- 9) *household electrical and electronic equipment* means electrical and electronic equipment used in a household as well as electrical and electronic equipment of a comparable nature and quantity used in commercial, industrial, institutional and other activities; equipment likely to be used both in a household and in other activities is considered household electrical and electronic equipment;

- 10) *waste producer* means anyone whose activities produce waste or anyone who carries out pre-processing, mixing or other operations resulting in a change in the properties or composition of waste;
- 11) *waste holder* means the waste producer, property holder or anyone who is in possession of the waste;
- 12) *property holder* means the owner of a real property or the holder of the lease on a real property;
- 13) *waste carrier* means anyone responsible for the transport of waste;
- 14) *waste broker* means anyone who professionally buys or sells waste or brokers waste or waste management services on behalf of others, including such brokers who do not take physical possession of the waste;
- 15) *producer* means a natural person or legal person who professionally places products on the market, specified in more detail product-specifically in section 48;
- 16) *waste management* means the collection, transport, recovery and disposal of waste, including the monitoring and control of such activities and the aftercare of disposal sites and including actions taken as a broker;
- 17) *waste collection* means the gathering of waste to a reception point provided by the property holder, municipality, producer, distributor or other party for independent treatment or transport for treatment, including preliminary sorting and temporary storage of waste;
- 18) *separate collection of waste* means the collection of waste where the waste is kept separately by type and nature so as to facilitate preparing for re-use, recycling, other recovery or other specific treatment;
- 19) *reducing the quantity and harmfulness of waste* means any activity taking place before a product becomes waste that promotes the re-use of the product, extends its service life or in other ways prevents the generation of waste, reduces the amount of hazardous and other harmful substances in the product or reduces the harmful effects on health and the environment of the waste generated;
- 20) *re-use* means using a product or its component again for same the purpose for which it was originally conceived;
- 21) *preparing for re-use* means any activity for the purpose of checking, cleaning or repairing waste by which a discarded product or its component is prepared so that it can be re-used without any other pre-processing;

- 22) *recycling of waste* means any activity by which waste is reprocessed into products, materials or substances, whether for the original or other purposes; recycling of waste does not include energy recovery of waste or the reprocessing of waste into materials that are to be used as fuels or for backfilling operations;
- 23) *recovery of waste* means any activity which has the main result of waste serving a useful purpose by replacing other substances or objects which would otherwise have been used to fulfil a particular function, in the plant or in the wider economy, including waste being prepared to fulfil that function;
- 24) *material recovery* means recovery of waste other than energy recovery or the reprocessing of waste into materials that are to be used as fuels or otherwise as energy sources;
- 25) *backfilling* means recovery of waste where suitable non-hazardous waste is used for purposes of reclamation in excavated areas and for engineering purposes in landscaping;
- 26) *disposal of waste* means depositing waste at a landfill, incineration without recovery of energy, or other comparable activity that does not constitute recovery of waste, even where the activity has, as a secondary consequence, the recovery of substances or energy contained in the waste, including preparation of waste for disposal;
- 27) *waste treatment* means the recovery or disposal of waste, including preparation for recovery or disposal;
- 28) *product distributor* means a professional seller of a product or another party that makes a product available to users;
- 29) *transboundary shipment of waste* means the shipment of waste from Finland to another country, from another country to Finland, and the shipment of waste via Finland, referred to in Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, hereinafter the *Waste Shipments Regulation*.

The provisions of this Act concerning municipalities also apply to joint municipal authorities referred to in section 2 of the Act on Cooperation between Municipalities in the Helsinki Metropolitan Area in Waste Management and Public Transport (829/2009) and to other joint municipal authorities to the extent that they have been assigned duties laid down for municipalities in or under this Act.

Further provisions may be given by government decree on the classification of waste as hazardous and non-hazardous waste. Further provisions may also be given by government decree on which



measures constitute activities referred to in subsection 1, paragraphs 20–26 and to define the product distributor referred to in subsection 1, paragraph 28.

Further provisions on hazardous properties of waste are laid down by government decree in accordance with Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives.

## **Section 7**

### **Exemption from classification as hazardous waste**

A Centre for Economic Development, Transport and the Environment may, on application by the waste holder or on its own initiative, decide in an individual case that:

- 1) waste classified as hazardous in a government decree laid down under section 6, subsection 3 is not hazardous waste if the waste holder reliably demonstrates that the waste in question does not display any hazardous properties and that this is not a consequence of the waste having been diluted;
- 2) also waste other than waste classified as hazardous in the said decree is hazardous waste if the waste displays any hazardous property.

A decision referred to above in subsection 1 is made by the Regional State Administrative Agency if the activity concerned is an activity subject to an environmental permit falling within the competence of the Agency. In such cases, the matter may be considered as part of a pending environmental permit matter.

Other permit and supervisory authorities concerned shall be notified by way of sending a copy of the decision. For monitoring purposes, a copy shall also be submitted to the Finnish Environment Institute, which shall send a summary of the decisions to the Ministry of the Environment every six months.

## **Chapter 2**

### **General obligations and principles**

## **Section 8**

## **General obligation to comply with the order of priority**

All activity shall, where possible, comply with the following order of priority: First priority shall be given to reducing the quantity and harmfulness of waste generated. If waste is, however, generated, the waste holder shall first and foremost prepare the waste for re-use or, secondarily, recycle it. If recycling is not possible, the waste holder shall recover the waste in other ways, including by means of energy recovery. If recovery is not possible, the waste shall be disposed of.

An operator whose production generates waste, or who collects waste on a professional basis or treats waste on a professional basis or at an installation, and a producer referred to in section 48 as well as other operators participating in waste management on a professional basis, shall comply with the order of priority as a binding obligation so that, when assessed as a whole, the best result is achieved in terms of the objectives of this Act. Such assessment shall take account of the impacts occurring during the lifecycle of the product and waste, of the precautionary principle and duty of care in environmental protection and of the operator's technical and financial capacity to comply with the order of priority.

For compliance with the obligation laid down in subsection 2, further provisions may be given by government decree on which of the waste treatment options referred to in subsection 1 shall be complied with on the basis of the assessment criteria laid down in subsection 2. In addition, further provisions may be given by government decree on quantitative targets and obligations for reducing the quantity and harmfulness of waste, preparing for the re-use of waste, recycling and other recovery of waste as well as on time limits for achieving targets and fulfilling obligations. Targets and obligations may differ by waste type.

## **Section 9 (714/2021)**

### **Duty of care obligations and prohibitions concerning products**

To attain the objectives of this Act, the manufacturer of a product shall ensure that:

- 1) raw materials are used sparingly in production and that waste, raw materials produced from waste or used products or their components are used as raw materials in production;
- 2) the use of raw materials containing substances harmful to health and the environment is avoided in production and they are replaced with less harmful raw materials;

- 3) the production method is chosen so as to minimise the quantity of waste generated from production and to ensure that any waste generated is as harmless as possible to health and the environment;
- 4) the product is not packaged unnecessarily;
- 5) the product is resource efficient, durable in terms of lifecycle and service life, repairable, upgradable and re-usable as well as recyclable as waste, and that minimum waste is generated from the product and its use;
- 6) the product, as waste, does not endanger or harm health or the environment or cause littering or considerable harm to or difficulty in organising waste management;
- 7) a product containing critical raw materials is re-useable and, as waste, recyclable where possible.

Where necessary, the product manufacturer shall ensure that:

- 1) the product has labelling that clarifies its properties and facilitates use, sorting, re-use, waste management and the assignment of producer responsibility or that information on these is attached to the product;
- 2) the users of the product are informed about the labelling on the product and its meaning as well as about arrangements for sorting, re-use and waste management;
- 3) waste management operators are provided with the necessary information on the re-use, dismantling and recycling of the product or its components as well as on the location of any hazardous substances and components within the product;
- 4) spare parts, user instructions, technical specifications or other tools, equipment or software enabling the high-quality repair and safe re-use of the product are available.

To attain the objectives of this Act, anyone placing a product on the market and the distributor of a product shall, where possible, ensure that the product fulfils the requirements laid down in subsection 1, paragraphs 4–7 and that the product is labelled and that users are informed and information is provided on the product in accordance with subsection 2.

If the manufacture, use or end of life of a product generates waste which is found to or can justifiably be expected to cause considerable harm to or difficulty in organising waste

management, or to endanger or harm health or the environment, the manufacture, placing on the market, export or use of such products may be prohibited or restricted or subjected to conditions.

## **Section 10**

### **Government decrees on products**

Further provisions may be given by government decree on requirements imposed on manufacturers, placers on the market and distributors of products concerning production and products laid down in section 9, subsections 1 and 2 as well as on a prohibition, restriction or condition referred to in section 9, subsection 4, regarding: (714/2021)

- 1) product labelling or related informing of users or provision of information;
- 2) a prohibition, restriction or condition imposed on the manufacture, placing on the market, export or use of a product referred to in section 9, subsection 4;
- 3) recoverability and re-usability of a product and the necessary obligations in this regard;
- 4) submission of information necessary for supervision to the authorities on an activity, product or the waste generated from it;
- 5) prevention of littering caused by a product;
- 6) any other prohibition or requirement concerning activities or products comparable to paragraphs 1–5 and necessary in order to implement relevant legislative acts of the European Union, supervise compliance with the prohibition or requirement as well as the related disclosure obligation. (714/2021)

## **Section 11**

### **Promotion of compliance with the order of priority**

In their activities, authorities, institutions and entities governed by public law shall, where possible, use durable, repairable, re-usable or recyclable products and products made of recycled raw materials as well as services where the quantity and harmfulness of waste generated is minimised.

## **Section 11a (714/2021)**

### **Promotion of preparing for re-use**

In the context of waste collection, the municipality, producer or other professional collector of waste shall provide enterprises and entities engaged in preparing for re-use with equal opportunities to receive waste suitable for preparing for re-use from a reception point designated by it to the extent to which it does not itself organise preparing for the re-use of the waste in question. The reception and collection of waste shall be carried out in such a way that does not have adverse effects on opportunities for preparing waste for re-use.

A written agreement shall be concluded on the transfer of waste for preparing for re-use. The transferor of waste may charge the costs arising from the cost-efficient collection and storage of the waste to the enterprise or entity preparing for re-use. The enterprise or entity preparing for re-use shall submit the information concerning the treatment of the waste to the transferor of waste.

Further provisions may be given by government decree on the contents of the agreement referred to in subsection 2 and on criteria for costs.

## **Section 12**

### **Duty to know and disclosure obligation**

Producers, manufacturers and importers of products shall know the waste generated from their production or from their product, its environmental and health impacts and waste management as well as the possibilities of developing their production or product so as to reduce the quantity and harmfulness of waste.

The waste holder shall know the origin, quantity, type, nature and other properties of the waste relevant to organising waste management as well as of the impacts on health and the environment of the waste and waste management and shall, if necessary, disclose the information regarding these to other waste management operators.

Further provisions may be given by government decree on:

- 1) the waste holder's obligation to monitor and control the environmental and health impacts of the waste and waste treatment and to monitor the composition and origin of the waste;
- 2) the disclosure of information on the waste and waste treatment to the previous holder or treater of the waste;

3) other measures comparable to measures referred to in paragraphs 1 and 2 in order to meet the obligations laid down in subsection 2.

(714/2021)

### **Section 13**

#### **Prevention of hazard and harm caused by waste and waste management**

Waste may not be abandoned or treated in an uncontrolled manner.

Waste and waste management may not endanger or harm health or the environment, cause littering, impair general safety or result in any other comparable violation of public or private interests. In the collection and transport of waste as well as in the choice of location, construction, use and aftercare of a waste treatment facility or site, special attention shall be paid to ensuring that waste management does not cause emissions or discharges involving a risk of environmental pollution, including noise or odour or reduction of amenities. In addition, the activity, facility or site shall suit the environment and landscape.

The principle underlying waste management is to employ the best available technology and to comply with best environmental practices.

### **Section 14**

#### **Government decrees for the prevention of hazard and harm caused by waste and waste management**

Further provisions may be given by government decree on:

- 1) requirements concerning waste collection, transport, packaging and labelling;
- 2) requirements or restrictions on waste accepted at a treatment facility or site or a ban on delivering waste to a treatment facility or site;

- 3) the use and management of a treatment facility or site as well as the criteria for its location and measures after the termination of the activity;
- 4) structures of a treatment facility or site;
- 5) the nature and use of waste resulting from treatment, and requirements concerning waste management;
- 6) other measures comparable to these in order to fulfil the obligations laid down in section 13, subsection 2.

Provisions may be given by government decree on authorising a permit authority referred to in the Environmental Protection Act to derogate, on a case-by-case basis, from the requirements of a government decree given under subsection 1, paragraphs 2–6 on the grounds provided in the decree as laid down in the Environmental Protection Act.

## **Section 15 (714/2021)**

### **Obligation for the separate collection of waste**

To implement the order of priority, waste of different types and nature shall be collected separately from each other and shall not be mixed with other waste or materials.

Exemptions from the obligation for separate collection of waste may only be made if at least one of the following conditions is met:

- 1) collecting different kinds of waste together does not reduce their quality or adversely affect their potential to undergo preparing for re-use, recycling or other recovery in accordance with the order of priority;
- 2) separate collection does not deliver the best overall outcome when considering the overall environmental impacts of the waste management of the waste;
- 3) separate collection is not technically feasible taking into consideration good practices in waste collection;
- 4) separate collection would entail disproportionate costs taking into consideration the potential for improvements in the cost efficiency of separate collection, revenues from sales of separately collected waste and secondary raw materials processed from it, as well as the costs arising from the adverse environmental and health impacts of the collection and treatment of unsorted waste.

Further provisions may be given by government decree on:

- 1) requirements for keeping waste separately, conditions for combining waste of different types and nature, and application of exemptions referred to in subsection 2 to specific waste;
- 2) the obligation of municipalities, producers, property holders and waste holders to organise separate collection of waste, the requirements concerning which may differ in different areas, taking into account the population density of the area, the quantity of waste generated and its recovery potential as well as the environmental impacts and costs arising from organising separate collection.

### **Section 15a (714/2021)**

#### **Prohibition of incineration or landfilling of waste collected separately for preparing for re-use or recycling**

Waste that has been collected separately for preparing for re-use or recycling shall not be delivered for incineration or landfilling. Waste resulting from subsequent treatment operations of separately collected waste may, however, be incinerated or landfilled if this delivers the best outcome in terms of the order of priority.

### **Section 15b (714/2021)**

#### **Ensuring the quality of waste for recovery**

Operators treating waste on a professional basis or at an installation shall, before or during recovery, remove hazardous substances, mixtures and components from the waste if necessary for the treatment of the waste in accordance with the order of priority or to prevent a hazard or harm referred to in section 13.

Further provisions may be given by government decree on hazardous substances, mixtures or components referred to in subsection 1 and on measures to remove them.

### **Section 16**

#### **Obligation to package and label hazardous waste**



Hazardous waste shall be packaged and labelled and the necessary information on it provided, at all stages of waste management, so as to enable the monitoring of the movements and properties of the waste from source to recovery or disposal.

The provisions of subsection 1 do not apply to households.

Further provisions may be given by government decree on the packaging and labelling of hazardous waste and on information to be provided on hazardous waste.

## **Section 17**

### **Ban on the mixing of hazardous waste**

Hazardous waste shall not be diluted or in any other way mixed with waste of a different type or nature or with other substances. Exemptions from this ban on mixing may be made if mixing is necessary for the treatment of the waste and the activity has been granted an environmental permit under the Environmental Protection Act. The waste shall be separated if hazardous waste has been mixed in breach of the ban and if separation is technically feasible and necessary in order to prevent a hazard or harm to health or the environment. (714/2021)

Further provisions may be given by government decree on the implementation of the ban on the mixing of hazardous waste.

## **Section 18**

### **Prohibition of the incineration of waste in Finland's waters and exclusive economic zone**

Incineration of waste other than that arising from the normal operation of a ship is prohibited in Finland's waters and exclusive economic zone. Provisions on shipboard incineration of waste arising from the normal operation of the ship are laid down in the Act on Environmental Protection in Maritime Transport.

## **Section 19**

### **Principles of self-sufficiency and proximity**

When planning and guiding waste management, the authorities referred to in this Act shall aim to ensure that opportunities for the recovery or disposal of mixed municipal waste, for which municipalities are responsible under section 32, and for the disposal of other waste are sufficient and meet the demand in Finland (*principle of self-sufficiency*). When assessing these opportunities, account shall be taken of the order of priority of waste management, geographic conditions and the need for specific treatment of certain waste.

The waste holder shall ensure that waste referred to in subsection 1 is delivered for treatment at one of the nearest appropriate installations (*proximity principle*).

When organising waste management, the municipality and other waste management operators shall take account of the provisions laid down in subsection 1.

## **Section 20 (714/2021)**

### **Polluter-pays principle**

The original waste producer or the current or previous waste holder is responsible for the costs of waste management, including the costs arising from the necessary infrastructure and its operation.

## **Section 21 (528/2014)**

### **Covering the costs of disposal**

The costs of and charges payable for waste disposal shall include the costs of setting up, use, closure and after-care of the disposal installation or site as well as the costs of the financial guarantee referred to in section 59 of the Environmental Protection Act and other comparable costs. The charge payable for waste disposal in a landfill shall cover the estimated costs of after-care for a period of at least 30 years.

## **Chapter 3**

### **Authorities and their duties**

## **Section 22**

## **Central government authorities**

The Ministry of the Environment is responsible for the general guidance, monitoring and development of activities under this Act.

The Centres for Economic Development, Transport and the Environment shall in their respective operating areas guide and promote the carrying out of the duties referred to in this Act and in provisions laid down under it.

The Finnish Environment Institute is the competent authority referred to in the Waste Shipments Regulation and responsible for cooperation with other competent authorities in the supervision of transboundary shipments of waste. The Finnish Environment Institute is also the correspondent specified in the Waste Shipments Regulation. In addition, the Finnish Environment Institute is the competent authority referred to in the Mercury Regulation, except in the case of the authority referred to in Article 8(3) of the Regulation. (757/2018)

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall guide and promote as a national authority the carrying out of the duties relating to producer responsibility referred to in this Act and in provisions issued under it.

The Centre for Economic Development, Transport and the Environment for Southeast Finland is responsible for acceptance into and entry in the waste management register of waste carriers and brokers established outside Finland as well as for their supervision. (494/2022)

The National Supervisory Authority for Welfare and Health shall within its competence guide the prevention of hazards to health caused by waste.

## **Section 23**

### **Municipal waste management authority**

The official waste management duties entrusted to municipalities under this Act shall be attended to by a decision-making body (*municipal waste management authority*) referred to in the Local Government Act (410/2015) and designated by the local authority. (714/2021)

If, under section 43, the municipality has assigned a service function related to organising municipal waste management to a company owned by municipalities, a joint decision-making body of the municipalities within the local government co-management area, or a joint municipal authority established by them, acts as the municipal waste management authority as laid down in the Local Government Act.

The municipal waste management authority may delegate its competence referred to in this Act to a local government official as laid down in the Local Government Act. Provisions laid down concerning the authority that otherwise carries out these duties and concerning requests for review of its decisions apply to the local government official.

## **Section 24**

### **General supervisory authorities**

General supervisory authorities under this Act are the Centres for Economic Development, Transport and the Environment as well as the local environmental protection authority referred to in the Act on Municipal Environmental Administration (64/1986). They supervise compliance with this Act and the provisions and regulations issued under it. In addition, they supervise compliance with the provisions of Article 10(4) and (6), Articles 11 and 12, Article 13(1) and (3) and Article 14 of the Mercury Regulation. (757/2018)

The local environmental protection authority may delegate its competence referred to in this Act to a local government official as laid down in the Act on Municipal Environmental Administration. Provisions laid down concerning the authority that otherwise carries out these duties and concerning requests for review of its decisions apply to the local government official. However, competence may not be delegated to a local government official in a matter involving the exercise of administrative enforcement.

## **Section 24a (917/2021)**

### **Market surveillance**

As the market surveillance authority, the Finnish Safety and Chemicals Agency controls compliance with requirements concerning packaging, vehicles as well as their materials and parts, batteries and accumulators, and electrical and electronic equipment as further provided in government decrees issued under section 10.

Provisions on market surveillance of products referred to in subsection 1, on external border control and on requests for review of decisions of market surveillance authorities are laid down in the Act on the Market Surveillance of Certain Products (1137/2016).

Provisions on a framework for market surveillance, cooperation with economic operators and control of products entering the Union market are laid down in Regulation (EU) 2019/1020 of the European Parliament and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.

## **Section 25 (917/2021)**

### **Other supervisory authorities**

The Finnish Environment Institute supervises compliance with provisions concerning transboundary shipments of waste.

As the national authority for producer responsibility, the Centre for Economic Development, Transport and the Environment for Pirkanmaa supervises compliance with provisions concerning producer responsibility and return systems for beverage containers.

The Finnish Tax Administration supervises, within its competence, compliance with this Act and the provisions issued under it concerning beverage containers referred to in section 68. Finnish Customs in cooperation with the Finnish Environment Institute supervises transboundary shipments of waste. In addition, Finnish Customs supervises compliance with the restriction on import as waste referred to in Article 4(1) of the Mercury Regulation.

## **Section 26**

### **Organisation of official waste management duties in municipalities**

A municipality may organise the duties of the municipal waste management authority as provided in the Local Government Act:

- 1) by carrying out the activities by itself;
- 2) through agreements together with another municipality;

3) as a member of a joint municipal authority carrying out the activities.

The provisions of subsection 1, paragraph 2 on municipalities also apply to joint municipal authorities carrying out activities referred to in this Act.

### **Section 26a (714/2021)**

#### **Government decree on duties of the authorities**

Further provisions may be given by government decree on duties of the authorities referred to above in sections 22, 24 and 25.

### **Section 27 (714/2021)**

#### **Expert authorities and institutions**

Central government authorities and research institutions may act as expert authorities and institutions specified in this Act by issuing statements, conducting research and preparing reports for the authorities specified in this Act. They may also be responsible for compiling monitoring data concerning waste or products specified in this Act and submitting the data to the European Commission. Further provisions on expert authorities and institutions and their duties are given by government decree.

## **Chapter 4**

### **Responsibility for organising waste management**

#### **Section 28**

##### **Organising waste management**

The waste holder shall organise waste management, unless otherwise provided in this chapter or chapter 5 or 6.

The property holder shall organise waste management if the waste holder neglects his or her obligation to do so or cannot be reached and if the property holder has permitted activities that generate waste on the property or the delivery of waste to the property.

## **Section 29**

### **Transfer of waste**

Waste may only be transferred to a transferee that:

- 1) pursuant to acceptance into or entry in the waste management register specified in chapter 11 has the right to receive the waste in question; or
- 2) under an environmental permit granted under the Environmental Protection Act or registration in the environmental protection database under the same Act has the right to accept the waste in question.

Waste may also be transferred to a transferee not required to have the acceptance, entry, environmental permit or registration referred to in subsection 1 if the transferee has sufficient expertise and the financial and technical capacity for organising waste management.

## **Section 30**

### **Cessation and transfer of responsibility for organising waste management**

The waste holder's responsibility for organising waste management ceases and transfers to the new holder when the waste is transferred to a transferee referred to in section 29. The responsibility does not transfer to a carrier transporting waste on behalf of another party.

If, contrary to section 29, the waste has been transferred to a transferee other than one referred to in section 29, both the new and the previous holder of the waste are responsible for organising waste management.

## **Section 31**

### **Waste transport**

The waste carrier shall deliver the waste to the location designated by the waste holder or an authority. If the waste is not accepted, the carrier shall return it to the transferor, who shall take it back.

## **Chapter 5**

## **Waste management organised by municipalities**

### **Section 32 (714/2021)**

#### **Municipality's obligation to organise waste management**

The municipality shall organise waste management for the following waste other than hazardous waste:

- 1) waste from permanent dwellings, free-time dwellings, residential homes and other residential waste, including waste from small-scale construction and demolition undertaken by a household;
- 2) municipal waste from the municipality's administrative and service activities;
- 3) municipal waste from commercial properties collected at the property together with waste referred to in paragraphs 1 and 2;
- 4) other municipal waste collected together with waste referred to in paragraphs 1–3 in a local automated vacuum waste collection system or other corresponding collection system.

In addition, the municipality shall organise:

- 1) waste management for septic tank and cesspool sludge from activities referred to in subsection 1, paragraphs 1–3;
- 2) reception and treatment of hazardous residential waste;
- 3) reception and treatment of hazardous waste from agriculture and forestry, unless the quantity of waste is unreasonable.

The obligation of the municipality specified in subsections 1 and 2 does not apply to waste delivered for waste management organised by the producer or distributor in accordance with chapter 6 or 7. Provisions regarding the obligation of municipalities and packaging producers to organise property-specific separate collection of packaging waste in cooperation with each other are laid down in section 49a.

Further provisions may be given by government decree on which waste and waste generated from which activities constitutes waste referred to in subsection 1.



## **Section 33 (438/2019)**

### **Municipality's secondary waste management service**

The municipality shall organise waste management for waste other than that referred to in section 32 if the waste holder so requests due to a lack of other service provision and if the waste is suitable in nature and quantity for transport or treatment in the municipality's waste management system (*municipality's secondary waste management service*). The request may be made on behalf of the waste holder by a waste carrier or other operator as part of its waste management service when the request pertains to waste treatment.

In the case of a municipality's secondary waste management service due to a reason other than unforeseen urgency the value of which is at least EUR 2,000 a year, the condition for the establishment of the lack of other service provision referred to in subsection 1 and the request for the municipality's secondary waste management service is that the waste holder has published on the information platform for waste and side streams referred to in section 143a an invitation to tender for the waste management service it needs and that a service corresponding to the invitation to tender is not reasonably available within the time limit of at least 14 days set by the waste holder. The condition does not apply to a contracting entity referred to in section 5 of the Act on Public Procurement and Concession Contracts (1397/2016) or in section 5 of the Act on Procurements and Concession Contracts of Entities Operating in the Water and Energy Supply, Transport and Postal Services Sectors (1398/2016) when it submits a contract notice for the waste management service it needs at [www.hankintailmoitukset.fi](http://www.hankintailmoitukset.fi). (714/2021)

The municipality shall conclude with the waste holder an agreement on the municipality's secondary waste management service referred to in subsection 2 the duration of which may be a maximum of three years at a time and which may be terminated by the parties at the expiry of a period of notice set out in the agreement. The agreement may be concluded on behalf of the waste holder by a waste carrier or other operator referred to in subsection 1. If the agreement is concluded elsewhere than on the information platform for waste and side streams, the municipality shall submit the essential information on the agreement to the information platform no later than 14 days after the conclusion of the agreement.

The municipality shall submit to the information platform for waste and side streams annually by the end of March the essential information on the total value of the municipality's secondary waste

management service other than that referred to in subsection 2 and the total number of waste holders using the service as well as the essential information on the service specified by waste type and treatment method.

Further provisions may be given by government decree on the information to be included in requests for a municipality's secondary waste management service and in invitations to tender referred to in subsection 2, on the essential information referred to in subsections 3 and 4 as well as on other matters comparable to these.

## **Section 34**

### **Quality requirements for municipal waste management services**

When organising waste management, the municipality shall ensure that:

- 1) property-specific waste transport is available when necessary;
- 2) a sufficient number of local reception points are available for hazardous and other waste and that these points are easily accessible by waste producers;
- 3) a sufficient variety of other waste management services is available, such as the option of separate collection of waste in compliance with the order of priority;
- 4) the collection and transport of waste is organised and scaled so as to correspond as closely as possible to the quantity and nature of waste generated;
- 5) the provision of information on the arrangements for waste transport and local reception of waste is sufficient in terms of amount and frequency.

Further provisions may be given by government decree on the number of reception points referred to in subsection 1, paragraph 2 and on the organisation and scaling of collection and transport referred to in paragraph 4.

## **Section 35 (714/2021)**

### **Organising property-specific waste transport**

The municipality shall ensure that the transport of waste referred to in section 32, subsection 1 and subsection 2, paragraph 1 is organised from a reception point organised by the property

holder in accordance with section 36 or 37, unless otherwise provided in section 41 or 41a (*property-specific waste transport*).

Regardless of the way it is organised, property-specific waste transport shall be organised so that waste transport services are available in a comprehensive and reliable manner and under reasonable and non-discriminatory terms and conditions.

Property-specific waste transport shall comply with municipal waste management regulations. The waste shall be delivered to a reception or treatment point designated by the municipality.

The municipality may decide not to organise property-specific waste transport of mixed municipal waste in an area with low accessibility, few waste holders or little waste to be transported, unless the transport is considered necessary for environmental or health reasons.

## **Section 36**

### **Waste transport organised by the municipality**

The municipality shall organise property-specific waste transport, unless otherwise provided in section 37 or 41 (*waste transport organised by the municipality*).

In waste transport organised by the municipality, only the municipality or a waste carrier acting on behalf of the municipality may accept the waste for transport.

When planning procurement for property-specific waste transport services, the municipality shall conduct a market consultation. In the invitation to tender, the duration of the waste transport services shall be defined and the procurements timed so that enterprises of all sizes have an opportunity to participate in calls for tenders. Transport procurements shall be subjected to competitive tendering divided into parts so that more than one enterprise can be selected as a service provider. Exemptions from the division obligation may only be made if the division would significantly reduce the cost-efficiency of the procurement or for another equivalent, well-justified reason. By way of derogation from section 146, subsection 2, paragraph 2 of the Act on Public Procurement and Concession Contracts, a request for a judicial review of a non-division of a procurement referred to above may be submitted to the Market Court. (714/2021)

Upon request, the municipality shall provide the property holder with information on the quantity of waste transported from the property and its destination, itemised by waste type.

## **Section 37 (714/2021)**

### **Waste transport organised by the property holder**

The municipality may decide to organise property-specific transport of mixed municipal waste from activity referred to in section 32, subsection 1, and of septic tank and cesspool sludge referred to in section 32, subsection 2, paragraph 1, in the municipality or part of it by means of mutual agreement on waste transport between a property holder and a waste carrier if:

- 1) the waste transport organised like this fulfils the requirements laid down in section 35, subsection 2;
- 2) the waste transport promotes the general functioning of waste management in the municipality, supports the development of waste management in the area and does not endanger or harm health or the environment;
- 3) the impacts of the decision are assessed as a whole to be positive, taking into account in particular impacts on the situation of households and the activities of enterprises and the authorities.

If the municipality decides to switch from waste transport organised by the property holder to waste transport organised by the municipality, the decision shall specify the date of cessation of the waste transport organised by the property holder, which may be no earlier than three years after the decision is taken. The municipality may, however, decide on an earlier date of cessation in an area where no waste transport service is available or where its availability has significantly decreased and where this may result in littering or endanger or harm health or the environment.

The municipality shall monitor and supervise the implementation of the decision referred to in subsection 1 and the fulfilment of its conditions and, where necessary, reconsider the waste transport issue.

## **Section 38**

### **Municipal decision-making concerning property-specific waste transport**

Prior to making or amending a decision referred to in section 35, subsection 4 and in section 37, the municipality shall provide all those whose circumstances are significantly affected by the decision-making with the opportunity to access information and express their opinion about the matter. Provisions on opportunities to exert an influence are laid down in section 41 of the Administrative Procedure Act (434/2003). The municipality shall publicly inform its inhabitants of a decision referred to above and publish the decision on an information network.

## **Section 39**

### **Information on waste pickups from properties (714/2021)**

Upon request, the waste carrier shall make available for inspection by the property holder or the municipality a valid extract from the waste management register in accordance with section 98 or otherwise demonstrate that the activity has been accepted into the waste management register in accordance with section 96.

The waste carrier shall at least on a quarterly basis provide the municipal waste management authority with up-to-date information in an electronically editable form on the properties from which waste has been picked up in accordance with section 35 or section 41, subsection 3 and on the number of times waste containers have been emptied, by property and by waste type. In addition, the carrier shall provide, for each waste type, an annual summary in an electronically editable form of the quantity of waste collected from properties and of the waste delivery sites. The obligation does not, however, apply to the submission of information to the municipal waste management authority concerning the transport of septic tank and cesspool sludge if the carrier has submitted the information referred to in this section via the register referred to in section 142, subsection 1, paragraph 4. Further provisions may be given by government decree on the information to be provided. (494/2022)

The municipal waste management authority shall without delay enter the information referred to in subsection 2 in the register provided in section 143.

## **Section 40**

### **Waste reception point at a property**

The property holder shall organise a reception point for the collection of waste included in property-specific waste transport. The reception point may be organised together with one or multiple other properties.

### **Section 41 (714/2021)**

#### **Transfer of waste for property-specific waste transport or to a local reception point**

The property holder or other waste holder shall transfer waste for which the municipality is responsible under section 32 for property-specific waste transport organised in the area or to a local reception point organised by the municipality.

By way of derogation from subsection 1, the waste holder may organise the transport of such waste which, due to its exceptional dimensions, large quantity or other property, is unsuitable for transport in ordinary property-specific waste transport if this transport is approved in municipal waste management regulations or in municipal environmental protection regulations issued under section 202 of the Environmental Protection Act.

By way of derogation from subsection 1, the property holder may organise the transport of separately collected biowaste and packaging waste if the property is not covered by separate collection obligations referred to in provisions laid down under section 15, subsection 3 or property-specific separate collection in accordance with waste management regulations issued by the municipality under section 91. Packaging waste shall be delivered for waste management organised by the producer and biowaste for waste management organised by the municipality. Transport shall otherwise comply with the provisions laid down in this Act on property-specific waste transport.

### **Section 41a (714/2021)**

#### **Small-scale waste treatment on a property**

By way of derogation from section 41, subsection 1, waste holders themselves may treat waste referred to in section 32 at their property or transfer biowaste, septic tank and cesspool sludge or other comparable waste for treatment at a neighbouring property or another property located in the vicinity if the independent or joint treatment is small in scale and the treatment is approved in municipal waste management or environmental protection regulations.

The waste holder shall inform the municipal waste management authority about the small-scale treatment of biowaste on the property. When the treatment of biowaste on the property ends, the waste holder shall inform the municipal waste management authority of this. The municipal waste management authority shall enter the information in the register laid down in section 143.

Further provisions may be given by government decree on small-scale waste treatment on properties and on the information to be submitted to the municipal waste management authority concerning the treatment of biowaste as well as on the time limit for submitting the information.

## **Section 42**

### **Exemption from the obligation to transfer waste for waste management organised by the municipality**

Upon the waste holder's application, the municipality may decide that the waste management of waste referred to in section 32, subsection 1, paragraph 2 may, by way of derogation from section 41, subsection 1, be organised in accordance with chapter 4 where this, when assessed as a whole, is justified with respect to organising the property's waste management and results in at least as good an outcome in terms of implementing the order of priority and does not endanger or harm the environment or health. Such decisions are made for a specified period not exceeding five years. (445/2018)

On an annual basis, the waste holder shall provide the municipal waste management authority with information on the type and quantity of waste generated from the activity and on the delivery sites and treatment method of the waste.

## **Section 43**

### **Assignment of municipal waste management service duties to a company owned by municipalities**

A municipality may decide to assign the reception, transport and treatment of waste for which it is responsible under this Act, the invoicing of waste charges referred to in section 82 and waste advice referred to in section 93, subsection 1 as well as the administrative duties directly related to these and not involving the exercise of public authority to a company established for the purpose that is jointly owned by the municipality with other municipalities. The municipality is responsible

for ensuring that the assigned waste management duties will be performed in accordance with this Act and the provisions issued under it.

Provisions on criminal liability while in office apply to employees of a company owned by municipalities when they are carrying out public administrative duties referred to in subsection 1. The company shall comply with the provisions of the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act and the Language Act (423/2003). Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Provisions on the procurement of services are laid down in the Act on Public Procurement and Concession Contracts. (714/2021)

#### **Section 44 (438/2019)**

##### **Accounting regarding waste management services and the carrier's disclosure obligation**

If the municipality, or a company referred to in section 43, carries out other waste management in addition to that laid down as an obligation of municipalities in this chapter, information on turnover and financial performance concerning the services provided shall be specified in the accounts and separate statements shall be made for the services for each financial period. Further provisions may be given by government decree on the information to be included in the statements.

As appropriate, the preparation of the statements referred to above in subsection 1 shall comply with the provisions on financial statements laid down in the Accounting Act (1336/1997). Auditors shall audit the statements as part of the statutory auditing of the accounts of the municipality or company. The statements shall be appended to the financial statements of the municipality or company. They shall be published and made available on an information network.

The waste carrier shall provide the transferee with sufficiently itemised information on the origin of waste for the implementation of accounting referred to in subsection 1 and for the preparation of the separate statements if the carrier transports waste that includes both waste referred to in section 32 or 33 and other waste for treatment maintained by the municipality or a company owned by municipalities.



## **Section 45 (714/2021)**

Section 45 was repealed by Act 714/2021.

## **Chapter 6**

### **Producer responsibility**

## **Section 46 (714/2021)**

### **Responsibility of the producer for waste management and its costs**

The producer shall organise, and be responsible for the costs arising from, waste management for products referred to in section 48 that it has placed on the market, unless otherwise provided below. The producer's obligation applies to discarded products transferred to a reception point or for transportation referred to in section 49, 49a or 56.

The producer's obligation specified in subsection 1 applies to products placed on the Finnish market and products sold directly to users by distance selling by the producer as well as a share of other similar products considered reasonable in relation to the producer's market share, irrespective of the date on which the products were placed on the market.

## **Section 47 (714/2021)**

### **Producer's priority right to organise waste management**

The producer has the priority right to organise waste management for discarded products for which the producer is responsible. Other operators may establish collection or reception systems for discarded products or provide related services only if this takes place in cooperation with the producer.

Notwithstanding the provisions of subsection 1, an operator other than the producer may provide services related to the re-use or preparing for re-use of products.

As part of the waste management it organises under chapter 5, the municipality may supplement the transport and reception of discarded products to the extent that this is not organised by the producer. In such cases, discarded products shall be delivered to waste management organised by the producer. Provisions on the obligation of municipalities and packaging producer responsibility

organisations to organise property-specific collection of packaging waste in cooperation with each other are laid down in section 49a.

## **Section 48**

### **Products and producers covered by producer responsibility**

Regardless of the method of sale, producer responsibility applies to the following products and to producers that place them on the market or sell them directly to users by distance selling on a professional basis: (714/2021)

- 1) tyres of motor vehicles and other vehicles or machinery, with the manufacturer, importer or retreader of such tyres or the importer of a vehicle or machinery equipped with tyres considered as their producer;
- 2) passenger cars, vans and other equivalent vehicles, with the manufacturer or importer of such a vehicle or the supplier of vehicles into the country on behalf of domestic users considered as their producer;
- 3) electrical and electronic equipment, with the manufacturer or importer of the equipment or the seller that sells the equipment under its own name or trademark considered as their producer; (410/2014)
- 4) batteries and accumulators, including batteries and accumulators incorporated into electrical and electronic equipment, vehicles or other products, with the placer on the market of the battery or accumulator considered as their producer;
- 5) newspapers, magazines, office paper and other corresponding paper products, with the manufacturer or importer of the paper used for the manufacture of the paper products or the importer of the printed paper product considered as their producer;
- 6) packaging, with the product packager or the importer of packaged products considered as their producer.

With the exception of section 52, the provisions of this chapter do not apply to a producer of packaging whose turnover is less than EUR 1,000,000.

Further provisions may be given by government decree on what the products and who the producers referred to in subsection 1 are. Further provisions may also be given by government

decree on the application of provisions concerning producer responsibility if products are sourced from another country or are exported from Finland by means of electronic commerce or other distance selling.

## **Section 49**

### **Reception and transport of discarded products**

The producer shall organise reception points for discarded products so that products can be transferred free of charge and effortlessly to reception organised in this manner. When determining the number of reception points required per area, account shall be taken of the type, nature and anticipated quantity of discarded products to be transferred to them and of the environmental impacts and costs arising from reception and transport. The number may vary by product group and area. Further provisions may be given by government decree on the number of reception points.

By way of derogation from subsection 1, the producer of paper products shall organise free-of-charge transport for discarded paper products referred to in section 48, subsection 1, paragraph 5 from a reception point organised by the property holder if the property is located in an area other than an area comprising detached or attached houses or a sparsely populated area.

The producer shall organise transport free of charge from the product distributor's reception point for discarded products collected in accordance with section 56.

## **Section 49a (714/2021)**

### **Cooperation between municipalities and the packaging producer responsibility organisation in the separate collection of packaging waste**

Municipalities and the packaging producer responsibility organisation shall, by means of an agreement covering at least two thirds of the population of Finland, agree on organising in cooperation between each other the separate collection of packaging waste from activities referred to in section 32, subsection 1 so that:

- 1) the property-specific waste transport organised by municipalities and the local reception organised by the producer responsibility organisation form a geographically comprehensive

collection network that takes population density into account and serves the property holders well;

- 2) packaging waste is reclaimed efficiently and the quality of the waste is suitable for recycling;
- 3) packaging waste is collected with other waste consisting of the same material where possible;
- 4) the collection and transport of waste is organised in a way that is cost-effective and minimises emissions to the environment as well as adverse effects on the amenity and safety of residential environments.

In addition, the municipalities and the producer responsibility organisation shall, in cooperation with each other:

- 1) organise sufficient information and advice and implement other measures to increase the efficiency of the sorting of packaging waste at properties;
- 2) monitor the functioning and efficiency of separate collection and assess the need for additional measures to increase the amount of collected packaging waste and to improve the quality of packaging waste.

### **Section 49b (714/2021)**

#### **Reimbursements paid to municipalities and cost responsibility of packaging producers**

In the agreement referred to in section 49a, the packaging producer responsibility organisation and municipalities shall specify, by packaging material, the amount of reimbursements that the producer responsibility organisation pays to the municipalities for organising separate collection and transport of packaging waste from residential properties to waste management organised by the producer. The reimbursements shall be paid to the municipalities on grounds that are as equal as possible, taking into account the quantity of collected packaging waste and any local conditions that affect the efficiency of collection. The municipalities shall ensure that the reimbursements are taken into account in full and for each material when determining waste charges for separately collected packaging waste.

The packaging producers shall, as a result of the agreement, bear at least 80 per cent of the total costs of packaging waste management calculated by packaging material, including:

- 1) separate collection of packaging waste from residential properties organised by the municipalities in accordance with the requirements laid down in section 15 or in a decree issued under it or in accordance with municipal waste management regulations issued under section 91, subsection 3 allowing less extensive separate collection than laid down in a decree; cost-effective collection services shall be the starting point for determining costs;
- 2) local reception of packaging waste organised by producers in accordance with section 49, subsection 1 or a decree issued under it;
- 3) further transport and treatment of packaging waste referred to in paragraphs 1 and 2 and of other packaging waste delivered to waste management organised by producers;
- 4) providing information and advice relating to discarded packaging and its waste management specified in section 51 and providing record data specified in section 54.

### **Section 49c (714/2021)**

#### **Mediation and exemption from cooperation**

If an agreement referred to in section 49a cannot be concluded, the packaging producer responsibility organisation may initiate mediation by notifying the Ministry of the Environment. The Ministry of the Environment shall without delay consult both parties and present a proposal for reaching an agreement.

If there is no agreement within six months from the notification initiating the mediation, the packaging producer responsibility organisation shall organise the separate collection of packaging waste from residential properties as laid down in sections 15 and 49 as well as the related provision of information, advice and record data free of charge, starting three years after the end of the time limit set for mediation. During the transition period, municipalities shall organise the separate collection of packaging waste for waste management organised by the producer responsibility organisation. The producer responsibility organisation shall reimburse the municipalities for the separate collection in accordance with the agreement that was valid most recently. The amount of reimbursement may, however, be reviewed due to substantial changes in circumstances.

If an individual municipality does not join the agreement referred to in section 49a, it is not entitled to the reimbursement paid by the packaging producer responsibility organisation. However, in such a case, the municipality shall organise the separate collection of packaging waste

in accordance with section 15 or the decree issued under section 15, or in accordance with municipal waste management regulations issued under section 91, subsection 3 deviating from it, and transfer the waste for waste management organised by the packaging producer responsibility organisation.

## **Section 49d (714/2021)**

### **Providing information on the agreement to the supervisory authority**

The packaging producer responsibility organisation shall provide the Centre for Economic Development, Transport and the Environment for Pirkanmaa with an annual summary of the agreement referred to in section 49a concluded in the previous calendar year with municipalities and of its implementation. The summary shall include at least information on the parties to and period of validity of the agreement and on the quantities of packaging waste collected from properties and local waste reception points. The summary shall also be accompanied by an assessment by a professional and independent auditor of the realisation of cost responsibility, including information on the reimbursement of costs arising from property-specific separate collection to municipalities and waste holders.

Further provisions may be given by government decree on the time of submission of and information to be included in the summary as well as on the competence requirements for the independent auditor.

## **Section 50**

### **Obligation of the property holder regarding the collection of paper products**

The property holder shall organise a reception point for the collection of discarded paper products referred to in section 48, subsection 1, paragraph 5. This obligation does not, however, apply to detached and attached houses or other corresponding properties or properties located in a sparsely populated area.

## **Section 51 (714/2021)**

### **Producer obligation to provide information and advice**

The producer shall provide information on the location and opening hours of reception points for discarded products, the waste they accept and other details necessary for well-functioning

reception. In addition, the producer shall provide information and advice on measures relating to reducing the quantity and harmfulness of waste and to re-use and preparing for re-use as well as on preventing littering. If necessary, the producer shall organise the provision of this information and advice together with the municipality and other waste management operators.

The producer shall submit an annual report on its information provision to the Centre for Economic Development, Transport and the Environment for Pirkanmaa.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa may issue a less extensive information provision obligation than that laid down in subsections 1 and 2 for a producer that only places on the market products intended for enterprise use where this is appropriate taking account of the nature and scope of the activities.

Further provisions may be given by government decree on the producer obligations specified in subsections 1 and 2.

## **Section 52**

### **Measures for promoting re-use**

The producer shall organise the reception and transport of discarded products so that the products collected are not needlessly broken or damaged, so that undamaged or repairable products and their components are kept separate or separated as necessary, and that the re-use of products and their components is promoted in other ways. The distributor of the product shall also organise reception so as to prevent, where possible, the breakage of discarded products collected. Further provisions may be given by government decree on organising the reception of discarded products and related storage and transport for the purpose of promoting the re-use and preparing for re-use of products and their components. (410/2014)

In order to promote re-use, the producer shall, where possible, ensure that product holders and other operators organising waste management of discarded products receive the necessary information on the re-use potential and dismantling of products and their components as well as information on the location of hazardous substances and components in products.

## **Section 53**

### **Exemptions from cost responsibility of producers of certain non-household products**

The producer is responsible for the costs arising from the waste management of non-household electrical and electronic equipment placed on the market before 14 August 2005 only if the discarded equipment is replaced with a new product that is equivalent or used for the same purpose. In other cases, the holder of the equipment shall be responsible for the costs arising from the waste management of equipment placed on the market before that date. The producer and the holder of the equipment may agree on different allocation of waste management costs regardless of the date on which the equipment was placed on the market. (410/2014)

The producer of industrial batteries and accumulators and of vehicle batteries and accumulators for vehicles other than vehicles for private use and the holder of such a battery or accumulator may agree on allocation of waste management costs that differs from the provisions of section 46, subsection 1.

### **Section 53a (714/2021)**

#### **Producer self-monitoring**

The producer shall regularly and systematically monitor the fulfilment of the obligations laid down in this chapter and develop the reliability of related information (*self-monitoring*). To support self-monitoring, where necessary, the producer shall have regular audits conducted by an independent and professional person. The producer shall draw up a written plan for self-monitoring, which shall be appended to the application for acceptance into the producer register referred to in section 101.

The plan referred to above in subsection 1 shall contain at least the following information:

- 1) the implementation of the producer's record-keeping referred to in section 54, subsection 1 and the assessment and development of the reliability of related information;
- 2) the assessment of the fulfilment of the producer's cost responsibility referred to in sections 46 and 49b;
- 3) the monitoring and development of the producer's payment contributions referred to in section 63a;
- 4) the audits conducted to support self-monitoring.



The Centre for Economic Development, Transport and the Environment for Pirkanmaa may accept an exemption from the requirement referred to in subsection 2 if this is justified considering the nature and scope of the producer's activities.

Further provisions may be given by government decree on the contents of the audit laid down in subsection 1, the time when it is to be conducted and the professional competence requirements for persons conducting the audits as well as the requirements laid down in subsection 2, paragraphs 1–3.

## **Section 54 (714/2021)**

### **Producer's record-keeping and disclosure obligation**

The producer shall keep records, by product type, of the type, nature and quantity of the products it places on the market, the discarded products it accepts and the waste generated from them as well as other corresponding matters necessary for the supervision of compliance with this Act and the provisions issued under it. In addition, the records shall itemise, if necessary by delivery site, the products and waste delivered for re-use, preparing for re-use, recycling, other recovery and disposal. The records shall also contain equivalent information on parts of vehicles referred to in section 48, subsection 1, paragraph 2, parts of electrical and electronic equipment referred to in section 48, subsection 1, paragraph 3 and on waste generated from them as well as on discarded products and on waste exported to another country.

The producer shall submit a summary of the information referred to in subsection 1 as well as of measures and audits in accordance with the plan referred to in section 53a, subsection 1 to the Centre for Economic Development, Transport and the Environment for Pirkanmaa each calendar year or, if so ordered by the Centre, more frequently if this is necessary to supervise compliance with this Act and the provisions issued under it. The producer shall also on the basis of the information referred to in subsection 1 publish annually on a public information network information on the fulfilment of its obligations concerning the separate collection and recovery of waste.

Further provisions may be given by government decree on information to be included in the records, submitted to the authority and published on a public information network as well as its time of submission and publication.

## **Section 55**

### **Producer's obligation to inform the distributor of the producer's inclusion in the producer register**

When delivering a product to its distributor, the producer referred to above in section 48, subsection 1 shall inform the distributor of the producer's inclusion in the producer register referred to in section 142.

## **Section 56**

### **Product distributor's obligation to accept products**

At its point of sale, the product distributor shall accept the following discarded products free of charge from the holder:

- 1) portable batteries and accumulators with no obligation to buy a new product as a condition for acceptance;
- 1 a) household electrical and electronic equipment, with no external dimension exceeding 25 centimetres, with no obligation to buy new equipment as a condition for acceptance (410/2014)
- 2) household electrical and electronic equipment other than that referred to in paragraph 1a that is replaced by buying new equivalent equipment; (410/2014)
- 3) tyres of motor vehicles and of other vehicles or machinery if they are equivalent to new tyres bought in terms of type and quantity.

The obligation to accept products referred to in subsection 1, paragraph 1a does not, however, apply to convenience goods shops with a sales area of less than 1,000 square metres or other shops with a sales area of less than 200 square metres. The distributor of the product may also organise the acceptance referred to in subsection 1, paragraphs 1a and 2 in the immediate vicinity of the point of sale. (410/2014)

If the distributor of vehicle batteries and accumulators of vehicles intended for private use accepts equivalent discarded batteries and accumulators, these shall be accepted free of charge with no obligation to purchase a new product.

The product distributor shall group discarded products into batches appropriate for organising transport. The distributor may transfer discarded products only to a carrier or treatment operator acting on behalf of the producer. The product distributor is responsible for the costs of the acceptance of products organised by it.

## **Section 57**

### **Product distributor's obligation to provide information**

At its point of sale and in the context of its other marketing measures, the product distributor shall provide information about the possibility to transfer discarded products to the distributor's reception point and shall bear the costs arising from the provision of information.

## **Section 58**

### **Delivering a vehicle for scrapping**

The vehicle holder shall deliver an end-of-life vehicle to a collector or treatment facility acting on behalf of the producer.

## **Section 59 (967/2018)**

### **Certificate of destruction and final deregistration of a vehicle**

Having verified that the holder has the right to hand the vehicle over for scrapping, the collector or treatment facility shall issue a certificate of destruction to the vehicle holder. The collector or treatment facility shall notify the Finnish Transport and Communications Agency of the scrapping in order to have the vehicle finally deregistered from the transport register. The Finnish Transport and Communications Agency charges the producer a fee for deregistration. Provisions on the amount of the fee are laid down in the Act on Criteria for Charges Payable to the State (150/1992).

Further provisions may be given by government decree on deregistration and the certificate of destruction.

## **Section 60 (714/2021)**

### **Reimbursement of additional costs**

If objects or substances that significantly impede re-use or waste management have been added to an end-of-life vehicle or discarded tyres, the collector or treatment facility may charge the holder of the vehicle or the discarded tyres a reimbursement fee for the additional waste management costs incurred.

## **Section 61**

### **Financial guarantee required from producers of electrical and electronic equipment**

The producer of electrical and electronic equipment shall provide a financial guarantee in favour of the Centre for Economic Development, Transport and the Environment for Pirkanmaa that covers the costs of the acceptance, transport, other waste management and related provision of information as well as promoting re-use arising from the household electrical and electronic equipment placed on the market by the producer. A producer that is a member of a producer responsibility organisation referred to below in section 62 does not need to issue a separate financial guarantee. (410/2014)

Acceptable financial guarantees are a guarantee, insurance or pledged deposit. The party issuing the financial guarantee shall be a credit or insurance institution or other commercial financial institution having its registered office in a Member State of the European Economic Area. A further condition is that the financial guarantee can be activated by the Centre for Economic Development, Transport and the Environment for Pirkanmaa on first demand.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa has the right to activate the financial guarantee when the producer is declared insolvent or, regardless of requests to do so, has neglected to organise waste management. The Centre for Economic Development, Transport and the Environment for Pirkanmaa divides the financial guarantee pro rata based on market share among the producers and producer responsibility organisations accepted into the producer register referred to in section 142 that organise waste management for the equipment placed on the market by the provider of the financial guarantee.

Further provisions may be given by government decree on calculating the amount of and activating the financial guarantee.

## **Section 62 (714/2021)**

### **Joining a producer responsibility organisation**

To fulfil its obligations laid down in this chapter, the producer shall join a producer responsibility organisation accepted into the producer register referred to in section 142 or establish one together with other producers. A producer responsibility organisation may not have any other members than producers. The scope of a packaging producer responsibility organisation shall cover all packaging materials.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa may accept an individual producer into the producer register if joining a producer responsibility organisation is manifestly unnecessary considering the nature and scope of its activities.

The producer responsibility organisation shall take on a new producer's responsibilities at the producer's request if the producer's activities fall within the scope of the producer responsibility organisation's activities. The terms and conditions applied to new producers shall be fair and equal in comparison with the terms and conditions applied to other producers in the producer responsibility organisation.

A producer of beverage containers may also fulfil its obligations by joining a return system for beverage containers referred to in section 68.

### **Section 63 (714/2021)**

#### **Activities of producer responsibility organisations**

A producer responsibility organisation shall be a non-profit organisation the purpose of which is to carry out the producer responsibility obligations of producers that have joined it. In a producer responsibility organisation, obligations shall be divided equally between the producers, with consideration given to the nature and extent of activities, and in such a way as to avoid any barriers to trade or distortion of competition. Producer obligations concerning record-keeping and disclosure shall be made lighter for such producers that only place small quantities of products on the market if the obligations would otherwise be unreasonable to such producers.

The producer responsibility organisation shall maintain a publicly available, up-to-date list of its owners as well as the producers that have transferred their producer responsibility to the organisation. The list shall include the name and business identity code of each member as well as information on the products placed on the market by each member. In addition, the producer

responsibility organisation shall publish information on the registration and annual fees as well as the recycling fees per piece or tonne. The information shall be available on a public information network.

Further provisions may be given by government decree on the minimum requirements for the lighter obligations referred to in subsection 1.

### **Section 63a (714/2021)**

#### **Producers' payment contributions and their adaptation**

In a producer responsibility organisation, payment contributions shall be divided equally between producers pro rata based on the products placed on the market by them.

When determining payment contributions, the producer responsibility organisation shall, where possible, regarding individual products or product or material groups that are equal to each other, take particular account of their durability, reparability, re-usability, recyclability and the presence of hazardous substances.

Further provisions may be given by government decree on criteria for payment contributions referred to in subsections 1 and 2, where necessary by product or material group.

### **Section 64 (714/2021)**

#### **Securing the activities of producers accepted into the producer register and of producer responsibility organisations**

A producer responsibility organisation shall have sufficient financial resources for the appropriate organisation of its activities and for it to be able to bear responsibility for the producer responsibility obligations assigned to it continuously for at least six months. To demonstrate this, the producer responsibility organisation shall submit to the Centre for Economic Development, Transport and the Environment for Pirkanmaa a report on its sufficient financial arrangements and an action plan on organising re-use and waste management. The report and plan shall be submitted annually, or, if the activities substantially change, within three months of the change.

The Centre for Economic Development, Transport and the Environment for Pirkanmaa may require the report on the financial arrangements and the action plan referred to in subsection 1 from a

producer that does not belong to a producer responsibility organisation when this is appropriate considering the nature and scope of the producer's activities.

Further provisions may be given by government decree on demonstrating the sufficient financial arrangements and reports and plans drawn up to secure activities as well as on their submission to the Centre for Economic Development, Transport and the Environment for Pirkanmaa.

## **Section 65 (714/2021)**

### **Cooperation between producers and producer responsibility organisations**

The producers and producer responsibility organisations of different product groups shall, by taking the cooperation measures necessary, ensure that the implementation of producer responsibility does not result in double payments for producers or producer responsibility organisations of any other product group when the reception of discarded products and other waste management is organised in cooperation. In addition, the producer responsibility organisations shall, by taking the cooperation measures necessary, promote the opportunity of a producer to carry out its producer responsibility obligations concerning different products through a single operator.

The Government may oblige producers and producer responsibility organisations to cooperate and may give provisions on the requirements set for cooperation if this is necessary to:

- 1) remove or prevent the formation of parallel re-use and waste management systems that impede the general functioning of producer responsibility systems or the product holder's possibility to transfer a discarded product for re-use or waste management;
- 2) facilitate the carrying out of the producer responsibility obligations of such producers that place on the market products that fall within the scope of two or more producer responsibility organisations.

## **Section 66 (714/2021)**

### **Service procurement of producer responsibility organisations**

When procuring services related to product re-use and waste management, the producer responsibility organisation shall take equal account of other economic operators and their level

playing field in the market in question in such a way as to avoid any barriers to trade and distortion of competition. The producer responsibility organisation shall publish information on a public information network on the general principles and procedures followed in its service procurement.

## **Section 66a (714/2021)**

### **Authorised representative of a producer or other operator**

An operator established in Finland that sells products falling within the scope of producer responsibility directly to users in another state by distance selling shall be responsible for fulfilling its producer responsibility obligations in the state in question. An operator that sells electrical and electronic equipment through distance selling directly to users in another Member State of the European Union shall appoint an authorised representative established in that Member State that is responsible for fulfilling the obligations of the producer.

By way of derogation from section 62, subsection 1, a producer established in another Member State of the European Union that sells electrical and electronic equipment by distance selling directly to users in Finland shall, instead of joining a producer responsibility organisation, appoint an authorised representative that is responsible for fulfilling the obligations of the producer in Finland. Other distance sellers established in another state selling products referred to in section 48 may, instead of joining a producer responsibility organisation, appoint an authorised representative established in Finland that is responsible for fulfilling the seller's obligations in Finland.

An operator equivalent to a producer established in another Member State of the European Union that places products on the market in Finland through means other than distance selling may appoint an authorised representative established in Finland that is responsible for fulfilling the obligations of the producer in Finland instead of the producer. Instead of appointing an authorised representative, an operator equivalent to a producer may enter into an agreement for an equivalent purpose with an accepted producer responsibility organisation. An operator equivalent to a producer shall inform the producers and producer responsibility organisations that would otherwise be responsible for the producer responsibility obligations concerning the said products on carrying out, changes in or cancellation of the obligations. An operator of an online trading platform may appoint its authorised representative established in Finland to be responsible for the producer responsibility obligations in Finland of a distance seller operating on its platform or enter



into an agreement for an equivalent purpose with an accepted producer responsibility organisation. The online trading platform operator shall have a written authorisation issued for this by the distance seller operating on its platform.

### **Section 66b (714/2021)**

#### **Operating as an authorised representative in Finland**

An authorised representative operating in Finland shall be appointed through a written authorisation. An appointed authorised representative shall, for products other than those sold directly by distance selling, inform the producers and producer responsibility organisations that would otherwise be responsible for producer responsibility obligations concerning the said products on its authorisation as well as any amendment or cancellation of the authorisation.

The provisions of this Act concerning producers, with the exception of the opportunity of producers to establish a producer responsibility organisation specified in section 62, subsection 1, also apply to authorised representatives.

Further provisions may be given by government decree on the procedure to appoint an authorised representative and the authorised representative's obligation to inform producers and producer responsibility organisations of its authorisation and activity.

### **Section 66c (714/2021)**

#### **Cooperation group for producer responsibility schemes**

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall, in cooperation with producers, appoint one or more cooperation groups for regular exchange of information concerning the functioning of producer responsibility schemes and return systems referred to in section 68. The cooperation group shall have representatives of producers, distributors and authorities as well as representatives of such public and private waste sector operators and of associations and foundations referred to in section 134, paragraph 2 to the scope of activity of which the duties of the cooperation group may be materially related. In addition, the cooperation group shall have representatives of enterprises and entities engaged in re-use or preparing for re-use.

### **Section 67**

## **Authorisation to issue decrees to implement European Union provisions on producer responsibility**

Provisions may be issued by government decree to implement European Union provisions on producer responsibility concerning:

- 1) the disclosure of waste management costs in the price of products referred to in this chapter;
- 2) exemptions from the producer's or distributor's obligation to accept a discarded product and any related exceptional waste management arrangements if the product is contaminated and therefore poses a health or safety risk to personnel;
- 3) the obligation of the producer and producer responsibility organisation, when procuring services, to favour operators that have taken into use certified environmental management systems; (410/2014)
- 4) the refund of a reimbursement paid to the producer for carrying out producer responsibility obligations if a product is not placed on the market in Finland. (410/2014)

## **Chapter 7**

### **Beverage containers**

#### **Section 68 (714/2021)**

##### **Establishing a return system for beverage containers and joining the system**

A deposit-based return system for beverage containers may be established by a producer of beverage containers that acts as an *operator of a return system for beverage containers* and is covered by producer responsibility under section 48, subsection 1, or by a taxpayer on which provisions are laid down in the Act on Excise Duty on Certain Beverage Containers (1037/2004), individually or together with other producers of beverage containers or taxpayers. A producer of beverage containers or a taxpayer may also join a return system for beverage containers that accepts members.

In a return system for beverage containers, obligations shall be equally divided between the producers and taxpayers, taking account of the nature and scope of the activities and in such a way as to avoid any barriers to trade or distortion of competition. Obligations concerning record-keeping and disclosure shall be made lighter for such producers or taxpayers that only place small

amounts of products on the market if the obligations would otherwise be unreasonable to them. The terms and conditions applicable to new members shall be fair and equitable in comparison with the terms and conditions applicable to other members in the return system.

Further provisions may be given by government decree on the minimum requirements for the lighter obligations referred to in subsection 2.

## **Section 69 (714/2021)**

### **Obligations of the operator of a return system for beverage containers**

The operator of a return system for beverage containers shall organise a functioning return system for beverage containers that includes the reception, re-use and recycling of containers and other waste management. The operator shall also ensure the administration of the deposits that is part of the system, the size of which guarantees the functioning of the system, as well as the provision of information and advice regarding the activities as laid down in section 51.

The operator of a return system for beverage containers shall maintain a publicly available, up-to-date list of the operator's owners and members. The list shall include the name and business identity code of each owner and member as well as information on the products they have placed on the market and payments they have made to the return system on the basis of units or tonnes. The list shall also be available on a public information network.

The operator of a return system for beverage containers shall comply with the provisions laid down in section 53a on producer self-monitoring and in section 54 on the producer's record-keeping and disclosure obligation. In addition, the provisions of section 63a on producers' payment contributions and their adaptation, of section 64 on securing the activities of producers accepted to a producer register and of producer responsibility organisations, of section 65 on cooperation between producers and producer responsibility organisations, of section 66 on service procurement by producer responsibility organisations, of section 66a on authorised representatives of producers or other operators and of 66b on acting as an authorised representative in Finland, apply to a return system for beverage containers that accepts members.

Further provisions may be given by government decree on the minimum amount of the deposit, on the provision of information related to the functioning of the return system, and on the objectives

and obligations for re-use and recycling of containers included in the system, which may be stricter than corresponding objectives and obligations generally applicable to packaging.

## **Section 70**

### **Labelling of containers included in a return system for beverage containers**

The operator of a return system for beverage containers shall ensure that the beverage containers included in the return system are labelled with the amount of the deposit as well as with the fact that they are included in a return system for beverage containers the operator of which is approved in accordance with section 103. The Centre for Economic Development, Transport and the Environment for Pirkanmaa may grant an exemption from the labelling obligation if the packaged beverages are not delivered to consumers or the absence of labelling does not fundamentally impede the return of beverage containers.

## **Section 71**

### **Obligation to accept beverage containers**

A distributor of beverages sold in containers with a deposit referred to in section 3, subsection 1, paragraph 1 of the Act on Excise Duty on Certain Beverage Containers shall accept empty beverage containers belonging to the same return system in a quantity deemed reasonable as regards the quantity of packaged beverages for sale and shall pay the deposit to those returning a container.

## **Chapter 8**

### **Littering**

## **Section 72**

### **Prohibition of littering**

No waste or discarded machine, equipment, vehicle, vessel or other object may be abandoned in and no substance may be released into the environment in a manner which may cause untidiness, landscape disfigurement, reduction of amenities, risk of injury to humans or animals or any other equivalent hazard or harm (*prohibition of littering*).

## **Section 73**

## **Litterer's obligation to clean up**

A litterer shall remove the litter object or substance from the environment and otherwise clean up the littered area.

### **Section 74 (410/2014)**

#### **Secondary obligation to clean up**

If the litterer cannot be identified or reached or if the litterer fails to comply with the obligation to clean up, the obligation to clean up falls on:

- 1) the operator of the highway, private road, railway or harbour in an area where littering has occurred due to the use of the highway, road, railway or harbour;
- 2) the occupant of an area intended for use as a public recreational area or operator of the outdoor recreation or snowmobile route in an area where littering has occurred due to the use of the area or route;
- 3) the organiser of the public event in the area reserved for the event and in its immediate vicinity where littering has occurred due to the event or the occupant of the area if the event is organised with the occupant's consent and the event organiser neglects its obligation to clean up the area;
- 4) the operator of the waste reception point in the area reserved for it and in the immediate vicinity of it where littering has occurred as a result of the use of the reception point;
- 5) the occupant of an area other than those referred to in paragraphs 1–4 within the scope of a valid local detailed plan;
- 6) the occupant of an area other than those referred to in paragraphs 1–5 if the cleaning is not, assessed as a whole, unreasonable considering the occupant's possibilities for preventing littering or attending to cleaning, the amount of litter and the location of the area littered as well as other corresponding factors.

If the occupant of an area referred to in subsection 1, paragraph 6 fails to comply with the obligation to clean up or the occupant is not obliged to clean up under the said paragraph, the municipality is obliged to clean up the litter.

## **Section 75**

### **Order to clean up**

The local environmental protection authority may order the party obliged to clean up to fulfil its obligation to clean up.

If a municipality neglects its obligation to clean up referred to in section 74, subsection 2, the Centre for Economic Development, Transport and the Environment may issue an order to the municipality to clean up.

Provisions on issuing an order and associated enforcement measures in the event the obligation is neglected are laid down in chapter 13.

## **Section 76**

### **Collection of waste to prevent littering**

The operator of a highway, private road, railway or harbour, the occupant of an area intended for use as a public recreational area, the operator of an outdoor recreation or snowmobile route or the organiser of a public event shall organise sufficient waste collection and other waste management services in the area in order to prevent littering.

## **Section 77**

### **Other statutes on littering**

Provisions on the obligation of the owner of a plot and the municipality to keep streets and certain public areas clean are laid down in the Act on the Maintenance, Cleaning and Clearing of Public Areas (669/1978). In addition, provisions on the management of the built environment laid down in the Land Use and Building Act (132/1999) apply to the management of the built environment. Furthermore, provisions of the Act on Environmental Protection in Maritime Transport on the prevention of emissions and discharges from ships apply to littering resulting from the normal operation of ships. Moreover, provisions on the transfer of vehicles are laid down in the Act on the Transfer of Vehicles (828/2008). Provisions on the treatment of contaminated soil are laid down in the Environmental Protection Act.

*The Act on the Transfer of Vehicles 828/2008 was repealed by the Act on the Transfer of Vehicles 1508/2019.*

## **Chapter 9**

### **Waste management charges**

#### **Section 78 (438/2019)**

##### **Municipal waste charge**

The municipality shall levy a waste charge for waste management it organises in accordance with this Act to cover the costs it incurs in carrying out the duty. The charge levied for waste disposal shall cover at least the costs referred to in section 21. The municipality may also levy a waste charge to cover the costs incurred from waste advice laid down as a responsibility of the municipalities in section 93, subsection 1, from the maintenance of the register laid down in section 143 and from other equivalent duties related to organising waste management.

The waste charge shall correspond to the service level provided by the municipality and shall, as far as possible, provide an incentive to reduce the quantity and harmfulness of waste and to implement waste management in accordance with the order of priority.

The waste charge levied for the municipality's secondary waste management service referred to in section 33 may not be lower than the waste charge levied for a waste management service for waste of equivalent category and nature organised under section 32.

The waste charge to cover the costs incurred from waste advice, register maintenance and other equivalent duties related to organising waste management referred to in subsection 1 may be levied as a separate basic charge. This basic charge may also cover the costs incurred by the municipality for establishing and maintaining local reception points for hazardous and other waste.

No more than a reasonable return on capital may be earned from a waste charge.

#### **Section 79**

##### **Criteria for the municipal waste charge**

Criteria for the municipal waste charge include the type, nature and quantity of waste and the number of pickups. The waste collection and transport conditions at the property and in the pickup area, the use of municipal collection equipment and the transport distance when the waste is transported individually may also be taken into account as criteria. The number of persons living in the property, the purpose of use of the property or other equivalent criteria may also be used as criteria for the waste charge if the quantity or nature of the waste is difficult to establish reliably or if necessary to prevent harm to the environment or health or to organise waste management.

Criteria for the basic charge include the number of persons living in the property or the purpose of use of the property or another equivalent criterion. The basic charge can be specific to a property or household.

Further provisions on criteria for the waste charge are laid down in the waste tariff approved by the municipality. The municipality shall provide public information on the waste tariff in the manner in which municipal notices are published in the municipality. The municipality shall also annually inform its residents and other waste management service users of the revenue from the waste charge and any basic charge and of the uses of the revenue. The information on the waste tariff, the charge revenue and its uses shall be available on an information network.

Provisions on opportunities to exert an influence in the consideration of a matter relating to the approval of the waste tariff are laid down in section 41 of the Administrative Procedure Act.

## **Section 80 (714/2021)**

### **Obligation to pay the municipal waste charge**

The property holder or other waste holder the waste management for whose waste the municipality organises is obliged to pay the municipal waste charge.

If waste transport is organised by the property holder in a manner referred to in section 37, the municipality may levy a charge for waste treatment on the waste carrier.

## **Section 80a (714/2021)**

### **Waste carrier's obligation to keep records in waste transport organised by a property holder**



If the municipality levies on a waste carrier referred to in section 37 a waste treatment charge in a manner referred to in section 80, subsection 2, the carrier shall keep records of the waste treatment charges levied on its customers and, upon request, make the information concerning these available for viewing by the municipal waste management authority.

## **Section 81 (714/2021)**

### **Determining the municipal waste charge**

The municipal waste management authority determines the waste charge in accordance with the waste tariff approved by the municipality.

If the waste charge specified in the waste tariff is to be deemed unreasonably high or low considering the quantity of waste, the service level of the waste management organised by the municipality and the waste transport organised by the waste holder or property holder in accordance with section 41 or the waste treatment organised by the waste holder in accordance with section 41a, the charge may, upon application by the party obliged to pay or on the initiative of the authority, be determined by way of derogation from the waste tariff or not levied. If the waste charge is determined by way of derogation from the waste tariff, the criteria for the charge shall be equal and reasonable.

## **Section 82**

### **Waste invoice and complaints against the municipal waste charge**

A waste invoice for the payment of the municipal waste charge shall be delivered to the party obliged to pay, specifying the amount to be paid, due date, payment address, criteria for the charge itemised in sufficient detail, information on the consequences of a delay in payment, instructions on how to complain and contact details of the municipal waste management authority or other invoice issuer for contacts by the party obliged to pay.

The party obliged to pay has the right to lodge a complaint to the municipal waste management authority within 14 days of receiving the waste invoice. The authority shall make a decision concerning the complaint and send a new invoice for any amended charge to the party obliged to pay.

## **Section 83**

## **Payment and refund of the municipal waste charge**

The waste charge shall be paid to the municipality or to a party designated by and acting on behalf of the municipality.

Notwithstanding any request for review, the waste charge shall be paid no later than on the due date given on the waste invoice or on any new invoice sent due to a complaint. If the waste charge is not paid within the specified time, interest shall be paid on the amount overdue as provided in the Interest Act (633/1982) concerning interest on late payment.

If the waste charge is removed or reduced as the result of a request for review, the municipality shall refund any amount paid in excess and pay annual interest calculated from the date of payment to the date of refund. The interest is determined in accordance with section 12 of the Interest Act.

### **Section 84**

#### **Application of provisions on the municipal waste charge to a company owned by municipalities**

Provisions on the municipal waste charge apply also when the municipality has transferred the service functions related to organising waste management to a company established for this purpose referred to in section 43.

### **Section 85**

#### **Charge levied for transport organised by the property holder**

A charge levied for waste transport organised by the property holder shall be equal and reasonable. The criteria for the charge shall be set out clearly in the offer made to the property holder.

An invoice for the waste transport shall be delivered to the property holder, specifying the amount to be paid, due date, payment address, criteria for the charge itemised in sufficient detail, information on the consequences of a delay in payment, instructions on how to complain and contact details of the invoice issuer for contacts by the property holder.

If, under section 80, subsection 2, the municipality levies a waste charge for waste treatment on the waste carrier, the share of treatment and transport shall be itemised in the offer made and invoice delivered to the property holder.

## **Section 86**

### **Error and price reduction**

The waste holder is entitled to a price reduction if a waste container is not emptied or waste management is not otherwise organised in the manner specified in the municipal waste management regulations or in an agreement or if some other equivalent error occurs in the waste management service.

The waste holder shall within a reasonable time point out the error to the party carrying out invoicing for the service and request a price reduction. The price reduction shall correspond to the extent and duration of the error. A price reduction due to an error may be refunded in conjunction with the next invoicing.

The provisions of this section may not be departed from by an agreement to the detriment of the property holder if the waste in question is residential waste.

## **Chapter 10**

### **Planning and guidance**

#### **Section 87 (714/2021)**

##### **National waste plan**

In order to implement the objectives of this Act and to promote the implementation of its provisions, the Ministry of the Environment shall prepare a national waste plan for approval by the Government. The plan shall present an evaluation of the current situation as regards reducing the quantity and harmfulness of waste as well as waste management, the related objectives and measures to achieve the objectives, including measures to prevent littering and to clean up littered areas. The plan may also present other objectives and measures based on regional circumstances for developing waste management. The plan shall also be accompanied with an evaluation of its effectiveness. The part of the national waste plan concerning the reduction of the quantity and harmfulness of waste may be prepared as a separate plan.

The Ministry of the Environment shall monitor and evaluate the implementation and effectiveness of the national waste plan and any separate plan at least once every six years and, if necessary, prepare a reviewed plan for approval by the Government. When preparing or reviewing the plan, the provisions laid down in and under the Act on the Assessment of the Effects of Certain Plans and Programmes on the Environment (200/2005) shall be complied with.

Further provisions may be given by government decree on the preparation and contents of the national waste plan as well as on the monitoring and evaluation of the implementation of the plan.

### **Section 88 (714/2021)**

#### **Regional cooperation group**

The Centre for Economic Development, Transport and the Environment shall appoint a regional cooperation group to support the preparation, implementation and implementation monitoring of the national waste plan. The regional cooperation group shall include representatives of the municipalities of the operating area as well as of such operators, and associations and foundations referred to in section 134, subsection 2, to whose duties or purpose the matter may be related. The Centres for Economic Development, Transport and the Environment may appoint the cooperation group jointly if necessary for carrying out the duty in a regionally appropriate manner.

The cooperation group shall promote the implementation of the national waste plan and monitor the realisation of the implementation in its operating region. It shall also collect and submit to the Ministry of the Environment the information necessary for the preparation or review of the national waste plan concerning the region's waste treatment capacity and the organisation of waste management as well as information on waste management development needs.

The municipality shall provide the regional cooperation group with and the group shall pass on to the Ministry of the Environment the information necessary for the preparation of the national waste plan concerning the waste generated in the municipality, the organisation and supervision of waste management and related development objectives.

### **Sections 89–90**

*Sections 89–90 were repealed by Act 714/2021.*

## **Section 91 (714/2021)**

### **Municipal waste management regulations**

The municipality may issue general regulations applicable to the municipality or part of it that are based on local conditions and necessary for the implementation of this Act concerning:

- 1) reducing the amount of, separation at source of, organising a reception point at properties for, delivery to a local reception point, storage, collection, transport, recovery and disposal of waste from activities referred to in section 32 as well as technical requirements concerning these;
- 2) in order to comply with the requirements laid down in section 13, subsections 1 and 2, practical arrangements at properties or waste reception points for the collection, reception and transport of waste other than that referred to in paragraph 1 as well as technical requirements concerning these;
- 3) measures to prevent littering;
- 4) the obligation to provide the municipal waste management authority or local environmental protection authority with information on waste referred to in paragraph 1 and its waste management, including waste transport referred to in section 39 and biowaste treatment in accordance with section 41a.

Regulations issued under subsection 1, paragraph 1 above may also apply to composting waste other than that generated from activities referred to in section 32 or other equivalent small-scale treatment of waste, including septic tank and cesspool sludge, at source but not, however, to waste treatment subject to an environmental permit or registration referred to in the Environmental Protection Act.

Regulations issued under subsection 1, paragraph 1 above concerning property-specific separate collection of waste may impose the obligation to carry out separate collection that is more extensive than that provided in a government decree if necessary to implement section 15, subsection 1. Regulations may also permit separate collection that is less extensive than that provided in a decree for a specified period and for no more than five years at a time if one of the conditions for exemptions from the separate collection obligation specified in section 15, subsection 2 is fulfilled.

The authority designated in the municipal waste management regulations may, in an individual case, grant an exemption from compliance with a waste management regulation on the basis of grounds specified in it.

## **Section 92**

### **Procedure when issuing municipal waste management regulations**

Prior to issuing municipal waste management regulations, the municipality shall provide the Centre for Economic Development, Transport and the Environment concerned and, if necessary, other authorities with the opportunity to issue an opinion. Provisions on providing opportunities to exert an influence are laid down in section 41 of the Administrative Procedure Act.

The municipality shall provide public information on the waste management regulations in the manner in which municipal notices are published in the municipality. The regulations shall be available on an information network. In addition, they shall be submitted for information to the Centre for Economic Development, Transport and the Environment and the Regional State Administrative Agency concerned.

## **Section 93 (714/2021)**

### **Waste advice**

The municipality shall organise advice, information and awareness-raising in order to reduce the quantity and harmfulness of waste generated from activities referred to in section 32, to increase the efficiency of sorting, to increase separate collection and to implement waste management in an appropriate manner as well as to prevent littering from the said activities. Particular attention shall be paid in the provision of advice to reducing the quantity of food waste.

When performing a duty specified in section 3, subsection 2 of the Act on the Centres for Economic Development, Transport and the Environment (897/2009), the Centres for Economic Development, Transport and the Environment shall particularly promote the fulfilment of the duty to know laid down in section 12, subsection 1 above on producers, manufacturers and importers of products.

## **Chapter 11**

### **Acceptance into and entry in the waste management and producer register**

## **Section 94**

### **Application for acceptance of an activity into the waste management register**

Anyone intending to carry out professional waste transport or act as a waste broker shall submit an application for acceptance of the activity into the waste management register referred to in section 142, subsection 1, paragraph 2.

The application is submitted to the Centre for Economic Development, Transport and the Environment in the operating area of which most of the activity takes place. If the competent authority cannot be identified on the said grounds, the application is submitted to the Centre for Economic Development, Transport and the Environment in accordance with the operator's place of registered office. An operator established outside Finland shall submit the application to the Centre for Economic Development, Transport and the Environment for Southeast Finland. The application shall be made using the authority's electronic service. The application may also be submitted by email or on paper if it is not possible to submit the application using the electronic service. An operator established outside Finland shall submit the application in Finnish, Swedish or English. For foreign-language certificates, a translation by an authorised translator or some other reliable translation into Finnish, Swedish or English shall be provided. (494/2022)

The application shall contain the information necessary for its processing concerning the operator, activity and operating area. In addition, the application shall provide an account of the professional competence of the operator. Further provisions may be given by government decree on the contents of the application and its processing.

## **Section 95 (494/2022)**

### **Conditions for acceptance into the waste management register**

An activity is accepted into the waste management register if:

- 1) the activity is carried out professionally and the machinery and equipment used for the activity are technically appropriate;

2) the operator has, during the current year or within the three calendar years preceding it, not shown apparent disregard for the provisions of this Act in its business activity and the activity is carried out without endangering or harming health or the environment;

3) the waste broker has its registered office in Finland or in another Member State of the European Economic Area;

4) the waste carrier holds a goods transport licence or a light goods transport licence referred to in section 3 of the Act on Transport Services (320/2017) in accordance with the conditions laid down in the said Act or the waste carrier whose registered office is outside the European Economic Area holds an International Transport Forum transport licence referred to in section 20 of the said Act or a transport licence based on a bilateral agreement between Finland and another state;

5) the operator whose activities do not require a transport licence referred to in paragraph 4 or whose registered office is outside the European Economic Area shall, in addition, be reliable.

An operator referred to in subsection 1, paragraph 5 above is not regarded as reliable if:

1) the operator has, during the current year or within the three calendar years preceding it, repeatedly or to a significant extent failed to comply with its registration, notification or payment obligations relating to taxes, statutory pension, accident insurance or unemployment insurance contributions or payments levied by Customs; or

2) the operator has debts being collected through enforcement that are greater than minor in relation to its solvency or debts that have been returned from enforcement with an impediment certificate issued because of lack of means; or

3) the operator has been declared bankrupt.

An operator referred to in subsection 1, paragraph 5 that is established outside Finland shall submit the information referred to in subsection 2 by means of a register extract or equivalent certificate in accordance with the legislation of the country of establishment or in another generally accepted way.



## **Section 95a (494/2022)**

### **Mutual recognition**

A waste carrier registered in another Member State of the European Economic Area may, instead of an application referred to in section 94, submit to the Centre for Economic Development, Transport and the Environment for Southeast Finland a certificate of registration for entry in the waste management register (*mutual recognition*). The certificate shall contain information on the carrier, the registration authority and the validity of the registration as well as other essential information on the contents of the registration. In addition to the certificate, other information on the operator, the activities to be carried out in Finland as well as the operating area in Finland required for entry in the waste management register shall be submitted. The information shall be submitted in Finnish, Swedish or English. A translation by an authorised translator or some other reliable translation of the certificate into Finnish, Swedish or English shall be provided.

Further provisions may be given by government decree on the certificate and other information to be submitted to the authority referred to in subsection 1 and on their processing by the authority.

## **Section 96 (494/2022)**

### **Decision on acceptance into the waste management register**

The Centre for Economic Development, Transport and the Environment shall, without any undue delay, make a decision on an application for acceptance into the waste management register or make an entry concerning mutual recognition in the waste management register. The decision or information on the entry shall be delivered to the applicant. The decision or information on the entry for an operator established outside Finland is made in Finnish or Swedish. If necessary, an English translation of the decision or entry shall be submitted to the operator. The activity may not commence before it has been accepted into or entered in the waste management register by the Centre for Economic Development, Transport and the Environment. Decisions concerning acceptance and entries concerning mutual recognition remain valid for an indefinite period or for a specified period. The entry concerning mutual recognition is made for a specified period if the registration in the other Member State of the European Economic Area has been made for a specified period.

The decision may include regulations on fulfilling the conditions for acceptance provided in section 95, keeping of records concerning the waste, the obligation to submit information necessary for

supervision to the authority and other measures necessary for the supervision of the activity. If necessary, the regulations may limit the activity to apply to waste of a certain type or nature. Further provisions may be given by government decree on the contents of the decision.

The Centre for Economic Development, Transport and the Environment shall enter the essential information on the application, decision, or entry concerning mutual recognition, in the waste management register. If the activity is carried out in the operating areas of two or more Centres for Economic Development, Transport and the Environment, these other Centres for Economic Development, Transport and the Environment shall be provided with information on the decision or entry made.

### **Section 97 (494/2022)**

#### **Amendment of a decision concerning acceptance into the waste management register**

If an activity accepted into the waste management register or entered in the register on the basis of mutual recognition changes substantially or is terminated, the Centre for Economic Development, Transport and the Environment shall be notified of this without delay and, if necessary, a new application shall be made or the certificate referred to in section 95a and the other information referred to in the said section shall be submitted. The Centre for Economic Development, Transport and the Environment shall enter the changed information in the waste management register and, if necessary, amend the acceptance decision accordingly. If the activity is terminated, the operator's information shall be removed from the waste management register.

A decision concerning acceptance into the waste management register or an entry made on the basis of mutual recognition may be amended on the initiative of the Centre for Economic Development, Transport and the Environment if the circumstances have substantially changed or the grounds on which the acceptance was based are later found as having been fundamentally different from what was required when taking the decision.

### **Section 98 (494/2022)**

#### **Extract from the waste management register**

An extract of the information entered in the waste management register shall be appended to the decision concerning acceptance into the waste management register. An extract of the information entered in the waste management register shall also be provided for an entry concerning mutual

recognition. An operator established outside Finland shall, where necessary, be provided with an English translation of the extract. Information on the time by which the extract shall be reviewed shall be included in the extract. A carrier whose activity has been accepted into or entered in the register shall carry the extract during transport and, upon request, present it to the supervisory authorities and the police. Further provisions may be given by government decree on information to be included in the extract.

The Centre for Economic Development, Transport and the Environment shall deliver the extract to the operator of the activity accepted into or entered in waste management register for the purpose of review during the calendar year when three years have elapsed since the activity was accepted into or entered in the waste management register or, if the activity has changed, since the acceptance of the last amendment into the register. The operator shall respond to the request within a reasonable time limit set in the request for review and notify any changes in the information.

## **Section 99 (494/2022)**

### **Revocation and lapse of acceptance into the waste management register**

The Centre for Economic Development, Transport and the Environment may revoke an acceptance into or entry in the waste management register if:

- 1) the conditions for acceptance specified in section 95 can no longer be fulfilled by amending the decision in accordance with section 97;
- 2) the operator is no longer reliable in the manner referred to in section 95, subsection 2 and the nature of the grounds due to which the operator is not regarded as reliable is essential and serious and the operator has not rectified the issue despite an order by an authority;
- 3) the operator has provided incorrect information which has substantially affected the conditions for approval or entry; or
- 4) the operator has in its business activity repeatedly shown apparent disregard for the provisions of this Act or has repeatedly violated regulations included in a decision despite a written caution issued by the authority and the activity endangers or harms health or the environment.

The Centre for Economic Development, Transport and the Environment shall decide that the acceptance into or entry in the waste management register lapses if the operator fails to respond to a request for review concerning the extract referred to in section 98, subsection 2. The operator shall be provided with an opportunity to be consulted before the revocation or lapse of the acceptance or entry. The Centre for Economic Development, Transport and the Environment shall remove from the waste management register the information on an operator whose acceptance or entry is revoked or lapses.

## **Section 100**

### **Notification of collection activity to the waste management register**

Anyone intending to carry out professional waste collection shall submit a notification for entry in the waste management register referred to in section 142, subsection 1, paragraph 2 to the local environmental protection authority of the municipality in the area in which the collection is carried out. The notification shall be submitted well in advance of commencing collection. No notification is needed if the collection requires an environmental permit pursuant to the Environmental Protection Act or if the collection is accepted as part of another activity subject to an environmental permit. (410/2014)

The notification shall include the information necessary to enter the activity in the waste management register concerning the operator and the activity, such as the waste to be collected, the waste containers and the location of reception points, as well as measures for preventing harm to health and the environment caused by the activity. The operator shall without delay notify the local environmental protection authority if the information notified changes essentially or if the activity is terminated. Further provisions may be given by government decree on the contents of the notification. (494/2022)

The local environmental protection authority shall enter the information provided in the notification in the waste management register in accordance with section 142 and notify the entry having been made to the notifier. The local environmental protection authority shall remove the entry if the activity is terminated and notify the notifier of the removal of the entry. (494/2022)

## **Section 101**

### **Application for acceptance into the producer register**

Producers provided in section 48, producer responsibility organisations provided in section 62 and operators of return systems for beverage containers provided in section 68 above shall submit an application to the Centre for Economic Development, Transport and the Environment for Pirkanmaa for acceptance into the producer register referred to in section 142, subsection 1, paragraph 3. The application shall be submitted well in advance so as to ensure the waste management of discarded products.

The application shall specify the applicant and describe the activity carried out by the applicant. The application shall contain the information on the acceptance of discarded products and related provision of information, re-use, recovery and other waste management that is necessary for processing the application and assessing the appropriateness of the activity. Producers of household electrical and electronic equipment shall, in addition, provide an account of the financial guarantee provided in section 61. Applications by producer responsibility organisations and operators of return systems for beverage containers shall present the information on agreements, rules and other documents necessary for the assessment of whether the activity fulfils the requirements laid down in this Act. An authorised representative referred to in section 66b above shall in its application, in addition, provide information on the provider of the authorisation and on the producers that would otherwise be responsible for producer responsibility obligations concerning the products to which the authorisation applies. (494/2022)

Further provisions may be given by government decree on the contents of the application and its processing.

## **Section 102**

### **Conditions for acceptance into the producer register**

Producers, producer responsibility organisations and operators of return systems for beverage containers are accepted into the producer register if:

- 1) the activity fulfils the requirements laid down in and under this Act;
- 2) the acceptance of discarded products or beverage containers is organised in accordance with the requirements laid down in and under this Act;

3) the re-use of products and waste management of discarded products comply with the obligations laid down in and under this Act concerning re-use and recovery and take account of the objectives concerning these.

Besides the provisions of subsection 1, the conditions for the acceptance of producer responsibility organisations and operators of return systems for beverage containers into the producer register include that:

- 1) the producer responsibility organisation was established and operates in accordance with sections 62, 63 and 63a and that the return system for beverage containers was established and operates in accordance with sections 68 and 69;
- 2) the producer responsibility organisation or the operator of a return system for beverage containers has presented acceptable information and an action plan specified in section 64.

(714/2021)

A further condition for the acceptance of producers of household electrical and electronic equipment is the provision of a financial guarantee laid down in section 61. (410/2014)

## **Section 103**

### **Decision on acceptance into the producer register**

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall, without any undue delay, make a decision on an application for acceptance into the producer register. Depending on the nature of the case, the decisions on the acceptance of producer responsibility organisations and operators of return systems for beverage containers into the producer register are made valid for an indefinite period or for a specified period. A decision on the acceptance of a producer is valid for an indefinite period.

The decision may include regulations necessary for the fulfilment of the conditions for acceptance laid down in section 102 and for the fulfilment of other requirements laid down in and under this Act as well as for the supervision of the activity. Regulations may also impose on new producers, producer responsibility organisations and operators of return systems for beverage containers gradually tightening obligations and objectives for the commencement phase of the activity

concerning the acceptance, re-use and recovery of discarded products as well as for the functioning of return systems for beverage containers, taking into account the nature and scope of the activity, until the obligations and objectives laid down by government decree apply to them in full. Such regulations may only be given if the producer, producer responsibility organisation or operator of a return system for beverage containers reliably demonstrates through letters of intent concluded with appropriate parties or comparable documents concerning the acceptance, transport and treatment of discarded products that the activity will be brought in line with the requirements of the government decree within the time limit set in the decision. (410/2014)

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall enter the essential information on the application and decision in the producer register.

Further provisions may be given by government decree on the contents of the decision.

#### **Section 104**

##### **Extract from the producer register**

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall provide the operator of a return system for beverage containers accepted into the producer register with an extract from the producer register. The operator of the return system for beverage containers shall deliver the extract to the members that have joined the system.

#### **Section 105 (494/2022)**

##### **Notifying producers or members to the producer register**

Producer responsibility organisations or operators of return systems for beverage containers accepted into the producer register shall notify to the producer register the producers or members whose obligations specified in this Act the producer responsibility organisation or operator of the return system for beverage containers carries out. As regards authorised representatives, the provider of the authorisation and the producer that would otherwise be responsible for the producer responsibility obligations concerning the products to which the authorisation applies shall, in addition, be notified. Any changes to the information shall also be notified to the register. The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall enter the information in the producer register and notify the notifier of the entry. Further provisions may be given by government decree on the content of the notification.

## **Section 106**

### **Amendment of decisions concerning acceptance into the producer register**

If the activity of a producer, producer responsibility organisation or operator of a return system for beverage containers accepted into the producer register changes substantially or if the members of a producer responsibility organisation or return system for beverage containers change, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall be notified of this without delay and, if necessary, a new application shall be made. The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall enter the amended information in the producer register and, if necessary, amend the decision concerning acceptance.

A decision may also be amended on the initiative of the Centre for Economic Development, Transport and the Environment for Pirkanmaa if the circumstances have substantially changed or the grounds on which the decision was based are later found as having been fundamentally different from what was required when taking the decision.

Further provisions may be given by government decree on the time of the notification referred to in subsection 1.

## **Section 107**

### **Revocation and lapse of acceptance into the producer register**

The Centre for Economic Development, Transport and the Environment for Pirkanmaa may revoke an acceptance into the producer register if, despite a written caution issued by the Centre for Economic Development, Transport and the Environment, a producer, producer responsibility organisation or operator of a return system for beverage containers repeatedly neglects its obligation based on producer responsibility under this Act and provisions and regulations issued under this Act to organise the acceptance, re-use, recovery or other waste management of a discarded product or if another condition for acceptance provided in section 102 cannot be fulfilled despite a written caution issued by the authority.

If a producer terminates its activity covered by producer responsibility or if a producer responsibility organisation is dissolved or its activity terminated or if a return system for beverage containers is dismantled or its activity terminated, the acceptance lapses without a separate



decision and the producer, producer responsibility organisation or operator of a return system for beverage containers is removed from the producer register.

## **Chapter 12**

### **Transboundary shipments of waste and movement of ships for dismantling (626/2017)**

#### **Section 108 (626/2017)**

##### **Transboundary shipments of waste and movement of ships for dismantling**

Provisions laid down in the Waste Shipments Regulation as well as in and under this Act shall be complied with in transboundary shipments of waste and their approval.

Provisions on movement of ships for dismantling are laid down in Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, hereinafter the *Ship Recycling Regulation*.

#### **Section 108a (967/2018)**

##### **The authorities' duties in implementing the Ship Recycling Regulation**

The competent authority referred to in Article 3(1)(11) of the Ship Recycling Regulation is the Regional State Administrative Agency that provides the authorisation specified in Article 14 of the Ship Recycling Regulation.

The Regional State Administrative Agency makes a written decision on a matter concerning the ship recycling plan referred to in Article 7(3) of the Ship Recycling Regulation.

The Finnish Environment Institute and the Finnish Transport and Communications Agency cooperate with one another in order to prevent the circumvention and breach of the Ship Recycling Regulation referred to in Article 22 of the Ship Recycling Regulation.

The Finnish Environment Institute monitors the implementation of the Ship Recycling Regulation in Finland and, if necessary, acts as the expert authority when a ship is intended to be shipped for

dismantling to a ship recycling facility located in a third country specified in Article 15 of the Ship Recycling Regulation.

## **Section 109**

### **Shipment of waste for treatment in another country**

Besides the provisions of section 108, waste may be shipped from Finland to another country for disposal and mixed municipal waste for which the municipality is responsible in accordance with section 32 may be shipped from Finland to another country for recovery only if:

- 1) Finland does not have the technical or financial capacities or the necessary facilities for treating the waste in an acceptable manner;
- 2) the waste will be treated in a manner that from the environmental protection perspective is significantly better than in Finland;
- 3) the waste will be treated in a manner that would be environmentally sound in Finland and that in terms of total cost is substantially cheaper than treatment in Finland;
- 4) the shipment is effected for the purpose of testing a new treatment method or for other testing purposes; or
- 5) the shipment of waste other than hazardous waste is based on regional waste management cooperation between municipalities in Finland and Sweden or Finland and Norway.

## **Section 110**

### **Shipment of waste for treatment in Finland**

Besides the provisions in section 108, waste may be shipped to Finland for treatment only if the disposal of waste generated in Finland or the recovery of mixed municipal waste for which the municipality is responsible pursuant to section 32 is not prevented or delayed due to this.

In the case of shipment of waste for disposal in Finland, further conditions for consent to the shipment are that:

- 1) any hazardous waste is incinerated in an installation specialised for that;
- 2) the waste is treated biologically or physico-chemically; or

3) the depositing of the waste into or onto land or in a specially engineered landfill or the incineration of waste other than hazardous waste is based on regional waste management cooperation between municipalities in Finland and Sweden or Finland and Norway.

## **Section 111**

### **Prohibition of transboundary shipment of waste due to illegal shipment or non-payment**

The Finnish Environment Institute may prohibit a transboundary shipment of waste if:

- 1) the consignee referred to in Article 2(14) or the notifier referred to in Article 2(15) of the Waste Shipments Regulation has been convicted of illegal shipment referred to in Article 2(35) of the Regulation; or
- 2) the notifier has failed to pay the notification processing fee imposed by the Finnish Environment Institute for a notification relating to a previous shipment of waste.

## **Section 112**

### **Application of the export prohibition of the Waste Shipments Regulation in certain cases**

The Finnish Environment Institute may decide that:

- 1) the export prohibition referred to in Article 36(1) of the Waste Shipments Regulation does not in an exceptional case apply to a certain type of waste listed as hazardous in Annex V to the Waste Shipments Regulation if the notifier provides reliable proof that the waste does not display any hazardous property referred to in section 6, subsection 1, paragraph 1;
- 2) waste may in an exceptional case be classified as hazardous waste and, consequently, the export prohibition laid down in Article 36(1) of the Waste Shipments Regulation may be applied even though the waste is not mentioned in Annex V to the Regulation or even though it is mentioned in list B of part 1 of the Annex if the waste in question displays a hazardous property referred to in section 6, subsection 1, paragraph 1.

Before making a decision referred to in subsection 1, the Finnish Environment Institute shall notify the competent authority of the country of destination of the matter. Other permit and supervisory authorities concerned shall be notified by way of sending a copy of the decision. The Finnish Environment Institute shall also notify such decisions to the Ministry of the Environment and the European Commission before the end of each calendar year.

### **Section 113**

#### **Transboundary shipment of waste specified in Article 18 of the Waste Shipments Regulation**

Upon request, the Finnish Environment Institute has the right to receive the information referred to in Annex VII to the Waste Shipments Regulation concerning waste referred to in Article 18 of the Waste Shipments Regulation from the party responsible for a transboundary shipment of waste or from the waste carrier if this is necessary for the supervision of compliance with the Regulation and the implementation of the Regulation.

### **Section 114**

#### **Pre-consent to waste recovery facilities**

Upon application, the Finnish Environment Institute may issue a pre-consent referred to in Article 14 of the Waste Shipments Regulation to the operator of a waste recovery facility located in Finland for receiving waste from another Member State of the European Economic Area or of the Organisation for Economic Co-operation and Development (OECD).

Pre-consent may not be issued to an operator of interim recovery operations referred to in Article 2(7) of the Waste Shipments Regulation or to an operator of testing activities.

Pre-consent may be issued if:

- 1) the operator holds an environmental permit specified in the Environmental Protection Act for the recovery activity;
- 2) the operator has sufficient expertise in transboundary shipments of waste;
- 3) the operator has an environmental management system in compliance with Regulation (EC) No 1221/2009 of the European Parliament and of the Council on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS), repealing Regulation (EC) No 761/2001 and Commission Decisions 2001/681/EC and 2006/193/EC or another equivalent system; and
- 4) in previous transboundary shipments of waste, the operator has fulfilled its obligations in accordance with this Act, the Waste Shipments Regulation and the Environmental Protection Act.

The Finnish Environment Institute shall make a decision on an application concerning pre-consent. The decision shall specify the waste categories and the recovery method as well as the facility to which the consent applies. Pre-consent is granted for a specified period no longer than ten years.

Applications for pre-consent shall provide the information necessary for their processing with respect to the operator, the facility and its activity as well as planned transboundary shipments of waste. Further provisions may be given by government decree on the contents of the application for and decision on pre-consent.

## **Section 115**

### **Amendments to and revocation of decisions concerning consent or pre-consent to transboundary shipments of waste**

On its own initiative, the Finnish Environment Institute may amend its decision on consent or pre-consent to a transboundary shipment of waste if circumstances have substantially changed or the grounds on which the decision was based are later found as having been fundamentally different from what was required when taking the decision.

A decision on consent to a transboundary shipment of waste may be revoked if one of the conditions for shipment provided in the Waste Shipments Regulation or this Act is no longer fulfilled.

A decision on pre-consent may be revoked if one of the conditions for consent provided in section 114 is no longer fulfilled.

## **Section 116**

### **Financial guarantee for transboundary shipments of waste**

Financial guarantees acceptable as financial guarantees in accordance with Article 6 of the Waste Shipments Regulation are a guarantee, insurance or pledged deposit. The party issuing the financial guarantee shall be a credit or insurance institution or another commercial financial institution having its registered office in a Member State of the European Economic Area.

## **Section 117 (714/2021)**

### **Duties of Finnish Customs**

Finnish Customs shall, when necessary, stop a transboundary shipment of waste that does not fulfil the requirements laid down in the Waste Shipments Regulation or this Act and shall notify to the matter to the Finnish Environment Institute for decisions on further measures.

Finnish Customs may designate the customs offices in Finland through which waste shall be shipped to or from the European Economic Area.

## **Section 117a (410/2014)**

### **Specific provisions concerning used electrical and electronic equipment**

If used electrical and electronic equipment is intended to be shipped to another country as a product and not as waste, the holder of the equipment shall substantiate the correctness of the classification with an invoice or contract relating to the sale or transfer of ownership of the equipment, a certificate of testing of functionality, a consignment note or other equivalent evidence, report or document relating to the condition or quality of the equipment and by providing proof of the equipment being appropriately protected against damage during transport.

Further provisions may be given by government decree on the evidence, testing procedures, testing results, reports and other information required to classify used electrical and electronic equipment as a product as well as on sufficient measures required to protect the equipment

against damage. The required information and measures may differ by equipment type, user group or intended use.

If the classification of used electrical and electronic equipment as a product cannot be substantiated by proof specified in subsection 1, the equipment shall be considered waste and its shipment to another country shall be considered illegal shipment referred to in the Waste Shipments Regulation.

In addition, provisions on providing the necessary proof of used electrical and electronic equipment not being waste are laid down in Article 50(4a–4d) of the Waste Shipments Regulation. (1518/2015)

### **Section 117b (714/2021)**

#### **Demonstration of appropriateness when shipping waste to outside the European Economic Area**

Anyone who ships waste for treatment in a country outside the European Economic Area shall be able to demonstrate in accordance with the Waste Shipments Regulation that the treatment of the waste outside the Economic Area is in accordance with the requirements of the Regulation and takes place under conditions that are broadly equivalent to those prescribed in relevant European Union environmental legislation.

### **Section 117c (714/2021)**

#### **Duty to know, record-keeping obligation and disclosure obligation of those shipping waste to another country**

Anyone shipping waste to another country for recovery shall know and keep records of the following information to the extent necessary to produce the information required in European Union provisions concerning the calculation, verification and provision of data on waste:

- 1) the nature, type, quantity, delivery site and treatment method of waste generated from preparing for re-use, recycling and recovery of waste or preparatory measures preceding these;
- 2) any new products and materials created in preparing for re-use, recycling or other recovery as well as their quantity and intended use specified by product and material group.

A summary of the record data referred to in subsection 1 shall be submitted annually to the Finnish Environment Institute or to a register maintained by the Institute under section 142, subsection 1, paragraph 1. Previous holders of waste and producers referred to in section 48 shall, upon request, be provided with record data concerning waste transferred by them.

Further provisions may be given by government decree on:

- 1) waste to which the duty to know and record-keeping obligation referred to in subsection 1 apply;
- 2) information to be included in the record data and in the summary referred to in subsection 2;
- 3) the submission of information referred to in subsection 2 to the Finnish Environment Institute.

## **Chapter 13**

### **Supervision and administrative enforcement**

#### **Section 118 (714/2021)**

##### **Record-keeping and disclosure obligation**

The operator shall keep records of waste if the activity is:

- 1) activity that generates a minimum of 100 tonnes of waste per year;
- 2) activity that generates hazardous waste or POP waste;
- 3) treatment of waste on a professional basis or at an installation referred to in Annex 1, Table 1, paragraph 13 and Table 2, paragraph 13 of the Environmental Protection Act but not, however, treatment referred to in section 32, subsection 1, paragraphs 1–3 of the said Act;
- 4) activity subject to a permit under the Environmental Protection Act;
- 5) food industry activity that is subject to notification under the Environmental Protection Act;
- 6) transport of waste and waste brokerage referred to in section 94 and waste collection referred to in section 100.



In addition, the operator shall keep records of the products and materials created in preparing for re-use, recycling or other recovery of waste if the activity is an activity referred to in subsection 1, paragraph 3.

Previous holders of waste and producers referred to in section 48 shall, upon request, be provided with the record data concerning the waste management of waste transferred by them.

Provisions on the obligation of operators of facilities undertaking the temporary storage of mercury waste as well as operators of facilities undertaking the conversion and, if applicable, solidification of mercury waste to establish a register for tracing mercury waste and the obligation to disclose information to the competent authority are laid down in Article 14 of the Mercury Regulation.

### **Section 118a (714/2021)**

#### **Record-keeping and disclosure obligation concerning food waste**

Food business operators referred to in section 5, subsection 1 of the Food Act (297/2021) shall keep records of the quantity and treatment of food waste generated from their activity. Where possible, the record data shall also contain an estimate of the total quantity of edible food discarded as waste. The obligation does not, however, apply to operators referred to in section 10, subsection 2 of the Food Act that are outside the scope of systematic food control, primary production operators or non-profit entities. The record data shall be retained on paper or electronically for six years.

Further provisions may be given by government decree on information to be included in the record data. For the appropriate implementation of the supervision of activities, provisions may be given by government decree on the submission of record data to the supervisory authority or to an information system maintained by the authority and on a time period for the retention of record data shorter than the period laid down in subsection 1 if the retention period of six years is manifestly unnecessary.

### **Section 119 (714/2021)**

#### **Information to be included in records and its processing**

The records referred to in section 118, subsection 1 above shall, in accordance with the nature of the activity, include information on the type, nature, quantity, origin and delivery site of waste

generated, collected, transported, brokered or treated as well as on the transport and treatment of the waste. The records shall also include information on the quantity of waste generated from activities referred to in section 118, subsection 1, paragraph 1 in relation to the extent of the activities expressed in terms of turnover, the number of employees or other equivalent manner (*amount of specific waste*). The records on the activity referred to in subsection 118, paragraph 3 shall include information on the quantity and intended use of products and materials created in preparing for re-use, recycling or other recovery of waste specified by product and material group.

Further provisions may be given by government decree on information to be included in the records specified by function, waste type or product or material group and on the calculation of the amount of specific waste. For the appropriate implementation of the supervision of activities, provisions may be given by government decree on the submission of record data to the supervisory authority or to an information system maintained by the authority.

The record data shall be retained on paper or electronically for six years. Provisions may be given by government decree on a time period for the retention of record data shorter than this if the retention period of six years is manifestly unnecessary.

## **Section 120**

### **Operator's monitoring and control obligation**

The operator of an activity referred to in section 118, subsection 1 shall regularly and systematically monitor and control the waste management organised by it to ensure that the activity fulfils the requirements laid down for it in provisions and regulations issued in and under this Act and that the information necessary for the supervision of the activity can be submitted to the supervisory authority.

The operator shall also ensure that the persons responsible for waste management receive orientation into the monitoring and control of the activity and are provided with sufficient information on it. The operator shall without delay undertake measures to remedy any shortcomings in the activity detected on the basis of monitoring and control.

The operator of waste treatment activity subject to an environmental permit shall provide the permit authority with a plan on organising the monitoring and control of waste treatment. The plan shall contain the information necessary for organising the monitoring and control of waste

management. If there is a change in the nature or quantity of the waste treated or in the treatment arrangements, the operator shall assess and, if necessary, review the plan and notify this to the supervisory authority.

Further provisions may be given by government decree on organising the monitoring and control of waste management as well as on the contents of the waste treatment monitoring and control plan referred to in subsection 2.

## **Section 121 (714/2021)**

### **Obligation to draw up a transfer document**

Before commencing a movement of waste, the waste holder shall draw up a transfer document for hazardous waste, POP waste, septic tank and cesspool sludge, sludge in sand and grease interceptors, contaminated soil and construction and demolition waste other than uncontaminated soil that is moved and transferred to a transferee referred to in section 29. The transfer document shall contain the information necessary for supervision and monitoring on the type, nature, quantity, origin, delivery site and date, treatment method on the delivery site as well as the carrier of the waste.

If the waste referred to in subsection 1 is picked up from a household, the waste carrier instead of the waste holder shall draw up the transfer document and ensure its submission to the transferee and its retention. Provisions on the movement document used in transboundary shipments of waste are laid down in the Waste Shipments Regulation.

Further provisions may be given by government decree on information to be included in the transfer document.

## **Section 121a (714/2021)**

### **Procedures relating to the use of transfer documents**

The transfer document referred to in section 121 above shall be drawn up electronically. The data in the transfer document shall be in a machine-readable format. Any changes made to a transfer document shall be detectable afterwards and shall be made in a manner whereby the original data is not lost. The transfer document shall be readable during the waste movement and the data included in it shall be accessible by all those participating in the movement. The waste holder shall

confirm the correctness of the data provided in the transfer document, the waste carrier shall confirm the reception of the waste for carriage and the transferee shall confirm the acceptance of the waste by an electronic signature, electronic stamp or another reliable electronic authentication method. The waste holder and the transferee shall retain the transfer document data for three years after the completion of the movement.

By way of derogation from subsection 1, the transfer document may be drawn up as a paper document if there is no capacity to draw up an electronic document. The waste holder shall ensure that the transfer document on paper accompanies the waste during the movement and that it is submitted to the waste transferee after the completion of the movement. The confirmations referred to in subsection 1 shall be made on the transfer document on paper by means of signatures or other arrangements if this does not reduce the reliability of the authentication.

Further provisions may be given by government decree on the format and use of the transfer document and on the confirmation of its data.

## **Section 121b (494/2022)**

### **Submission of information in transfer documents to the register**

The waste holder that has drawn up the transfer document or, when picking up waste from a household, the waste carrier shall ensure the submission of the information included in the document to the register referred to in section 142, subsection 1, paragraph 4. The information shall be submitted without undue delay via the technical interface. The information included in a transfer document on paper shall be submitted to the register within three months of the completion of the movement in the electronic service. The information may also be submitted in another manner agreed separately with the controller of the register if it is not possible to submit the information using the electronic service. The waste holder or, when picking up waste from a household, the carrier is responsible for the accuracy of the information provided by it.

Further provisions may be given by government decree on information to be submitted to the register.

## **Section 122**

### **Right of access to information**

The supervisory authority, the Ministry of the Environment and the Finnish Environment Institute or a public official or a local government official designated by any of them shall, for supervision of compliance with this Act and the provisions and regulations issued under this Act as well as of the Mercury Regulation and the provisions laid down under it and for the implementation of the Act, upon request, have the right of access to:

- 1) the necessary information from the waste holder or other waste management operator or the party obliged to clean up a littered area;
- 2) the necessary information on the manufacture of a product and the materials used in the manufacture, on by-products referred to in section 5a of this Act generated in the activity, on end-of-waste status and end-of-waste criteria of recovered waste referred to in section 5b of this Act, on products manufactured, imported or otherwise placed on the market as well as on the waste generated from them and on waste management from the manufacturer, importer or other placer of the product on the market;
- 3) the necessary information and documents from another authority, public official or local government official referred to in this section, notwithstanding the secrecy obligation provided in the Act on the Openness of Government Activities;
- 4) the necessary information from a distance seller operating from Finland on the products covered by producer responsibility sold by the seller to another state and on the seller's carrying out of producer responsibility obligations in the country in question.

(714/2021)

A Regional State Administrative Agency shall have the right, notwithstanding secrecy provisions and free of charge, to obtain from other authorities or from those performing a public task information about compliance by the operator with the operator's registration, notification and payment obligations relating to taxes, statutory pension, accident insurance or unemployment insurance contributions or payments levied by Customs, and about the operator's activities and finances that is indispensable for determining the reliability referred to in section 95, subsection 2, and to obtain from the Finnish Transport and Communications Agency information on the transport licence referred to in section 95, subsection 1, paragraph 4. (494/2022)

The Centre for Economic Development, Transport and the Environment for Pirkanmaa or a public official designated by it shall, in addition, have the right of access, upon request, to the information necessary from producer responsibility organisations, producers, distributors and other operators of waste management related to discarded products referred to in section 48 to supervise compliance with this Act and the provisions and regulations issued under it as well as the implementation of this Act concerning the quantity, collection, export or re-use, preparing for re-use, recycling, recovery or other waste management as well as other equivalent aspects regarding products placed on the market and discarded products.

The municipal waste management authority or a local government official designated by it has the right to access, upon request, from the waste holder or other waste management operator the information necessary for carrying out a duty relating to the organisation of waste management laid down for the municipality in chapter 5.

## **Section 123 (917/2021)**

### **Right of inspection**

The supervisory authorities referred to in sections 24 and 25 above and public officials and local government officials designated by them shall, on premises other than those used for residence of a permanent nature, have the right for the purpose of supervising compliance with and implementing this Act and the provisions and regulations issued under it to:

- 1) enter the area of another party and have access to a location where activity falling under the scope of application of this Act is carried out;
- 2) conduct inspections and examinations;
- 3) perform measurements and take samples;
- 4) observe the environmental and health impacts of the activity.

The municipal waste management authority or a local government official designated by it shall have the right to conduct inspections necessary for carrying out the municipality's duty to organise waste management laid down in chapter 5 on premises other than those used for residence of a permanent nature as well as to access the information necessary for inspection.

The occupant of the site to be inspected shall, upon request, provide the authority or public official or local government official conducting the inspection with the documents in written or electronic form that may be relevant to the supervision of compliance with this Act and the provisions issued under it. The public official or local government official conducting the inspection has the right to receive copies of documents inspected and printouts of files recorded in information systems.

The supervisory authority may decide that the occupant of the site inspected shall pay the reasonable costs incurred from measurements or investigations if this is justified to facilitate supervision of the enforcement of this Act. Provisions on determining the amount of the payment are laid down in the Act on Criteria for Charges Payable to the State. The results of the measurement or examination shall be notified to the occupant of the site.

## **Section 124 (834/2017)**

### **Inspections and supervision plans**

The competent supervisory authority shall periodically and duly inspect such facilities and enterprises whose activity:

- 1) involves waste treatment on a professional basis or at an installation;
- 2) generates hazardous waste;
- 3) involves professional transport or collection of waste;
- 4) involves waste brokerage;
- 5) involves performing transboundary waste shipments.

The supervisory authority shall formulate a plan for inspections and other supervision of operations referred to in subsection 1 that involve or can justifiably be presumed to involve transboundary shipments of waste. The Centre for Economic Development, Transport and the Environment shall formulate a plan for the supervision of the professional transport of waste and waste brokerage. The local environmental protection authority shall formulate a plan for the supervision of the professional collection of waste referred to in section 100. The above-mentioned plans, which the authority may incorporate into the supervision programme referred to in section 168, subsection 4 of the Environmental Protection Act, shall be based on an assessment of the risks and environmental impacts arising from waste and associated waste management.

The plans referred to in subsection 2 above shall present the objectives and priorities of inspections, the geographical area covered by the plan, the inspections planned and their frequency, the authorities participating in the inspections and the arrangements concerning their cooperation as well as other aspects necessary for the due performance of inspections. The plan shall be reassessed at least once in every three years and shall be updated where necessary.

In addition, provisions on contents of plans concerning inspections and other supervision and on the implementation of inspections are laid down in Article 50 of the Waste Shipments Regulation.

In addition, provisions on inspections of operations subject to an environmental permit or registration referred to in subsection 1, paragraphs 1 and 2 and their other supervision are laid down in the Environmental Protection Act.

Further provisions may be given by government decree on contents and formulation of plans concerning inspections, on risk assessment as well as on organising inspections and other supervisory activity.

## **Section 125**

### **Issuing an individual regulation**

On the basis of an inspection it has conducted, the local environmental protection authority may issue an individual regulation concerning activity, other than activity subject to an environmental permit, that is necessary to prevent littering or to organise waste management in an appropriate manner. The regulation shall be reasonable considering the nature of the activity and the significance of the littering or other harm.

## **Section 126**

### **Rectification of a violation or negligence**

The supervisory authority may:

- 1) prohibit a party that violates this Act or a decree or regulation issued under it or the Waste Shipments Regulation or the Mercury Regulation or a provision issued under it from continuing



or repeating the conduct contrary to provisions or order the party in question to fulfil its obligation in some other manner; (757/2018)

- 2) order a party that has acted in a manner referred to in paragraph 1 to restore the environment or to eliminate the harm caused by the violation;
- 3) order temporary measures concerning waste or a product, such as the appropriate storage or retention of the waste or product, a prohibition of unloading a waste load, returning the waste to the original location or other equivalent measures necessary in a situation referred to in paragraph 1.

The party that acted in violation of provisions or regulations is responsible for any costs incurred due to the temporary measures.

In urgent cases, a regulation may be issued within his or her competence by a local government official designated by the local environmental protection authority. The matter shall, however, be referred for a decision by the local environmental authority without delay.

### **Section 127 (917/2021)**

*Section 127 was repealed by Act 917/2021.*

### **Section 128**

#### **Rectification of a violation or negligence concerning waste management organised by the producer**

If a producer or producer responsibility organisation referred to in chapter 6 or an operator of a return system for beverage containers referred to in section 68 has not organised the re-use, recycling, other recovery or other waste management based on producer responsibility in accordance with this Act or the provisions or regulations issued under it, the Centre for Economic Development, Transport and the Environment for Pirkanmaa may, in addition to the provisions of section 126:

- 1) oblige the producer, producer responsibility organisation or operator of a return system for beverage containers to make its activity comply with this Act and the provisions or regulations issued under this Act and to demonstrate that these changes have been made;
- 2) prohibit the producer from placing the product referred to in section 48 on the market until the producer has been accepted into or entered in the producer register in accordance with section 142.

## **Section 129 (528/2014)**

### **Notice of a conditional fine, of enforced compliance and of enforced suspension**

The supervisory authority shall, unless this is manifestly unnecessary, reinforce a prohibition or regulation that it has issued under this Act by means of a notice of a conditional fine or a notice to the effect that a measure that has not been taken shall be taken at the expense of the negligent party or that the activity in question shall be suspended or prohibited. (714/2021)

Any information that is based on a disclosure obligation imposed on a natural person in or under this Act and that has been obtained through a notice of a fine served on the natural person for the fulfilment of the obligation may not be used to hold the person criminally liable in a pre-trial investigation, in consideration of charges or in judicial proceedings.

Unless otherwise provided in this Act, the provisions of the Act on Conditional Fines (1113/1990) apply otherwise to matters concerning notices of a conditional fine, notices of enforced compliance and notices of enforced suspension.

## **Section 130**

### **Sale of moveable assets subject to a notice of enforced compliance**

If a notice of enforced compliance concerning moveable assets has been issued and the assets have monetary value, the supervisory authority has the right to have the assets delivered for recovery, or to sell the assets in order to cover the costs of enforcing compliance or to assign the sale of the assets to the enforcement authorities. Any surplus shall be reimbursed to the original owner.

## **Section 131**

### **Negligence penalty**

A producer referred to in chapter 6 above shall be obliged to pay a negligence penalty if the producer neglects the obligation to join the producer responsibility organisation referred to in section 62 or the obligation laid down in section 101 to submit an application for acceptance into the producer register. A producer responsibility organisation shall be obliged to pay a negligence penalty if it neglects its obligation laid down in section 101 to submit an application for acceptance into the producer register. (714/2021)

Those obliged to pay a negligence penalty also include:

- 1) a producer who neglects the obligation provided in section 54 to keep records and submit a summary of information concerning the records;
- 2) a waste carrier or broker who neglects the obligation provided in section 94 to submit an application for the acceptance of its activity into the waste management register or the obligation provided in section 95a to submit a certificate for entry in the waste management register; (494/2022)
- 3) a waste collector who neglects the obligation provided in section 100 to submit a notification to the waste management register;
- 4) a waste carrier who neglects the obligation provided in section 98 to carry the extract from the waste management register;
- 5) anyone who neglects the obligation provided in section 121 to draw up a transfer document, the obligation provided in section 121a to carry the transfer document while moving waste or to confirm the reception of waste, or the obligation provided in section 121b to submit the transfer document information to the register referred to in section 142, subsection 1, paragraph 4; (494/2022)

*Paragraphs 6–7 were repealed by Act 410/2014.*

- 8) anyone who neglects the obligation provided in Article 15 of the Waste Shipments Regulation to send a copy of the movement document to the competent authority, the obligation provided in

Article 16 of the Regulation to complete the movement document or to send a copy of the movement document to the competent authority, the obligation provided in Article 17 of the Regulation to inform about a change concerning the consented carrier or neglects the obligation provided in Article 18 of the Regulation to draw up or sign the document or to have the waste accompanied by the document during shipment; (714/2021)

- 9) a notifier submitting a notification on waste shipment who neglects to provide a financial guarantee pursuant to Article 6 of the Waste Shipments Regulation prior to the shipment of waste.

## **Section 132**

### **Amount of the negligence penalty**

The negligence penalty for failure to submit an application referred to in section 131, subsection 1, is one per cent of the turnover for the accounting period of the previous year of the party obliged to pay but, however, subject to a minimum of EUR 500 and a maximum of EUR 500,000. The penalty for negligence referred to in section 131, subsection 2 is a minimum of EUR 500 and a maximum of EUR 10,000 taking into account the nature and extent of the negligence and the financial benefit gained from the negligence.

The negligence penalty may be adjusted down or not imposed if the party obliged to pay demonstrates that the negligence was due to an error by the party obliged to pay or to exceptional circumstances and that the party obliged to pay gained no significant financial benefit from the negligence.

Notwithstanding secrecy provisions, the Centre for Economic Development, Transport and the Environment for Pirkanmaa has the right, upon request, to receive from the Finnish Tax Administration for the purpose of determining the amount of the negligence penalty information on turnover or equivalent profit submitted for taxation purposes by corporations, partnerships as well as businesspersons and self-employed persons specified by the Centre.

## **Section 133**

### **Imposition of a negligence penalty**

A negligence penalty is imposed by the supervisory authority. Before imposing a penalty for negligence referred to in section 131, subsection 1 and section 131, subsection 2, paragraphs 1–3, the supervisory authority shall request, in writing, that the negligent party, on pain of a penalty, remedy the negligence within a specified time limit. A time limit of at least 30 days shall be provided in the request for the negligence to be rectified. The penalty may be imposed within 60 days of the expiry of the time limit set in the request if the negligent party has failed to rectify its negligence. Before imposing a penalty for negligence referred to in section 131, subsection 2, paragraphs 4–9, the supervisory authority shall first caution the negligent party in writing and in that context request it not to repeat the negligence or risk a penalty payment. A penalty may be imposed if an operator repeats the negligence within two years following the caution or the imposition of a previous penalty. The penalty may be imposed within 60 days of the detection of the negligence.

A negligence penalty may not be imposed on a party convicted of a violation regarding the same matter or if the matter is under a pre-trial investigation or consideration of charges or before a court of law.

A negligence penalty for failure to submit an application referred to in section 131, subsection 1 may be re-imposed if the negligence continues when at least a calendar year has passed since the imposition of the previous penalty. The provisions of subsection 1 apply to the imposition of the new penalty.

The negligence penalty shall be payable to the state. A negligence penalty that remains unpaid by the due date is subject to interest for late payment in accordance with section 4 of the Interest Act.

## **Section 134**

### **Right to initiate proceedings**

Unless a matter referred to in section 75, 125 or 126 has been instituted on the supervisory authority's initiative, the matter may be initiated in writing by:

- 1) whoever may have a right or interest in the matter;

- 2) a registered association or foundation whose purpose is to promote environmental protection, health protection, nature conservation or the general amenity of the residential environment and in whose area of activity the environmental or health impacts in question occur;
- 3) the municipality in which the activity is located or another municipality in the area in which the environmental or health impacts occur;
- 4) the Centre for Economic Development, Transport and the Environment and the local environmental protection authority of the municipality in which the activity takes place or which is located in the area of impact.

### **Section 135 (1178/2013)**

#### **Executive assistance**

Provisions on the duty of the police to provide executive assistance are laid down in chapter 9, section 1 of the Police Act (872/2011) and on the duty of the Border Guard in section 77 of the Border Guard Act (578/2005). Finnish Customs is also obliged to provide executive assistance in supervising compliance with this Act and the provisions and regulations issued under it.

### **Section 136 (714/2021)**

#### **Action in criminal matters**

The supervisory authority shall for pre-trial investigation purposes notify the police or, in case of a customs offence, primarily notify Finnish Customs, of any reason to suspect an act or negligence referred to in section 147, subsection 1. A notification is, however, not required if the act is to be considered minor considering the circumstances and it is deemed that public interest does not require that charges be brought.

The Centre for Economic Development, Transport and the Environment is the injured party in criminal matters involving an infringement of public interest. The Centre for Economic Development, Transport and the Environment for Pirkanmaa is the injured party in criminal matters concerning producer responsibility and the Finnish Environment Institute in criminal matters concerning transboundary shipments of waste involving an infringement of public interest.

## **Chapter 14**

### **Request for review and enforcement**

## **Section 137 (1421/2019)**

### **Request for review**

A decision made by an authority under this Act is eligible for judicial review by way of appeal to an administrative court as laid down in the Administrative Judicial Procedure Act (808/2019), unless otherwise provided below. Rulings on processing fees to be charged are open to appeal in the same order as the principal claim.

Decisions of a Centre for Economic Development, Transport and the Environment, other than those made under sections 96, 97 or 99 as well as decisions referred to in sections 126 and 133 concerning the violation of obligations or negligence provided in the said sections, are open to appeal to the administrative court in whose jurisdiction the majority of the activity in question is undertaken. Decisions made by the Centre for Economic Development, Transport and the Environment for Southeast Finland under section 96, 97 or 99 concerning an operator established outside Finland are open to appeal to the Administrative Court of Eastern Finland. Decisions made by the Centre for Economic Development, Transport and the Environment for Pirkanmaa under section 103, 106, 107, 126, 128 or 133 are open to appeal to the administrative court in whose jurisdiction the person or entity whom the decision primarily concerns is domiciled. Decisions made by the Regional State Administrative Agency under section 7, subsection 2 are open to appeal to the Vaasa Administrative Court. (494/2022)

Decisions concerning the approval of municipal waste management regulations and waste tariffs as well as municipal decisions made under section 37 and section 43, subsection 1 are eligible for judicial review by appeal as laid down in the Local Government Act. No separate request may be made for a review of regulations issued by a municipal local government official under section 126, subsection 3 of this Act.

## **Section 138**

### **Right of appeal**

A right of appeal rests with:

- 1) anyone whose right or interest may be affected by the matter;

- 2) a registered association or foundation whose purpose is to promote environmental protection, health protection, nature conservation or the general amenity of the residential environment and in whose area of activity the environmental or health impacts in question occur;
- 3) the municipality in which the activity is located or another municipality in the area in which the environmental or health impacts occur;
- 4) the Centre for Economic Development, Transport and the Environment and the local environmental protection authority of the municipality in which the activity takes place or which is located in the area of impact.

For the purpose of safeguarding public interest, the Centre for Economic Development, Transport and the Environment and local environmental protection authorities also have the right to appeal against administrative court decisions that amend or reverse decisions issued by them.

### **Section 139**

#### **Enforcement of decisions regardless of request for review**

A decision made under the Waste Shipments Regulation and under sections 75, 96, 97, 99 and 125–128 of this Act may require that the decision be complied with regardless of request for review, unless otherwise ordered by the administrative court. An administrative court decision on enforcement only that prohibits or suspends the enforcement of a decision concerning which a request for review is pending may be appealed against to the Supreme Administrative Court with respect to the principal matter only.

### **Section 140**

#### **Enforcement and refund of the negligence penalty**

A negligence penalty is enforced before the decision becomes final in compliance with the provisions of the Act on the Enforcement of Taxes and Public Payments. The negligence penalty is enforced by the Legal Register Centre.

The Legal Register Centre refunds, on application, a negligence penalty already paid if the decision concerning the imposition of the penalty is repealed following appeal or if a matter concerning the same offence becomes pending in a court of law.



## **Chapter 15**

### **Miscellaneous provisions**

#### **Section 141**

##### **Responsible person of a waste treatment facility or site**

The operator of a waste treatment facility or site shall appoint a responsible person for the appropriate management, use and decommissioning of the activity and the related monitoring and control of the activity. The responsible person shall be employed by the operator and have sufficient professional skills for carrying out the duties.

The operator shall ensure adequate training for the responsible person.

#### **Section 142 (494/2022)**

##### **Waste management registers and producer register**

The Finnish Environment Institute and the Centres for Economic Development, Transport and the Environment maintain the waste management registers and the producer register as follows:

- 1) the Finnish Environment Institute maintains a register containing information on the notifications concerning transboundary shipments of waste and on the applications concerning pre-consent as well as on the decisions made on these and on record data referred to in section 117c;
- 2) the Centres for Economic Development, Transport and the Environment maintain a waste management register containing information on the applications laid down in section 94 and on the decisions made on them as well as on the notifications referred to in section 100 and act as the joint controllers of the register;
- 3) the Centre for Economic Development, Transport and the Environment for Pirkanmaa maintains a producer register containing information on the applications referred to in section 101 and on the decisions made on them as well as on the notifications referred to in section 105;
- 4) the Finnish Environment Institute maintains a register containing information on the transfer documents referred to in section 121.

Each Centre for Economic Development, Transport and the Environment is responsible, with regard to information entered by it in the waste management register, for the obligations of the controller and the realisation of the rights of the data subject laid down in Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation). The controller is responsible for maintaining and developing its register, except for the waste management register the maintenance and development of which is the responsibility of the Centre for Economic Development, Transport and the Environment of Southeast Finland. The registers referred to in subsection 1, paragraphs 2–4 above are developed in cooperation with the Ministry of the Environment.

The Finnish Environment Institute, the Centre for Economic Development, Transport and the Environment and the local environmental protection authority ensure for their part that the operator's name and contact details, business identity code and other essential information reported to them for acceptance into or entry in the register is entered in the registers referred to in subsection 1. The local environmental protection authority is responsible for the accuracy and up-to-dateness of the information entered by it in the waste management register. Further provisions may be given by government decree on the essential information to be entered in the registers.

Register information is used for supervising this Act, organising, developing and planning waste management, monitoring and reporting waste data, and for research and statistical purposes. The registers are part of the environmental protection database referred to in section 222 of the Environmental Protection Act.

## **Section 142a (494/2022)**

### **Information service concerning the waste management register**

The Finnish Environment Institute shall maintain in an information network an information service the purpose of which is to communicate information on waste carriers and brokers accepted into or entered in the waste management register referred to in section 142, subsection 1, paragraph 2 as well as on their activities.

The information service shall contain the following up-to-date information:

- 1) the name and the business identity code or equivalent identifier of the waste carrier or broker;
- 2) the activities carried out;
- 3) the place of registered office or, if the registered office is not in Finland, the state of establishment, as well as the main operating area and other operating areas;
- 4) the list-of-waste entries, including their codes, to which the acceptance or entry pertains.

It shall be possible to search for information in the information service only by means of individual searches using information referred to in subsection 2 as search criteria, with, however, it being possible to perform searches using information referred to in paragraphs 2 and 3 only together with the list-of-waste entry. Notwithstanding the provisions of section 16, subsection 3 of the Act on the Openness of Government Activities, the information service may publish, regarding natural persons, their name and information on their business identity code or equivalent identifier and information on their domicile or place of registered office or state of establishment.

## **Section 142b (494/2022)**

### **Information service concerning the producer register**

The Finnish Environment Institute shall maintain in an information network an information service the purpose of which is to communicate information on producers, producer responsibility organisations, authorised representatives and members of producer responsibility organisations accepted into the producer register referred to in section 142, subsection 1, paragraph 3 as well as information on carrying out producer responsibility.

The information service shall contain the following up-to-date information:

- 1) the name and the business identity code or equivalent identifier of the producer and producer responsibility organisation;
- 2) the information referred to in paragraph 1 concerning an authorised representative established in Finland that an operator of an online trading platform, an operator established in another state distance selling products to Finland or another operator equivalent to a producer has appointed in accordance with section 66a, subsection 2 or 3;

- 3) the information referred to in paragraph 1 concerning the producer instead of which the authorised representative referred to in paragraph 2 carries out the producer responsibility obligations and concerning the provider of the authorisation;
- 4) the producer's producer responsibility areas specified by product group and, where possible, by material group, product category or product type as well as the producer responsibility organisations that the producer has joined;
- 5) the producer responsibility organisations specified by product group and, where possible, by material group, product category or product type;
- 6) information on the producers that belong to the producer responsibility organisation.

It shall be possible to search for information in the information service by means of using as search criteria the producer's, producer responsibility organisation's or authorised representative's name, business identity code or equivalent identifier as well as the producer responsibility area. Notwithstanding the provisions of section 16, subsection 3 of the Act on the Openness of Government Activities, the information service may publish, regarding natural persons, their name and information on their business identity code or equivalent identifier.

## **Section 143 (494/2022)**

### **Register of waste transport and treatment of biowaste on properties**

The municipal waste management authority keeps a register in which information referred to in section 39, subsection 2 and section 41a, subsection 2 is entered and acts as the controller of the register. Personal data concerning transport entered in the register is retained for five years after its entry in the register. Personal data entered in the register concerning treatment of biowaste at properties is retained for five years after a notification of the treatment ending.

The municipal waste management authority shall for the purpose of waste management monitoring and reporting provide, upon request, information other than information to be kept secret filed in the register to a central government authority responsible for monitoring and reporting referred to in section 22 and to an expert authority and institution referred to in section 27 in an electronically editable form.

The municipal waste management authority shall, upon request, provide the company owned by the municipality referred to in section 43, to which the municipality has assigned waste management service duties, with information from the register other than information to be kept secret that is indispensable for the organisation of property-specific waste transport. The municipal waste management authority shall provide a packaging producer responsibility organisation with information concerning the transport of packaging waste other than information to be kept secret that is indispensable for the organisation of the separate collection referred to in section 49c, subsection 2 if the mediation referred to in the said section ends without a settlement. The information shall be provided no later than six months from the end of the mediation and no later than two months prior to the commencement of the producers' separate collection obligation. The information shall be provided in an electronically editable form.

### **Section 143a (438/2019)**

#### **Information platform for waste and side streams**

There is an information platform for waste and side streams for the secondary municipal waste management service laid down in section 33 above. The platform is used for identifying shortcomings in other service provision required for the secondary municipal waste management service, for managing and processing information concerning the service and for monitoring and supervision of the service. It may also be used for other exchange of waste and side streams.

Motiva Ltd maintains the information platform for waste and side streams and, in cooperation with the Ministry of the Environment, is responsible for developing the platform in terms of content and functioning. Motiva Ltd acts as the controller of the register. (494/2022)

Provisions on criminal liability while in office apply to employees of Motiva Ltd when they are carrying out duties referred to in subsection 2. Provisions on liability for damages are laid down in the Tort Liability Act.

### **Section 143b (494/2022)**

#### **Right of access to information from the waste management registers, producer register and information platform for waste and side streams**

The supervisory authority referred to in section 24 above, the Finnish Environment Institute and the Ministry of the Environment have, notwithstanding secrecy provisions and free of charge, the

right to access from the registers referred to in section 142 information that is indispensable for the supervision of this Act, monitoring, reporting and research relating to waste data, development and planning of waste management or the performance of other duties laid down in this Act.

Finnish Customs has, notwithstanding secrecy provisions and free of charge, the right to access from the register concerning transboundary shipments of waste referred to in section 142, subsection 1, paragraph 1 information that is indispensable for the supervision of this Act.

The municipal waste management authority has, notwithstanding secrecy provisions and free of charge, the right to access from the register containing the transfer document information referred to in section 142, subsection 1, paragraph 4 and from the waste management register referred to in section 142, subsection 1, paragraph 2 information that is indispensable for the organisation of waste management and its monitoring. The party drawing up a transfer document referred to in section 121, the waste carrier and the transferee of waste has, notwithstanding secrecy provisions, in addition, the right to access from the register containing the transfer document information referred to in section 142, subsection 1, paragraph 4 information concerning the movements or shipments of waste in which the operator in question has participated.

The municipal waste management authority, the supervisory authorities referred to in section 24 and the Finnish Competition and Consumer Authority have the right, notwithstanding secrecy provisions and free of charge, to access from the information platform for waste and side streams referred to in section 143a essential information referred to in section 33, subsections 3 and 4 and other information relating to the municipality's secondary waste management service that is indispensable for carrying out their statutory duties.

## **Section 144 (834/2017)**

### **Charges**

Besides the provisions on the chargeability of performances by state authorities laid down in the Act on Criteria for Charges Payable to the State, a central government authority may levy a charge for:

- 1) periodic inspections of facilities and enterprises referred to in section 124 and other regular supervisory measures that are based on plans referred to in section 124, subsection 2;
- 2) inspections necessary to supervise compliance with the Waste Shipments Regulation;

3) inspections and other supervisory measures necessary to impose a prohibition or regulation referred to in sections 126–128 and to supervise compliance with it.

A municipal authority may levy a charge for:

- 1) the processing of a notification or other matter specified in this Act;
- 2) periodic inspections of facilities and enterprises referred to in section 124 and other regular supervisory measures that are based on plans referred to in section 124, subsection 2;
- 3) inspections and other supervisory measures that are necessary to impose a prohibition or regulation referred to in sections 75, 125 and 126 and to supervise compliance with it.

A charge payable to a municipality may not exceed the total costs incurred by the municipality from producing the performance. The criteria for charges are specified in detail in a tariff approved by the municipality.

No charge is levied for the processing of a matter initiated on the initiative of an authority or an injured party suffering harm, unless otherwise provided in subsection 1 or 2.

A charge may be levied to the party initiating the matter for the processing of a matter initiated at the request of a party other than an authority or an injured party suffering harm if the initiation is to be considered manifestly unjustified.

### **Section 144a (834/2017)**

#### **Charge for the supervision of microenterprises**

Notwithstanding the provisions of section 144, charges referred to in section 144, subsections 1 and 2 of this Act levied on a natural person not engaged in economic activity and from a microenterprise referred to in section 206, subsections 2 and 3 of the Environmental Protection Act shall be reasonable considering the scope and nature of the activity. In addition, provisions of section 206, subsection 4 of the Environmental Protection Act apply to charges levied on microenterprises. No charge is levied on a natural person not engaged in economic activity for an application solely concerning the adjusting down of a charge specified in this Act.

### **Section 145 (834/2017)**

## **Collection of costs and charges**

The municipal waste charge, the charge laid down in section 144, subsections 1 and 2 and costs referred to in section 123, subsection 4 of this Act and in Article 29 of the Waste Shipments Regulation are directly enforceable. Provisions on their collection are laid down in the Act on the Enforcement of Taxes and Public Payments (706/2007).

### **Section 145a (445/2018)**

#### **Specific provisions concerning in-house and contracting entities**

By way of derogation from the provisions of section 15, subsection 1 and section 16, subsection 1 of the Act on Public Procurement and Concession Contracts (1397/2016) concerning percentage and monetary limits applied to in-house entities and contracting entities, until 31 December 2029 the percentage applied to in-house entities and contracting entities operating within the municipal waste management sector is ten and the limit of EUR 500,000 does not apply to them.

From 1 January 2030, the percentage referred to in subsection 1 above applied to in-house entities and contracting entities operating within the municipal waste management sector is five and the limit of EUR 500,000 does not apply to them.

Otherwise, the provisions of the Act on Public Procurement and Concession Contracts shall be complied with.

### **Section 146 (714/2021)**

#### **Disclosure of secret information**

Notwithstanding the secrecy provisions of the Act on the Openness of Government Activities, information acquired, in performing duties under this Act, relating to the financial situation of an individual or entity, a trade secret or the private circumstances of an individual may be disclosed to a supervisory authority or the Ministry of the Environment where necessary for the performance of duties under this Act and to the National Prosecution Authority, police and Finnish Customs for the purposes of criminal investigation. Furthermore, information that is otherwise to be kept secret that is necessary for the supervision of the implementation of the Waste Tax Act (1126/2010) and the Act on Excise Duty on Certain Beverage Containers may be disclosed to the Finnish Tax Administration.



## **Section 147 (714/2021)**

### **Penal provisions**

Provisions on punishment for impairment of the environment are laid down in chapter 48, sections 1–4 of the Criminal Code of Finland (39/1889).

Anyone who, deliberately or through gross negligence, in a manner other than that referred to in subsection 1:

- 1) violates the prohibition of abandoning waste or treating waste in an uncontrolled manner specified in section 13, subsection 1;
- 2) violates the prohibition of incineration or landfilling of waste separately collected for preparing for re-use or recycling specified in section 15a;
- 3) neglects the obligation to ensure the quality of recovered waste specified in section 15b;
- 4) violates the ban on the mixing of hazardous waste specified in section 17, subsection 1;
- 5) violates the prohibition of the incineration of waste in Finland's waters and exclusive economic zone specified in section 18;
- 6) neglects the obligation to organise waste management specified in section 28;
- 7) transfers waste to a transferee other than one specified in section 29;
- 8) neglects the obligation specified in section 31;
- 9) neglects the obligation specified in section 35, subsection 3 to deliver waste to a reception or treatment point designated by the municipality;
- 10) neglects the obligation specified in section 39, subsection 2 to provide information on waste collected from a property;
- 11) neglects the obligation to organise a waste reception point specified in section 40;
- 12) neglects the obligation specified in section 41, subsection 1 to transfer waste for property-specific waste transport;
- 13) neglects the obligation to organise waste management specified in section 46;
- 14) neglects the producer's reception obligation specified in section 49;
- 15) neglects the obligation to organise a reception point specified in section 50;

- 16) neglects the product distributor's acceptance obligation specified in section 56;
- 17) neglects the prohibition of littering specified in section 72;
- 18) neglects the collection obligation specified in section 76;
- 19) violates or neglects a prohibition or regulation issued pursuant to section 91; section 96, subsection 2; section 103, subsection 2; section 125; section 126, subsection 1; section 127 or section 128;
- 20) violates or neglects a restriction, prohibition, requirement, regulation or obligation laid down in a government decree given under section 8, subsection 3; section 10; section 12, subsection 3; section 14; section 15, subsection 3; section 16, subsection 3 or section 49, subsection 1;
- 21) imports waste, exports waste or ships waste via Finnish territory in violation of section 109 or section 110 or of a provision or a regulation concerning an individual case laid down under this Act or of the ban on waste mixing laid down in Article 19, the export prohibition laid down in Article 34, 36, 39 or 40 or the import prohibition laid down in Article 41 or 43 of the Waste Shipments Regulation;
- 22) neglects the submission of a notification laid down in Article 4, the obligation to notify the competent authority of a route modification laid down in Article 13(2), the obligation to notify the competent authority of changes to the consented quantity or route, routing or date of shipment laid down in Article 17, the obligation to keep documents and information laid down in Article 20 or the taking of steps concerning the protection of the environment laid down in Article 49 of the Waste Shipments Regulation, excluding, however, negligence laid down in section 131, subsection 2, paragraphs 8 and 9;
- 23) violates the restriction on import for disposal as waste laid down in Article 4(1), the obligation to equip a dental facility with a compliant amalgam separator or the obligation to maintain amalgam separators laid down in Article 10(4) or the obligation to organise waste management for amalgam waste laid down in Article 10(6), the requirement concerning the disposal of waste from large sources laid down in Article 11 or neglects the obligation to submit the information laid down in Article 12 or Article 14(4) of the Mercury Regulation; or
- 24) violates the obligation to develop a ship recycling plan laid down in Article 7 of the Ship Recycling Regulation

shall be sentenced to a fine for violation of the Waste Act, unless a more severe punishment is provided elsewhere by law.

Provisions on a fixed fine as the only penalty for a minor violation of the prohibition of littering laid down in section 72 are laid down in the Act on Fixed-Fine Offences (986/2016).

## **Chapter 16**

### **Transitional provisions and entry into force**

#### **Section 148**

##### **Entry into force**

This Act enters into force on 1 May 2012.

This Act repeals Waste Act 1072/1993, hereinafter the *Waste Act of 1993*, and Waste Decree 1390/1993.

Government and Ministry of the Environment decrees and decisions given under the Waste Act of 1993 remain in force, to the extent that they do not conflict with this Act, until otherwise provided under this Act. (247/2019)

Measures necessary for the implementation of this Act may be undertaken prior to the entry into force of the Act.

#### **Section 149**

##### **Application of previous provisions**

Matters pending when this Act enters into force are considered in accordance with the provisions in force when this Act enters into force.

The provisions in force when this Act enters into force apply to transboundary shipments of waste consented to by, or notified to, the Finnish Environment Institute prior to the entry into force of this Act and acknowledged by the competent authority of the destination country.

If, in a matter pending when this Act enters into force, the appellate court repeals a decision to which the provisions in force upon the entry into force of this Act apply and fully reinitiates the

processing of the matter, the matter is processed and resolved in accordance with the provisions of this Act.

Municipalities where, upon the entry into force of this Act, waste transport referred to in the Waste Act of 1993 is carried out as contract-based waste transport shall consider the organisation of waste transport on the basis of the conditions for waste transport organised by the property holder laid down in section 37, subsection 1 and make a decision on the matter no later than within one year from the entry into force of this Act. If the decision entails a switch from waste transport organised by the property holder to waste transport organised by the municipality, the decision shall include regulations on the cessation of waste transport organised by the property holder, which may take place at the earliest after three years from the date of decision and at the latest after five years from the entry into force of the Act.

Municipalities that, before 1 June 2007, organised the transport of waste equivalent to residential waste generated from industrial, service or other business activity in accordance with section 10, subsection 1 of the Waste Act of 1993 by using another entity or a private entrepreneur may continue the arrangement with the entity or enterprise in question during the lifetime of the contract but no longer than until 31 May 2012. (195/2012)

The provisions in force before the entry into force of the Waste Act of 1993 apply to a landfill and other waste treatment facility whose activity was terminated before 1 January 1994 and to littering that took place before 1 January 1994.

## **Section 150**

### **Reference to the Waste Act and certain terms in previous provisions**

If a provision laid down prior to the entry into force of this Act refers to the Waste Act, this Act applies instead of the Waste Act of 1993.

If a provision issued under the Waste Act of 1993 contains the term 'ongelmajäte' in Finnish, it is deemed to refer to the term of 'hazardous waste' of this Act. If such a provision contains the term 'jätteen käsittely' in Finnish, it is deemed to refer to the term 'waste disposal' of this Act.

The provisions of this Act on waste transport organised by the property holder correspondingly apply to waste transport carried out upon the entry into force of this Act as contract-based waste transport referred to in the Waste Act of 1993.

## **Section 151**

### **Previous decisions and regulations**

A decision or regulation issued by an authority under the Waste Act of 1993 that is in force upon the entry into force of this Act shall be complied with unless otherwise provided in this Act.

Municipal waste management regulations issued under section 17 of the Waste Act of 1993 cease to apply upon the entry into force of this Act to the extent where they conflict with this Act.

If a decision or regulation issued under the Waste Act of 1993 lays down an obligation to submit a notification to a waste or producer data file, the provisions specified in this Act on acceptance into and entry in the waste management register and producer register shall be complied with in the matter.

## **Section 152 (195/2012)**

### **Transitional periods concerning certain obligations**

The obligation to transfer waste for property-specific waste transport or to a local reception point organised by the municipality apply from 1 June 2014 to a waste holder referred to above in section 32, subsection 1, paragraphs 2, 4 and 5 who, according to the Waste Act of 1993, is not obliged to join organised waste transport, unless otherwise provided in section 41, subsection 2 or 3 or section 42.

Chapter 6 on producer responsibility and chapter 7 on beverage containers apply from 1 May 2013. However, chapter 6 applies to packaging other than that referred to in chapter 7 only from 1 May 2015. Section 49 on the reception and transport of discarded products applies to producers of packaging from 1 January 2016 but, however, producers shall organise the reception of packaging waste separately collected in accordance with section 35, subsection 1, section 41, subsection 3 and section 47 from 1 May 2015. Until the points in time referred to in this subsection, corresponding provisions of the Waste Act of 1993 on producer responsibility apply. (25/2014)

Section 41, subsection 3 on separate collection of packaging waste organised by the property holder applies from 1 May 2015. (25/2014)

Section 70 on labelling of containers included in a return system for beverage containers applies to those beverage containers that are released for consumption from 1 May 2013.

Producers and producer responsibility organisations as well as operators of a return system for beverage containers shall submit an application specified in section 101 for acceptance into the producer register within one year from the entry into force of this Act. Correspondingly, producers entered in the producer data register in accordance with the Waste Act of 1993 shall submit an application for acceptance into the producer register within two years from the entry into force of this Act. However, packaging producers and producer responsibility organisations carrying out the obligations laid down for packaging producers shall submit the said application within three years of the entry into force of the Act. The provisions of the Waste Act of 1993 on the waste data register apply to producers and producer responsibility organisations entered in the waste data register until the producer or the producer responsibility organisation has been entered in the producer register specified in this Act. (25/2014)

Importers of printed paper products shall submit an application for acceptance into the producer register within one year of the entry into force of this Act.

If, when this Act enters into force, an activity is entered in a waste data register in accordance with the Waste Act of 1993, the operator shall submit an application specified in section 94 for the acceptance of the activity into the waste management register within three years of the entry into force of this Act. However, the application shall be submitted at the latest when the extract from information in the waste data register that is in accordance with the Waste Act of 1993 is due for review.

A notification specified in section 100 of this Act on the collection of waste on a professional basis carried out when this Act enters into force shall be submitted within one year of the entry into force of this Act.

An operator of an activity subject to an environmental permit who, in accordance with section 120, subsection 1, shall monitor and control the waste management it organises or who shall formulate a waste management monitoring and supervision plan specified in section 120, subsection 2 and

who was granted an environmental permit before this Act enters into force shall review its arrangements for monitoring and control to ensure these are in compliance with the said section and shall present the reviews or plan to the permit authority within one year of the entry into force of this Act.

The obligation of municipalities and enterprises specified in section 43 to keep records as well as the obligation of waste carriers to provide the transferee with information on the origin of waste specified in section 44 apply from the beginning of the new accounting period of the municipality or company concerned that begins after the entry into force of this Act but no later than from 1 May 2013.

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Entry into force and application of transitional provisions:

**714/2021:**

This Act enters into force on 19 July 2021.

The municipality's obligation under section 36 of this Act to conduct a market consultation applies from 1 July 2022. The waste holder's obligation under section 41a of this Act to inform the municipal waste management authority about the small-scale treatment of biowaste on the property and the municipal waste management authority's obligation to enter the information in the register referred to in section 143 apply from 1 January 2023.

The producer's self-monitoring obligation under section 53a of this Act and the obligation relating to producers' payment contributions and their adaptation under section 63a apply from 1 January 2023. The obligation under 118a of this Act to keep records of food waste and the obligation under 121a to draw up the transfer document electronically apply from 1 January 2022.

Matters pending when this Act entered into force are considered in accordance with the provisions in force when this Act entered into force.

If the appellate court, after the entry into force of this Act, repeals a decision and returns the matter in full for renewed consideration, the matter is processed and resolved in accordance with the provisions of this Act.

If the municipality, at the time of the entry into force of this Act, has, with regard to waste other than mixed municipal waste or septic tank and cesspool waste, in place waste transport organised by the property holder, the switch to waste transport organised by the municipality shall take place for biowaste no earlier than two years and no later than three years from the entry into force of the Act and for other solid municipal waste from 1 July 2023.

The operator or operators representing packaging producers and the municipalities shall enter into the agreement on cooperation and reimbursements referred to in sections 49a and 49b no later than on 31 December 2021. The reimbursements pursuant to the agreements shall be paid from 1 July 2023.

If a packaging producer responsibility organisation has, prior to the entry into force of this Act, entered into an agreement on the treatment of packaging waste the implementation of which secures the creation of an investment that is significant for recycling, the agreement as such will impose an obligation for a maximum of seven years from the entry into force of the Act on the new producer responsibility organisation accepted into the producer register to which the rights and responsibilities of the packaging producer responsibility organisation are otherwise transferred.

A producer that is not a member of a producer responsibility organisation shall join a producer responsibility organisation or establish one together with other producers no later than on 31 December 2021. A producer responsibility organisation, an operator of a return system for beverage containers and a producer that has not joined a producer responsibility organisation shall submit an application for acceptance into the producer register referred to in section 101 no later than on 30 June 2022.

#### **917/2021:**

This Act enters into force on 1 January 2022.

#### **494/2022:**

This Act enters into force on 1 September 2022. Its section 22, subsection 5; section 39, subsection 2; section 94, subsection 2; sections 95, 95a and 96–99; section 122, subsection 2; section 131, subsection 2, paragraphs 2 and 5; section 137, subsection 2; and sections 142a and 142b, however, enter into force on 1 January 2023.



If an activity is already accepted into the waste management register on 1 January 2023, the operator shall submit an application for acceptance into the waste management register under section 94 no later than on 31 December 2025. The application shall, however, be submitted no later than when the extract specified in section 98 shall be reviewed. The Centre for Economic Development, Transport and the Environment shall, in conjunction with processing the application, release the financial guarantee required from the waste carrier or broker under section 95, subsection 1, paragraph 4 of this Act that was in force at the time of the entry into force of this Act.

A waste carrier or waste broker established outside Finland that is already accepted into or otherwise entered in the waste management register on 1 January 2023 shall submit an application under section 94 of this Act or submit a certificate under section 95a for the activity to be accepted into or entered in the waste management register no later than on 31 December 2024. The Centre for Economic Development, Transport and the Environment shall, in conjunction with processing the application, release the financial guarantee required from the waste carrier or broker under section 95, subsection 1, paragraph 4 of this Act that was in force at the time of the entry into force of this Act.