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No. 298
ACT ON THE PREVENTION
OF MARINE POLLUTION
March 16, 1979

Section 1
Prohibition of marine pollution

No action which may result in the pollution of the high seas or the territorial waters of another state may be taken in the territory of Finland, on the continental shelf which belongs to Finland, or on board a Finnish vessel.

The action as referred to in paragraph 1 shall be considered to be any discharge or disposal of matter or energy into the sea which may, either immediately or if continued, constitute a threat to human health, damage organic natural resources and marine life, hamper fishing or any other legitimate uses of the sea, impair the quality of the sea water for use, reduce amenities or lead to any comparable harmful consequences. When assessing the consequences, the accumulation and concentration of matter and energy in the environment shall also be taken into consideration.

Section 2
Additional legislation

In respect of the prevention of the pollution of Finnish territorial waters the provisions of the Water Act (264/61) shall apply. In addition, the provisions of sections 3, 5 and 6 of the present Act shall be observed in Finnish territorial waters.

In addition to the above, the Sanitation Act (673/78) shall apply in respect of the littering of Finnish territorial waters.

Further provisions on the prevention of water pollution caused by ships will be issued separately.

Section 3
International agreements

In order to prevent marine pollution, the appropriate provisions of international agreements which are binding on Finland shall be observed in addition to the provisions of this Act.

Section 4
Disposal of wastes into the sea

The discharge or disposal of wastes or any other solid, liquid or gaseous matter or energy into the sea from a vessel shall be prohibited unless a permit as referred to in this Act has been obtained for this purpose. The same shall apply to any deliberate abandonment of a vessel at sea.

Section 5
High-level radioactive matter

The discharge or disposal into the sea of untreated irradiated nuclear fuel and radioactive matter derived from the first phase of the chemical separation of nuclear fissionable products shall be prohibited. The same shall apply to any other high-level radioactive matter.

For the purposes of this Act, provisions defining the other high-level radioactive matter referred to in paragraph 1 will be issued by decree.

Section 6
Other radioactive matter

Radioactive matter other than that referred to in section 5 shall not be disposed of or discharged into the sea from the territory of Finland or from a Finnish vessel in a manner which may result in pollution as defined in section 1. If such matter is in a solid state or packed in a container, it may not be disposed of into the sea at a depth of less than two thousand metres.

The permit referred to in this Act shall always be applied for prior to any discharge or disposal into the sea of the matter referred to in paragraph 1 above.

With respect to radiation protection and the production of atomic energy, the specific legislation shall apply.

Section 7
Grant of permits

If, according to this Act or any international agreement binding on Finland, the dumping of wastes or the discharge or disposal of other matter or energy referred to in this Act requires a permit from an authority, grant of the permit shall be considered by the appropriate water court.

In respect of the prerequisites for such permits, the appropriate provisions of the Water Act on the grant of permits for the discharge of sewage into waterways shall be observed, in addition to the provisions of international agreements. Whenever the nature of the case so requires, the matter shall be dealt with as urgent. Inspection shall not be carried out unless there are special grounds for so doing.

If the activity referred to in paragraph 1 is intended to be carried out outside the territory of Finland, grant of the permit shall be considered by the Council of State.

Section 8
General permit

If an international agreement which is binding on Finland allows the granting of a general permit to discharge a given type of waste or other matter or energy into the sea, said permit may be issued by the Council of State if it concerns the sea outside Finnish territorial waters, and by the competent water court if it concerns Finnish territorial waters.

Section 9
Revocation of permits

Any permit referred to in this Act shall be issued provisionally for a fixed period not exceeding five years at a time. A permit issued for a fixed period may be reconsidered at the request of an injured party or on the initiative of the supervisory authorities and, if the circumstances have substantially altered, it may be revoked or its conditions modified.

Section 10
Supervisory authorities

The observance of this Act and any rules and regulations issued under it shall be supervised by the appropriate government authorities according to their respective areas of competence.

Section 11
Sanctions

Any person who, in violation of the provisions of this Act or any rule or regulation issued under it, acts in a way which may lead to the pollution of the high seas or the territorial waters of another state shall be sentenced to imprisonment for a term not exceeding two years or to pay a fine for *marine pollution*.

If the offence referred to in paragraph 1 may constitute a serious threat to human health or extensive and enduring pollution of the marine environment, or if it is carried out against the specific prohibition of the authorities, and if the offence on these or other grounds, considering all the circumstances leading to and resulting from the offence, has to be deemed gross, the offender shall be sentenced to imprisonment for *gross marine pollution* for a term of not less than six months and not exceeding four years.

Any person who, in a manner other than that specified in paragraphs 1 or 2, violates this Act or any rule or regulation issued under it shall be sentenced to pay a fine or to imprisonment for a term not exceeding six months for *marine pollution violation*. Proceedings may not be instituted for a minor violation.

If an act referred to in this section was committed outside the territory of Finland, the charge shall be brought before the City Court of Helsinki.

Section 12
Coercive measures

An official responsible for supervising observance of this Act shall, in addition to the powers he otherwise possesses by virtue of his office, have the right, in the performance of his duties under this Act, to resort to such coercive measures as a customs official may take under sections 5 and 7 of the Customs Act (573/78) in the performance of his duties.

Section 13
Vessels and aircraft

The provisions of this Act concerning sea-going vessels shall also apply to boats and any other sea-going conveyances, platforms or other structures at sea and also to aircraft.

Section 14
Issue of a decree

More detailed provisions on the implementation of this Act and on supervision of the observance of this Act will be issued by decree.

Section 15
Entry into force

This Act comes into force on April 1, 1979.

This Act repeals the Act on the Prevention of Marine Pollution (146/65) of March 5, 1965.