

No. 378
ACT ON COMBATING OIL
POLLUTION ON LAND
December 12, 1974

Section 1

Oil may not be spilled onto land or into water and it may not be stored, kept or handled so as to pose an obvious threat of oil pollution.

Section 1a (90/83)

To combat the threat of oil pollution, it may be stipulated by decree, as referred to in the Act on materials posing an explosion hazard (263/53), that oil tanks be subject to periodic inspection or, similarly, that use of a tank causing a threat of oil pollution be banned or such a tank be repaired or taken out of service. Local authorities must publish a notice on the duty to have tanks inspected, in accordance with the procedure laid down for public notices.

Section 2

For the purposes of this Act, *oil* means crude oil and products derived from it, such as liquid fuels and lubricating oils, and oily mixtures, waste oil and oily wastes.

For the purposes of this Act, *oil pollution* means the damage or harm that oil spilled on land or in water causes to man and nature by fouling, polluting and spoiling soil, water, plant and animal life, equipment or constructions.

Separate provisions will be enacted on combating oil pollution from ships.

Section 3

Whosoever discovers or learns that an oil spill has occurred is obliged to notify the police or the fire brigade thereof without delay and, if possible, also to notify the party in whose possession or under whose management the oil is.

Section 4

The party in whose possession or under whose management oil has caused pollution or threat of pollution is required to take such response action to combat the pollution as can be reasonably expected of him in the circumstances and to notify the police or the fire brigade of the pollution or threat of pollution without delay.

Anyone who keeps or stores 100,000 litres or more of oil at one and the same storage site is required to acquire equipment and materials to combat oil pollution, as prescribed in more detail by decree, and to see to it that he has competent personnel available to operate said equipment.

Section 5

The Ministry of the Environment is responsible for the supreme management and supervision of combating measures to prevent oil pollution as referred to in this Act. The National Board of Waters and the Environment shall regulate and supervise the general establishment and development of oil pollution preparedness and response. The regional water and environment district shall regulate and supervise organization of the oil combating laid down as the charge of the local authority and the oil storage owner and, as necessary, participate in the actual combating work. (205/87)

Local authorities shall take the necessary measures to combat oil pollution within their areas. Local authorities shall have an oil-combating plan approved by the local council, and shall appoint an official body to be responsible for organizing and managing the oil-combating measures referred to in this Act within the local authority's area. After approval by the local council, the oil-combating plan must be submitted to the water and environment district office for ratification. The water and environment district office must especially ensure that the oil-combating equipment is necessary and appropriate and that training of personnel has been arranged to meet the requirements of the circumstances, while avoiding unnecessary costs.

After gaining the consent of the water and environment district office, a local authority may agree on fulfilment of the duty referred to above in paragraph 2 in cooperation with neighbouring municipalities or with the storers of oil referred to in section 4, paragraph 2.

Local authorities shall be entitled to compensation from the Oil Pollution Compensation Fund for costs incurred in acquiring equipment specified in the ratified oil-combating plan, for maintaining the necessary combat readiness and for training combat personnel, as provided in the Act on the Oil Pollution Compensation Fund (379/74). The local authority may be granted full compensation for the acquisition of oil-combating equipment totalling over FIM 500,000 only if the Oil Pollution Compensation Fund board of management has approved the acquisition in advance. (1289/89)

Section 6

The competent oil pollution combating authorities, as referred to in this Act, comprise the State and the local authorities referred to above in section 5, the person leading the local oil-combating personnel in response operations and the operational commander designated by the water and environment district office.

Other authorities are required to provide the oil pollution combating authorities with executive assistance in the matters referred to in this Act. The Council of State may issue more detailed instructions on the procedures to be observed in requesting and providing executive assistance.

Section 7

When an oil spill has occurred or is impending, the oil pollution combating authorities must immediately instigate the necessary oil-combating measures, unless the costs or damage caused by these measures are obviously disproportionate to the financial and other values jeopardized by the oil spill.

Oil-combating measures must be carried out so as not to make it unnecessarily difficult to restore nature and the environment to the state that prevailed before the oil spill.

Those participating in oil-combating work are entitled to receive compensation from the Oil Pollution Compensation Fund for the costs they incur as a result of the oil-combating measures referred to above in paragraph 1, as provided in the Act on the Oil Pollution Compensation Fund. (740/85)

Section 8

If the oil pollution or the threat of its spreading is so great that the personnel or equipment at the disposal of the oil pollution combating authorities are not sufficient to prevent or check the pollution effectively, the local oil pollution combating authorities, or, when the oil-combating equipment or personnel of another local authority are used, the relevant water and environment district office, have the right to order anyone who has oil-combating equipment or materials, or personnel familiar with their use, to place these at the disposal of the authorities. When necessary, the water and environment district office can also assume direction of the oil-combating measures and appoint an operational commander.

To prevent oil pollution, the competent authorities have the right to requisition the necessary communications and transportation units and machinery and equipment. The competent authorities may order other parties to dig earth, lift gravel, sand or soil, block ditches and take any other measures necessary.

Anyone who has given assistance or suffered damage because of the measures referred to in paragraph 2 is entitled to receive compensation from the Oil Pollution Compensation Fund, as provided in the Act on the Oil Pollution Compensation Fund. (740/85)

Section 9

Anyone who deliberately or through gross negligence causes an oil spill shall be sentenced to a fine or to not more than two years imprisonment, unless more severe punishment is provided for elsewhere in law.

Anyone who otherwise violates this Act or the regulations issued under it or defaults on the duties set forth for him in or under this Act shall be sentenced to a fine if the violation or default is not a minor one.

Section 10

More detailed regulations on the enforcement of this Act will be laid down by decree.

Section 11

This Act comes into force on January 1, 1975.

Provisions on entry into force of amendments to the law:

1. Act **21.1.1983/90** came into force on July 1, 1983.
2. Act **6.9.1985/740** came into force on November 1, 1985.
3. Act **20.2.1987/205** came into force on March 1, 1987.
4. Act **22.12.1989/1289** comes into force on January 1, 1990, but the provision in section 5, paragraph 4, on advance approval for the acquisition of oil-combating equipment costing over FIM 500,000 is applicable only if the local authority has placed the order for such equipment after this Act comes into force.