

**NB: Unofficial translation, legally binding texts are those in Finnish and Swedish
Ministry of the Environment, Finland**

**Waste Act
(646/2011; amendments up to 528/2014 included)**

Chapter 1 – General provisions

**Section 1
Purpose of the Act**

The purpose of this Act is to prevent the hazard and harm to human health and the environment posed by waste and waste management, to reduce the amount and harmfulness of waste, to promote the sustainable use of natural resources, to ensure functioning waste management, and to prevent littering.

**Section 2
Scope of application**

(1) This Act shall apply to waste, waste management and littering, as well as to products and activities generating waste.

(2) This Act shall apply to:

- 1) waste originating from the ordinary operating of a vessel, referred to in the Act on Environmental Protection in Maritime Transport (1672/2009), after the waste has been delivered ashore from the vessel;
- 2) waste generated through oil pollution damage, referred to in the Act on Oil Pollution Response (1673/2009), or a chemical spill from a vessel, after the necessary response measures to limit damage and remove oil or another harmful substance have been completed.

(3) In addition, further provisions on preventing pollution of the environment by waste are laid down in the Environmental Protection Act (527/2014) and, on preventing hazard to human health caused by waste, in the Health Protection Act (763/1994). (528/2014)

(4) The provisions laid down in this Act on waste apply to metallic mercury, which is regarded as waste and which must be stored and disposed of as waste in accordance with Regulation (EC) No 1102/2008 of the European Parliament and of the Council on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury, hereinafter the *Mercury Export Ban Regulation*. (1104/2011)

**Section 3
Restrictions on application**

(1) This Act shall not apply to the following types of waste:

- 1) emissions discharged into the air;
- 2) carbon dioxide recovered and transferred for geological storage, or stored geologically insofar as provided elsewhere in 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 insofar as provided for elsewhere in 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 (592/1991);
- 5) the placing of uncontaminated dredged material carried out under chapter 2, section 6, of the Water Act, or which is subject to a permit pursuant to chapter 3, section 2 or 3, of the Water Act;
- 6) animal by-products, insofar as provided for 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; the Act shall, however, apply to such by-products, and derived products, that are destined for incineration, landfilling, or use in a biological treatment facility; (195/2012)
- 7) contaminated soil not excavated from bedrock or ground.

(2) Chapter 11 and sections 118–121 of this Act shall not apply to waste generated in agriculture and forestry, consisting of natural material harmless to human health, used in farming and forestry for purposes other than the production of energy, or to green waste generated in agriculture and forestry, consisting of the aforementioned materials and used for energy production.

Section 4 **Application in the Defence Forces**

(1) This Act shall not apply to operations of the Defence Forces in whose case the application of this Act would compromise national safety or security of supplies. Furthermore, the Act shall not apply to products specially intended for military use, or to those related to the supervision of the key security interests of the nation.

(2) The Defence Forces shall, however, in operations and concerning the products referred to in subsection 1 take account of the general obligations and principles in chapter 2 to the extent possible, with due consideration for the securing of national safety or security of supplies.

(3) Further provisions on the operations and products to which this Act, or parts of the provisions herein, shall not apply may be given by government decree.

Section 5 Definition of waste

- (1) For the purposes of this Act, *waste* means any substance or object which the holder discards, intends to discard or is required to discard.
- (2) A substance or object is not waste but a by-product, if it results from a production process whose primary aim 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 and requirements for the protection of the environment and human health for the specific use thereof and, when assessed overall, its use would pose no hazard or harm to human health or the environment.
- (3) Further provisions on the criteria referred to in subsection 2 for classification as a by-product, specified per by-product, may be given by government decree.
- (4) Further provisions by types of waste, on when a substance or object no longer constitutes waste, may be given by government decree, if:
- 1) the substance or object has undergone a recovery operation;
 - 2) the substance or object is commonly used for a specific purpose;
 - 3) a market or demand exists for the substance or object;
 - 4) the substance or object fulfils technical requirements for specific purposes and meets the existing regulations applicable to similar products; and
 - 5) the use thereof will not, assessed overall, pose any hazard or harm to human health or the environment.
- (5) Further provisions may also be issued by government decree on concentrations of contaminants and their permitted solubility for a substance or object referred to in subsection 4, the technical requirements applicable to the use of the substance or object, and other corresponding aspects.

Section 6 Other definitions

- (1) For the purposes of this Act:
- 1) *hazardous waste* means any waste with properties that render it flammable or explosive, infectious, or hazardous to human health or the environment in other ways, or with other corresponding properties (*hazardous properties*);
 - 2) *municipal waste* means waste generated in permanent dwellings, holiday homes, residential homes and other forms of dwelling, including sludge in cess pools and septic tanks, as well as waste comparable in its nature to household waste generated by administrative, service, business and industrial activities;
 - 3) *mixed municipal waste* means the municipal waste remaining after specific waste fractions have been separately collected at source;

- 3 a) *household electrical and electronic equipment* means electrical and electronic equipment used in a private household as well as electrical and electronic equipment of comparable quality and quantity used in commerce, industry, facilities and other activities; a piece of electrical and electronic equipment that is most likely used both in a household and in other activities is considered household electrical and electronic equipment; (410/2014)
- 4) *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 nature or composition of such waste;
- 5) *waste holder* means the waste producer, property holder or anyone in possession of the waste;
- 6) *property holder* means the owner of a real property or the holder of the lease on the property;
- 7) *waste carrier* means anyone responsible for the transport of waste;
- 8) *waste broker* means any undertaking who 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;
- 9) *waste management* means the collection, transport, recovery and disposal of waste, including monitoring and supervision of such operations and the aftercare of disposal sites, and actions taken as a broker;
- 10) *waste collection* means the collection of waste at a reception point provided by the property holder, municipality, producer, distributor or other party, for on-site treatment or for the purpose of transportation for treatment, including preliminary sorting and temporary storage of waste;
- 10 a) *separate collection of waste* means the collection of waste where waste is kept separately by type and nature so as to facilitate preparation for re-use, recycling, other types of recovery or other specific treatment; (410/2014)
- 11) *reduction of the quantity and harmfulness of waste* means activity, before a product becomes waste, that promotes the re-use of the product, extends its lifetime or prevents the generation of waste in other ways, or reduces the amount of harmful substances in the product, or reduces the harmful impacts on human health and the environment of the waste generated;
- 12) *re-use* means re-using the product, or a component thereof, for the purpose for which it was originally conceived;
- 13) *preparing for re-use* means checking, cleaning or repairing recovery operations, by which products or components of products are prepared so that they can be re-used without further pre-processing;
- 14) *recycling of waste* means operations by which waste is reprocessed into a product, material or substance, either for the original or some other purpose; recycling of waste does not include recovery of waste as energy or the reprocessing of waste into fuel or material to be used for backfilling;
- 15) *recovery of waste* means any operation whose principal result is waste serving a useful purpose in a production facility or elsewhere in the economy, so that it replaces other materials or objects which would otherwise have been used to fulfil a particular function, including waste being prepared to fulfil that function;
- 16) *disposal of waste* means depositing the waste at a landfill, incineration without energy recovery, or some other comparable activity that does not constitute recovery, even where the secondary consequence of the operation is recovery of a substance, or of energy contained in the waste, including preparation of waste for disposal;

- 17) *waste treatment* refers to the recovery or disposal of waste, including preparation for recovery or disposal;
- 18) *distributor* of product means an undertaking who sells a product, or some other party that makes the product available to users;
- 19) *transboundary shipment of waste* means the shipment of waste from Finland to another country, from another country to Finland, and the shipment of waste through Finland, referred to in Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, hereafter referred to as the Waste Shipment Regulation.

(2) The provisions of this Act concerning municipalities shall also apply to a federation of municipalities referred to in section 2 of the Act on cooperation of municipalities in the Helsinki Metropolitan Area on waste management and public transport (*Laki pääkaupunkiseudun kuntien jätehuoltoja ja joukkoliikennettä koskevasta yhteistoiminnasta* 829/2009), and to other federations of municipalities insofar as they are allotted duties prescribed for municipalities, in or under this Act.

(3) Further provisions on the properties referred to in subsection 1(1), on the basis of which waste shall be regarded as hazardous, and on waste classified into hazardous and other types of waste, may be given by government decree. Further provisions may be given by government decree on operations which constitute waste recovery referred to in subsection 1(15), and operations which constitute the disposal of waste referred to in subsection 1(16). Further provisions on operations which constitute waste recovery referred to in subsection 1(15), operations which constitute the disposal of waste referred to in subsection 1(16), as well as on the definition of a distributor of product as referred to in subsection 1(18) may be issued by government decree. (410/2014)

Section 7

Derogation from classification as hazardous waste

- (1) A centre for economic development, transport and the environment may, by application of the waste holder or on its own initiative, determine in individual cases that
 - 1) waste classified as hazardous in a government decree issued under section 6(3) is not hazardous waste, if the waste holder reliably demonstrates that the waste in question displays no hazardous properties, and that the lack of hazardous properties is not a consequence of the dilution of the waste;
 - 2) even waste other than waste classified as hazardous in the aforementioned decree is considered to be hazardous waste, if the waste displays any single hazardous property.
- (2) The decision referred to above in subsection 1 will be made by a regional state administrative agency, if the activity in question is subject to an environmental permit falling within the jurisdiction of the agency. In such cases, the matter may be handled as part of a pending matter with respect to the environmental permit.
- (3) A copy of the decision shall be sent to other relevant permit and supervisory authorities to inform them of the decision. For monitoring purposes, a copy shall also be sent to the Finnish Environment Institute, which must send a summary of such decisions to the Ministry of the Environment every six months.

Chapter 2 –General obligations and principles

Section 8

General obligation to comply with order of priority

(1) All activities shall, insofar as possible, comply with the following order of priority: First priority shall be given to reducing the quantity and harmfulness of waste generated. If, however, waste is 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 recovery as energy. If recovery is not possible, disposal of the waste shall be carried out.

(2) 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, and other operators participating in waste management on a professional basis, shall comply with the order of priority as a binding obligation so as, when assessed as a whole, the best result is achieved in terms of the objectives of this Act. Such assessment observes the impacts occurring during the lifecycle of the product and waste, and the precautionary principle and duty of care in environmental protection, alongside the operator's technical and economic prerequisites for complying with the order of priority.

(3) To comply with the obligation laid down in subsection 2, further provisions may be given by government decree on which the option referred to in subsection 1 for treating waste shall be complied with on the basis of assessment criteria laid down in subsection 2. In addition, further provisions may be given by government decree on the quantitative targets and obligations concerning the reduction of the quantity and harmfulness of waste, on preparing for the re-use of waste, or for its recycling and other recovery, and on deadlines for achieving targets and fulfilling obligations. Targets and obligations may differ by type of waste.

Section 9

Obligation of the product manufacturer, market supplier and distributor to exercise caution

(1) Pursuant to attaining the objectives of this Act, product manufacturers shall, insofar as possible, ensure that

- 1) raw materials are used sparingly in production, and that waste, raw materials produced from waste, or recycled products or components thereof, are used in production;
- 2) the use of raw materials which include substances harmful to human health and the environment is avoided in production, and such raw materials are replaced with less harmful ones;
- 3) in manufacturing, the production method which is chosen generates as little waste as possible, and the waste which is generated is as harmless as possible to human health and the environment;
- 4) the product is not unnecessarily packaged;
- 5) the product is durable, repairable and re-usable and recoverable as waste, and that the product and the use thereof generates as little waste as possible;

- 6) the product, as waste, does not constitute a hazard or cause harm to human health or the environment, or littering, nor cause considerable harm or complications to the organisation of waste management.
- (2) If necessary, the product manufacturer shall ensure that
- 1) the product is labelled with markings clarifying its properties and facilitating use, re-use, waste management and the apportioning of producer responsibility, or that information on these aspects is attached to the product;
 - 2) product users are informed of the labelling on the product and the significance thereof, and of arrangements for re-use and waste management;
 - 3) waste management operators are given the necessary information on the re-use, dismantling and recycling of the product or components thereof, and on the location of hazardous substances and components within the product.
- (3) Pursuant to attaining the objectives of this Act, the party releasing the product onto the market, and the distributor, shall ensure, insofar as possible, that the product fulfils the requirements given in subsection 1(4–6), and that the product is labelled, and communications and information thereon are duly provided, in accordance with subsection 2.
- (4) If the manufacture, use or discarding of a product generates waste which is known to, or can justifiably be expected to, cause significant harm or complications to the organisation of waste management, or cause hazard or harm to human health or the environment, the manufacture, placing on the market, export or use of the product may be prohibited or restricted or subjected to preconditions.

Section 10

Government decrees on products

Further provisions may be given by government decree on the requirements laid down in section 9, subsection 1(5 and 6) and subsection 2, concerning the product manufacturer, market supplier and distributor as regards production and products, and on the prohibition, restriction or precondition referred to in section 9(4):

- 1) labelling of the product, the related communications or the provision of information;
- 2) on the prohibition, restriction or preconditions for the manufacture, placing on the market, export or use of a product referred to in section 9(4);
- 3) recoverability and re-usability of the product and the necessary obligations in this regard;
- 4) information to be submitted to the authorities on activities, the product or waste generated thereof, as required for supervision;
- 5) prevention of littering caused by the product;
- 6) any other requirement concerning activities, product or waste, comparable to these and necessary in order to implement the appropriate regulations of the European Union, supervision of compliance therewith, and the related obligation to provide information.

Section 11

Promoting compliance with the order of priority

In their operations, authorities, institutions and bodies governed by public law shall, insofar as possible, use durable, repairable, re-usable or recyclable products and products made of recycled raw materials, as well as services that generate the minimum, least harmful waste possible.

Section 12

Obligation to obtain and provide information

- (1) Those engaged in production, and the product manufacturer or importer, must be aware of waste generated in production or by the product, the environmental and human health impacts thereof, and the related waste management, as well as the possibilities of developing production or the product so as to reduce the quantity and harmfulness of waste.
- (2) The waste holder must be aware of the origin, quantity, type and quality of waste and other relevant properties in order to organise waste management, and about the impacts on human health and the environment of waste and waste management, and must, if necessary, provide information regarding these to other waste management operators.
- (3) Further provisions may be given by government decree, concerning:
 - 1) the waste holder's obligation to monitor the impacts of waste and waste treatment on human health and the environment;
 - 2) the provision of information on waste and waste treatment to the previous holder or handler of the waste;
 - 3) other measures comparable to these, in order to meet the obligations provided in subsection 2.

Section 13

Prevention of hazard and harm caused by waste and waste management

- (1) Waste may not be abandoned or treated in an uncontrolled manner.
- (2) Waste and waste management shall not pose a hazard or cause harm to human health or the environment, pose a danger of littering, or cause impairment of general safety or any other comparable violation of public or private interests. In the collection and transport of waste, and in the placement, construction, use and post-use aftercare of a waste treatment facility or site, special attention must be paid to ensuring that waste management does not cause emissions or discharges posing a danger of environmental pollution, including nuisance caused by noise and odour, or a decline in amenities. In addition, the activity, facility or site must fit into the environment and landscape.
- (3) 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

- (1) Further provisions may be given by government decree, concerning:
- 1) requirements for waste collection, transport, packaging and labelling;
 - 2) requirements for, 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, the preconditions for its placement, and measures after the termination of operations;
 - 4) structures of a treatment facility or site;
 - 5) the quality and use of waste resulting from treatment, and requirements concerning waste management;
 - 6) other measures comparable to these, in order to meet the obligations provided in section 13(2).
- (2) Provisions may be given by government decree 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(2–6), on the grounds specified in the decree and in the manner provided in the Environmental Protection Act.

Section 15

Obligation to keep waste separate

- (1) As part of waste management, waste of different types and quality shall be collected and kept separate to the extent necessary to prevent hazard or harm being posed to human health or the environment, to comply with the order of priority provided in section 8(1), or to facilitate the appropriate arrangement of waste management, and to the extent technically and economically feasible.
- (2) Further provisions may be given by government decree, concerning:
- 1) requirements for keeping waste separate and the preconditions for mixing of waste of different types and quality;
 - 2) separate collection of waste, the requirements for which can differ in different areas, taking into account the population density of an area, the quantity of waste generated and the possibilities for its recovery, and the environmental impacts and costs caused by arranging separate collection.

Section 16

Obligation to package and label hazardous waste

- (1) Hazardous waste shall be packaged and labelled, and the necessary information on it provided, at all stages of waste management, so as to facilitate monitoring of shipments of waste from the place of origin to the recovery or disposal site, as well as monitoring of the properties of the waste.
- (2) The provisions of subsection 1 do not apply to private households.

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

Section 17 **Ban on the mixing of hazardous waste**

(1) Hazardous waste shall not be diluted, or in other ways mixed with waste different in type or quality, or with other substances. This ban on mixing can be derogated from if mixing is necessary to facilitate the treatment of waste, and the activity has been granted an environmental permit under the Environmental Protection Act. Waste must be separated if hazardous waste has been mixed contrary to the ban and if separation is necessary in order to prevent a hazard or harm to human health or the environment, and if such separation is technically feasible without undue cost.

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

Section 18 **Ban on the incineration of waste in Finland's water bodies, territorial waters and exclusive economic zone**

Incineration of waste other than that arising from normal shipping operations is prohibited in Finland's water bodies, territorial waters and exclusive economic zone. The Act on Environmental Protection in Maritime Transport contains provisions on the incineration aboard ships of waste arising from normal shipping operations.

Section 19 **Principles of self-sufficiency and proximity**

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

(2) The waste holder shall be responsible for delivering the waste, referred to in subsection 1, for treatment at one of the nearest facilities suitable for this purpose (*proximity principle*).

(3) When arranging waste management, the municipality and other waste management operators must take account of the provisions laid down in subsection 1.

Section 20

Polluter-pays principle

The original producer of waste, or the current or previous holder of waste, shall bear the costs of waste management (*polluter-pays principle*).

Section 21(528/2014)

Covering the costs of disposal

The costs of waste disposal, and the related fee, shall include the costs of establishing a disposal facility or site, the use of the site or facility, decommissioning, aftercare and financial guarantee referred to in section 59 of the Environmental Protection Act, and other comparable costs. The fee charged for waste disposal in a landfill shall include the estimated costs of aftercare for a period of at least 30 years.

Chapter 3 – Competent authorities and their duties

Section 22

National authorities

- (1) The Ministry of the Environment is responsible for the general guidance, monitoring and development of operations under this Act.
- (2) Within its area of operation, each centre for economic development, transport and the environment directs and promotes the management of duties referred to in this Act and in the provisions issued thereunder.
- (3) The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation, and is responsible for cooperation with other competent authorities in the supervision of transboundary shipments of waste. The Finnish Environment Institute is also the correspondent referred to in the Waste Shipment Regulation. In addition, the Finnish Environment Institute is the competent authority referred to in the Mercury Export Ban Regulation. (1104/2011)
- (4) As a national authority, the Centre for Economic Development, Transport and the Environment for Pirkanmaa directs and promotes the management of duties referred to in this Act and in the provisions issued thereunder concerning producer responsibility.
- (5) Within its sphere of operation, the National Supervisory Authority for Welfare and Health guides the prevention of risks to human health caused by waste.

Section 23

Municipal waste management authority

- (1) In accordance with this Act, a municipal authority (*municipal waste management authority*), referred to in the Local Government Act (365/1995) and designated by the

local authority, shall manage administrative functions related to waste management within the purview of the municipality.

(2) If, pursuant to section 43, the municipality has assigned the service function related to arranging municipal waste management to a company owned by municipalities, the joint organ of municipalities within the co-operation area, or a federation of municipalities established by municipalities as provided in the Local Government Act, shall act as the municipal waste management authority.

(3) The municipal waste management authority may delegate the powers referred to in this Act to an official as provided in the Local Government Act. Any provisions laid down on the authority that otherwise manages the duties in question and that handles any appeal made shall apply to the official.

Section 24 **General supervisory authorities**

(1) The general supervisory authorities under this Act are the centres for economic development, transport and the environment, and the municipal environmental protection committee referred to in the Act on municipal environmental administration (*Laki kuntien ympäristönsuojelun hallinnosta* 64/1986). These authorities shall supervise compliance with the present Act and the provisions issued under it. In addition, they supervise compliance with the provisions of Article 2, Article 3(1) and Article 4(1) of the Mercury Export Ban Regulation. (1104/2011)

(2) The municipal environmental protection committee may delegate the powers referred to in this Act to an official, as provided for in the Act on municipal environmental administration (*Laki kuntien ympäristönsuojelun hallinnosta* 64/1986). Any provisions laid down on the authority that otherwise manages the duties in question and that handles appeals on decisions made by this authority shall apply to the official. However, the related powers cannot be delegated to an official in a matter involving the exercise of administrative enforcement.

Section 25 **Other supervisory authorities**

(1) The Finnish Environment Institute shall supervise compliance with provisions concerning transboundary shipments of waste.

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

(3) The Finnish Safety and Chemicals Agency shall supervise compliance with requirements concerning products and the properties and labelling thereof, in accordance with further provisions given on the matter in a government decree issued under section 10.

(4) Within its sphere of operation, Customs is responsible for the supervision of compliance with the current Act and the provisions issued thereunder concerning beverage containers, referred to in section 68, and, in cooperation with the Finnish Environment Institute, oversees transboundary shipments of waste. In addition, Customs is responsible for the supervision of compliance with the export ban provided in Article 1 of the Mercury Export Ban Regulation. (1104/2011)

Section 26

Organisation of municipal administrative functions related to waste management

(1) A municipality may organise the administrative functions of the municipal waste management authority, as provided in the Local Government Act:

- 1) by managing the functions itself;
- 2) through agreements, together with another municipality;
- 3) as a member of a federation of municipalities managing the functions in question.

(2) The provisions laid down in subsection 1(2) on a municipality shall also apply to a federation of municipalities managing any function referred to in this Act.

Section 27

Expert authorities and institutions

Government authorities and research institutions may act as expert authorities and institutions under this Act, by issuing statements, conducting research and preparing reports for authorities referred to herein. Further provisions on expert authorities and institutions, and their duties, shall be given by government decree.

Chapter 4 – Responsibility for organising waste management

Section 28

Organisation of waste management

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

(2) The property holder is obliged to organise waste management if the waste holder neglects his or her obligation to do so, or cannot be found, and if the property holder has permitted activities that generate waste on the property or that deliver waste to the property.

Section 29

Delivery of waste

(1) Waste may only be delivered to:

- 1) a party which, pursuant to approval or entry in the waste management register as provided for in chapter 11, has the right to receive the waste in question; or

- 2) a party which, under an environmental permit granted in accordance with the Environmental Protection Act, or registration in the environmental protection database under the same Act, has the right to receive the waste in question.

(2) Waste may also be delivered to a consignee not required to obtain the approval, entry, environmental permit or registration referred to in subsection 1, if the consignee has sufficient expertise and the financial and technical capacities for organising waste management.

Section 30

Termination and transfer of responsibility for organising waste management

(1) The waste holder's responsibility for organising waste management will terminate and transfer to a new holder when the waste is delivered to a consignee referred to in section 29. Responsibility does not transfer to a carrier transporting waste on behalf of another party.

(2) If, contrary to section 29, the waste is delivered to a consignee other than the one referred to therein, both the new and previous holder of waste shall be responsible for organising waste management.

Section 31

Waste transport

The waste carrier is obliged to deliver the waste to the location designated by the waste holder or authorities. If the waste is not accepted, the carrier shall return it to the party that delivered it, who is obliged to take it back.

Chapter 5 – Waste management organised by municipalities

Section 32

Obligation of a municipality to organise waste management

(1) A municipality must organise waste management for the following non-hazardous waste:

- 1) waste generated in permanent dwellings, holiday homes, residential homes and other forms of dwellings, including sludge in cess pools and septic tanks;
- 2) municipal waste generated in health care and social welfare services, and educational activities;
- 3) waste generated by administrative and service activities of the state, municipalities, parishes and other corporations and associations subject to public law, other than the municipal waste referred to in paragraph 2;
- 4) municipal waste generated on business premises, collected at the property together with the waste referred to in paragraphs 1–3;
- 5) other municipal waste collected together with the waste referred to in paragraphs 1–4 in a regional automated pipe collection system for waste, or in another corresponding collection system.

(2) In addition, municipalities shall organise the reception and treatment of hazardous waste generated in dwellings. Municipalities are responsible for the reception and treatment of hazardous waste generated in agriculture and forestry, unless excessive quantities are involved.

(3) The obligation of municipalities pursuant to 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.

(4) Further provisions may be given by government decree on which types of waste and which operations generate waste that constitute the waste referred to in subsection 1.

Section 33

Supplementary obligation of a municipality to organise waste management

Municipalities shall organise waste management for waste other than that referred to in section 32, if the waste holder so requests due to the lack of other services provided, and the waste is suitable in quality and quantity for transport or treatment within the municipality's waste management system. If the waste management service in question is required continuously and regularly, the municipality has to conclude an agreement with the waste holder. The duration of the agreement can be no more than three years at a time.

Section 34

Quality requirements applicable to municipal waste management services

- (1) When organising waste management, municipalities must ensure:
- 1) that waste transport from properties is available when necessary;
 - 2) that a sufficient number of regional reception points are available for hazardous and other waste, and that these facilities are easily accessible to waste producers;
 - 3) that a sufficient amount of diverse forms of waste management services are available, such as the separate collection of waste in compliance with the order of priority;
 - 4) that the collection and transport of waste is organised and scaled so as to correspond, as far as possible, to the quantity and quality of waste generated;
 - 5) that sufficient information is distributed with suitable frequency on arrangements for waste transport and the regional reception of waste.

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

Section 35

Organisation of waste transport from properties

(1) The municipality must ensure that the transport of waste referred to in section 32(1) is organised from the reception point for which the property holder is responsible, in

accordance with section 36 or 37 (*waste transport from properties*). In addition, the municipality may organise the transport of separately collected packaging waste from properties, generated by activities referred to in section 32(1), for waste management organised by the producer.

(2) Regardless of the way it is organised, waste transport from properties shall be provided in a comprehensive and reliable, reasonable and non-discriminatory manner.

(3) Waste transport from properties must comply with municipal waste management regulations. Waste shall be delivered to a reception or treatment point designated by the municipality.

(4) Municipalities may decide not to arrange waste transport from properties in areas with difficult conditions, with few waste holders or with little waste to be transported, unless such transport is considered necessary for human health or for environmental reasons.

Section 36 **Waste transport organised by municipalities**

(1) A municipality must organise waste transport from properties, unless otherwise provided for in Section 37 or 41 (*waste transport organised by a municipality*).

(2) When waste transport is organised by a municipality, only the municipality or waste carrier acting on behalf of the municipality may accept waste for transport.

(3) When procuring services for waste management, municipalities shall comply with the provisions of the Act on Public Contracts (348/2007). Procurement shall ensure that the area and duration of services is specified and procurements scheduled, taking into account the principles laid down in section 2 of the Act.

(4) 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 type of waste.

Section 37 **Waste transport organised by a property holder**

(1) Municipalities may decide to organise waste transport from properties in the municipality or part thereof, by mutual agreement between the property holder and the waste carrier (*waste transport organised by a property holder*), if

- 1) the waste transport thus organised fulfils the requirements provided in section 35(2);
- 2) the waste transport promotes the overall functioning of waste management in the municipality, supports the regional development of waste management and does not cause hazard or harm to human health or the environment;
- 3) the impacts of the decision are assessed as generally positive, paying particular attention to the circumstances of households and the operations of businesses and authorities.

(2) A municipality may decide that waste transport organised by the property holder applies, by type or quality, to certain types of waste.

(3) Municipalities shall monitor and supervise implementation of the decision referred to in subsection 1, and fulfilment of the preconditions thereof, and, if necessary, reconsider the waste transport issue.

Section 38

Municipal decision-making concerning waste transport from properties

Prior to making or amending the decision referred to in section 35(4) and section 37, the municipality shall ensure that all parties, whose circumstances may be materially affected by the decision, have the opportunity to obtain information and express an opinion. Provisions on participation in policy-making are laid down in section 41 of the Administrative Procedure Act. A municipality shall publicly inform its inhabitants of the decision referred to above, and publish the decision on an information network.

Section 39

Information on waste transport from properties

(1) Upon request, the waste carrier shall submit a valid certificate from the waste management register, in compliance with section 98, for viewing by the property holder or municipality, or shall otherwise demonstrate that the operations have been approved in the waste management register in accordance with section 96.

(2) On an annual basis, the waste carrier shall provide the municipal waste management authority with information on properties from which waste has been collected, and the number of times waste containers have been emptied, by property and type of waste. The municipal waste management authority may require the information to be provided on a quarterly basis, if so deemed necessary to facilitate monitoring of operations. In addition, the waste carrier shall provide an annual summary of the quantity of waste collected from properties, and of delivery places. Further provisions may be given by government decree concerning the information to be provided.

(3) Without delay, the municipal waste management authority shall enter the information referred to in subsection 2 into the register referred to in section 143.

Section 40

Waste reception point at a property

The property holder shall arrange a reception point for the collection of waste covered by waste transport from properties. This reception point may be provided in conjunction with one or several other properties.

Section 41

Delivery of waste for waste transport from properties or to a regional reception point

- (1) The property holder or another waste holder shall deliver waste, for which the municipality is responsible under section 32, for waste transport from properties arranged in the area, or to a regional reception point provided by the municipality.
- (2) Notwithstanding the provisions of subsection 1, the waste holder may arrange transport of waste which, due to its exceptional dimensions, quantity or other properties, is unsuitable for hauling under ordinary waste transport from properties, if this transport is approved in municipal waste management regulations or municipal environmental protection regulations issued under section 202 of the Environmental Protection Act. The waste holder may also treat the waste referred to in subsection 1 on the property or deliver the biowaste, wastewater sludge, or other waste comparable in its nature generated in dwellings for treatment at a neighbouring property or another property located in the vicinity, if the on-site or shared treatment is small-scale and the treatment has been approved in municipal waste management or environmental protection regulations. (528/2014)
- (3) Notwithstanding the provisions of subsection 1, the property holder may arrange transport for separately collected packaging waste, if packaging waste is not transported as part of waste transport from properties. Waste shall be delivered for waste management organised by the producer. Transport shall otherwise comply with the provisions laid down in this Act on waste transport from properties.

Section 42

Exception to the obligation to deliver waste for waste management organised by municipalities

- (1) By application of the waste holder, a municipality may decide that the management of waste referred to in section 32(1)(2) and (3) can, by derogation from section 41(1), be organised in accordance with chapter 4, if waste management thus organised is justified with respect to organising other waste management for the property and results in a better outcome in terms of implementing the order of priority, and this does not cause hazard or harm to the environment or human health. Such decisions shall be made for a fixed period, but no more than five years at a maximum. (195/2012)
- (2) On an annual basis, the waste holder shall provide the municipal waste management authority with information on the type and quantity of waste generated in the activity, and the delivery places and waste treatment method.

Section 43

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

- (1) A municipality may decide to assign the reception, transport and treatment of waste for which it is deemed responsible under this Act, the invoicing of waste charges referred to in section 82, waste guidance referred to in section 93(1), and the administrative duties

directly related to these and not involving the exercise of public authority, to a company established for the purpose and jointly owned by the municipality along with other municipalities. The municipality is responsible for ensuring that assigned duties for waste management services are fulfilled in accordance with this Act and the provisions issued thereunder.

(2) Penalty provisions covering public officials apply to the employees of companies owned by municipalities, when the employees attend to public administrative duties referred to in subsection 1. The company shall observe the provisions laid down in 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 tort liability are laid down in the Tort Liability Act (412/1974).

(3) Provisions on the procurement of services are laid down in the Act on Public Contracts.

Section 44

Keeping a record of waste management services and the obligation of a carrier to provide information

(1) If a municipality, or a company referred to in section 43, handles other waste management in addition to that laid down as an obligation of municipalities in this chapter, this must be itemised in the accounts, for which separate entries must be calculated for each accounting period when recording the financial results of the municipality's or company's operations. Further provisions may be given by government decree concerning the information to be included in the accounts.

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

(3) The waste carrier shall provide the consignee with sufficiently itemised information on the origin of waste, to facilitate bookkeeping referred to in subsection 1 and to enable the preparation of separate accounts, if the carrier transports waste, including both the waste referred to in section 32 or 33 and other waste, for treatment by the municipality or a company owned by municipalities.

Section 45

Record kept by waste carrier in certain cases

If the municipality charges the waste carrier, referred to in section 37, a waste treatment charge in accordance with section 80(2), the carrier shall keep a record of waste treatment charges collected from customers, and provide information concerning these upon request, for viewing by the municipal waste management authority.

Chapter 6 – Producer responsibility

Section 46

Responsibility of the producer for waste management and associated costs

(1) Unless otherwise provided hereinafter, the producer shall organise waste management for products referred to in section 48 that it has brought to the market, and cover the associated costs. The producer's responsibility applies to discarded products delivered to a reception point referred to in section 49 or 56, or for transportation.

(2) The producer's obligation under subsection 1 applies to products brought to the Finnish market by the producer, and to a certain amount 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

Producer's right of precedence to organise waste management

(1) The producer has the right of precedence to organise waste management for discarded products for which the producer is responsible. Other operators may establish parallel collection or reception systems for discarded products, or provide related services to property holders or other waste holders, only if this is managed in cooperation with the producer.

(2) Notwithstanding the provisions laid down in subsection 1, an operator other than the producer may offer services related to the re-use of products or preparation thereof.

(3) As part of the waste management a municipality organises in accordance with chapter 5, the municipality may supplement the transport and reception of discarded products insofar as the producer itself does not make arrangements for these activities. In this case, discarded products must be delivered to waste management organised by the producer.

Section 48

Products and producers covered by producer responsibility

(1) Regardless of the method of sale, producer responsibility shall apply to the following products and producers that place these products on the market in a professional capacity:

- 1) tyres of motor vehicles and other vehicles or equipment; the manufacturer, importer or retreader of such tyres, or the importer of a vehicle or equipment equipped with tyres, is regarded as the producer;
- 2) passenger cars, vans and other similar vehicles; the manufacturer or importer of such a vehicle, or the party that imports vehicles into the country on behalf of domestic users, is regarded as the producer;
- 3) electrical and electronic equipment; manufacturers or importers of the equipment, or sellers that sell equipment under their own name or trademark, are regarded as producers; (6.6.2014/410)

- 4) batteries and accumulators, as well as batteries and accumulators included in electrical and electronic equipment, vehicles or other products; the party placing the battery or accumulator on the market is regarded as the producer;
- 5) newspapers, magazines, office paper and other similar paper products; manufacturers or importers of paper used for the manufacture of paper products, or importers of printed paper products, are regarded as producers;
- 6) packaging; packagers of products or importers of packaged products are regarded as producers.

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

(3) Further provisions on the products and on the designated producers referred to in subsection 1 above may be given by government decree. Further provisions may also be given by government decree on the application of provisions concerning producer responsibility, if the products are acquired from another country, or are exported from the country by means of electronic commerce or other distance selling.

Section 49

Reception and transport of discarded products

(1) The producer shall arrange reception points for discarded products, so as to facilitate the free-of-charge and easy delivery of the products. When determining the number of reception points required per region, account must be taken of the type, quality and predicted quantity of discarded products to be delivered, and of the environmental impacts and costs caused by reception and transport. The number may vary by product group and region. Further provisions may be given by government decree concerning the number of reception points.

(2) By derogation from subsection 1, producers of paper products shall arrange free-of-charge transport for discarded paper products referred to in section 48(1)(5), from a reception point provided by the property holder, if the property is located somewhere other than in a single-family housing area or sparsely populated area.

(3) In accordance with section 56, the producer shall arrange free-of-charge transport for discarded, collected products from the product distributor's reception point.

Section 50

Obligation of the property holder regarding the collection of paper products

Property holders shall arrange a reception point for the collection of discarded paper products referred to in section 48(1)(5). This obligation does not, however, apply to detached houses or other corresponding properties, or properties located in a sparsely populated area.

Section 51

Obligation of the producer to provide information on reception

- (1) The producer shall provide information on the location and opening hours of reception points for discarded products, the waste they accept and other issues deemed necessary to well-functioning reception. If appropriate, the producer shall arrange the provision of this information together with the local municipality and other waste management operators.
- (2) The producer shall submit an annual report on any information activities arranged, to the Centre for Economic Development, Transport and the Environment for Pirkanmaa.
- (3) Further provisions may be given by government decree on the producer's obligations pursuant to subsections 1 and 2.

Section 52

Measures for promoting re-use

- (1) The producer shall organise the reception and transport of discarded products so that the products being 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 that the breakdown of discarded products being collected is prevented, insofar as is possible. Further provisions on arranging the reception of discarded products and related storage and transport for the purpose of promoting the re-use of products and their components and the preparation thereof may be issued by government decree. (410/2014)
- (2) In order to promote re-use, insofar as possible the producer shall ensure that product holders, and other operators organising the waste management of discarded products, can obtain the necessary information on the possibilities for re-use of the product and their components, and on their dismantling, as well as information on the location of hazardous substances and components in the product.

Section 53

Exceptions to the cost liability of the producer for certain products used on sites other than private households

- (1) The producer shall be responsible for the costs incurred in the waste management of other electrical and electronic equipment than household electrical and electronic equipment placed on the market before 14 August 2005, provided that the discarded equipment is replaced with a similar product or a new product used for the same purpose. In other cases, the holder of a piece of equipment shall be responsible for the costs incurred in the waste management of any equipment placed on the market before that date. The producer and possessor of the equipment may agree on a different distribution of waste management costs, regardless of the date on which the equipment was placed on the market. (6.6.2014/410)

(2) A producer of industrial batteries and accumulators, and of vehicle batteries and accumulators intended for vehicles other than in private use, and the possessor of such a battery or accumulator may agree on a different distribution of waste management costs, contrary to the provisions of section 46(1).

Section 54

Obligation of the producer to keep records and provide information

(1) The producer shall keep a record, by product type, of the type, quality and quantity of the products it releases onto the market and the discarded products it receives, as well as the waste they generate, alongside other comparable matters necessary to supervising compliance with this Act and the provisions issued thereunder. In addition, the products and waste delivered for re-use, preparation for re-use, recycling, other recovery and disposal must be itemised in bookkeeping, by delivery destination if necessary. Corresponding information on the parts of vehicles referred to in section 48(1)(2) and those of electrical and electronic equipment referred to in paragraph 3, and the waste they generate, as well as discarded products and waste exported to another country, must also be recorded in bookkeeping.

(2) The producer shall submit a summary of the information referred to in subsection 1 to the Centre for Economic Development, Transport and the Environment for Pirkanmaa each year, or, by request of the centre, more frequently if this proves necessary to supervising compliance with this Act and the provisions issued thereunder.

(3) Further provisions may be given by government decree on the information to be included in bookkeeping and submitted to the authorities, and the time of delivery.

Section 55

Responsibility of the producer to inform a distributor of its entry into the producer register

When delivering a product to a distributor, a producer, referred to above in section 48(1), shall inform the distributor of the distributor's entry into the producer register referred to in section 142.

Section 56

Obligation of the product distributor to accept products

(1) At its point of sale, the product distributor shall accept the following discarded products free of charge from the possessor:

- 1 a) household electrical and electronic equipment with no external dimension exceeding 25 cm, without obligation to purchase a new product as a precondition for reception (410/2014)
- 2) household electrical and electronic equipment other than those referred to in paragraph 1 a, which is replaced by acquiring a new corresponding device; (410/2014)

- 3) tyres of motor vehicles and other vehicles or equipment, if they, by type and quantity, correspond to new tyres purchased.

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

(3) If the distributor of vehicle batteries and accumulators of vehicles intended for private use accepts corresponding discarded batteries and accumulators, they shall be accepted free of charge, without the requirement to purchase a new product.

(4) The product distributor shall separate discarded products into batches appropriate for organising transport. The distributor may deliver discarded products only to a carrier or handler working on behalf of the producer. Product distributors are responsible for covering the costs of the reception of products they arrange.

Section 57

Obligation of the product distributor to provide information

At its point of sale and in connection with other marketing measures, the product distributor shall duly provide information about the possibility to bring products to be discarded to the distributor's reception point. The distributor shall bear the costs incurred from distributing such information.

Section 58

Delivery of a vehicle for destruction

The vehicle holder shall deliver the vehicle intended for destruction to a collector or treatment facility acting on behalf of the producer.

Section 59

Certificate of destruction and irrevocable removal of vehicle from the vehicle traffic register

(1) Having verified that the holder has the right to deliver the vehicle for destruction, 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 Safety Agency of the destruction, in order to have the vehicle irrevocably removed from the vehicle traffic register. The Finnish Transport Safety Agency will charge the producer a fee for deregistration. The provisions of the Act on Criteria for Charges Payable to the State (150/1992), and those enacted under the Act, shall apply to the fee.

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

Section 60

Compensation for additional costs

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

Section 61

Financial guarantee required from the producer of electrical and electronic equipment

(1) Producers of electrical and electronic equipment shall provide a financial guarantee assigned to the Centre for Economic Development, Transport and the Environment for Pirkanmaa to cover the costs incurred by reception, transport, other waste management and the related distribution of information, and for promoting the re-use of household electrical and electronic equipment placed on the market by the producer. No requirement to provide a separate financial guarantee applies to producers who are members of a producer corporation as described below in section 62. (410/2014)

(2) Acceptable financial guarantees are a guarantee, insurance and pledged deposit. The party issuing the financial guarantee must be a credit or insurance institution domiciled in a European Economic Area member state or another commercial financial institution. A further precondition is that, pursuant to a claim, the financial guarantee will be mobilised by the Centre for Economic Development, Transport and the Environment for Pirkanmaa.

(3) The Centre for Economic Development, Transport and the Environment for Pirkanmaa is entitled to mobilise the financial guarantee whenever the producer is found 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 will divide the financial guarantee, as per the related market share, among the producers and producer corporations approved in the producer register referred to in section 142, who organise waste management for equipment placed on the market by the provider of the guarantee.

(4) Further provisions on calculating the amount of the financial guarantee, and its mobilisation, may be given by government decree.

Section 62

Establishing a producer corporation and assigning producer responsibility

(1) Producers may jointly establish a legally competent corporation (*producer corporation*) to manage the obligations imposed on producers in this chapter. Only producers can form a producer corporation. A producer may transfer obligations under producer responsibility only to a producer corporation accepted in the producer register referred to in section 142.

(2) If the producer's operations fall within the producer corporation's sphere of operation, the producer corporation shall take on the responsibility for a new producer's obligations by request of the producer in question. Fair and equitable terms shall apply to new

producers with respect to the terms applicable to other producers within the producer corporation.

(3) A producer of packaging may also fulfil obligations concerning producer responsibility for beverage containers by joining a return system for beverage containers referred to in section 68.

Section 63 **Operations of a producer corporation**

(1) In a producer corporation, obligations must be fairly divided between producers, with consideration given to the nature and extent of operations, and in such a way as to avoid any barriers to business or distortion of competition.

(2) A producer corporation shall maintain a publicly available, up-to-date list of the producers that have transferred their producer responsibility to it. This list must include the name and business ID of each member and must be made available on an information network.

Section 64 **Securing the operations of a producer corporation**

(1) A producer corporation must have sufficient financial resources to facilitate the appropriate organisation of its operations, and to enable it to bear responsibility for the producer responsibility obligations assigned to it continuously for at least six months. In demonstration of this, the producer corporation shall submit a report on its solvency and an action plan on organising re-use and waste management to the Centre for Economic Development, Transport and the Environment for Pirkanmaa. The report and plan shall be submitted on an annual basis, or, if the producer's operations fundamentally change, within three months of this change.

(2) Further provisions may be given by government decree on the reports and plans for demonstrating solvency and securing operations, and their delivery to the Centre for Economic Development, Transport and the Environment for Pirkanmaa.

Section 65 **Cooperation between producers and producer corporations**

(1) Producers and producer corporations of different product groups shall engage in the cooperation measures necessary to ensuring that the implementation of producer responsibility does not result in double payments for producers or producer corporations of another product group, when the reception of discarded products and other waste management is organised in cooperation.

(2) The Government may oblige producers and producer corporations in a certain product group to cooperate and may issue provisions on the requirements set on cooperation, if this is necessary to the dismantling or prevention of parallel re-use and waste management

systems that hamper the overall functioning of producer responsibility systems or the product holder's possibility to deliver a discarded product for re-use or waste management.

Section 66 **Service procurement by producer corporations**

When procuring services related to the re-use and waste management of products, a producer corporation must take equal account of other economic actors and their prospects for operating in the market in question, in such a way as to avoid any barriers to business and distortion of competition.

Section 66 a (410/2014) **Authorised representative of a producer of electrical and electronic equipment or other operator**

(1) A producer established in Finland that sells electrical and electronic equipment through distance selling directly to consumers in another European Union member state must appoint an authorised representative that is responsible for fulfilling the obligations of the producer on the producers's behalf in that member state. Similarly, a producer established in another European Union member state that sells electrical and electronic equipment through distance selling directly to consumers in Finland must appoint an authorised representative that is responsible for fulfilling the obligations of the producer on the producer's behalf in Finland.

(2) An operator comparable to a producer established in another European Union member state that places electrical and electronic equipment on the market in Finland through means other than distance selling may appoint an authorised representative that is responsible for fulfilling the obligations of the producer in Finland instead of a producer established in Finland.

(3) The appointed authorised representative must be a legal or natural person established in the country where the electrical and electronic equipment is being sold in accordance with subsections 1 or 2. The appointment of an authorised representative shall be by written mandate. An appointed authorised representative must inform the relevant producers of their appointment and of any changes to or cancelling of the appointment.

(4) The provisions laid down in this Act on producers, with the exception of the producers' right to establish a producer corporation as laid down in section 62(1), shall apply to an authorised representative as referred to in subsections 1 and 2. An authorised representative shall also be subject to the provisions provided below in section 105.

(5) Further provisions on the procedures to appoint an authorised representative and the authorised representative's obligation to inform the producer of its appointment and operations may be issued by government decree.

Section 67
Authorisation to implement by decree European Union provisions on producer responsibility

A government decree on implementing the European Union provisions on producer responsibility may cover the following:

- 1) the disclosure of waste management costs in the price of the products referred to in this chapter;
- 2) exceptions to the producer's or distributor's obligation to accept a discarded product, and any exceptional waste management arrangements applicable if the product is contaminated and thus poses a health or safety risk to personnel;
- 3) the obligation of the producer and producer corporation, when procuring services, to favour operators who have introduced certified environmental management systems; (6.6.2014/410)
- 4) the reimbursement of a payment for managing producer responsibility obligations to the producer, if the product is not placed on the market in Finland. (6.6.2014/410)

Chapter 7 – Beverage containers

Section 68
Establishing a return system for beverage containers and joining the system

(1) A deposit-based return system for beverage containers may be established by a producer of beverage containers, who acts as *a party maintaining a return system for beverage containers* and who is covered by producer responsibility under section 48(1), or by a party liable to pay tax as provided for in the Act on Excise Duty on Certain Beverage Containers (1037/2004), individually or together with other producers of beverage containers or parties liable to pay tax. A producer of beverage containers or a party liable to pay tax may also join such a return system for beverage containers that is open to membership.

(2) In a return system for beverage containers, obligations shall be fairly divided between producers and parties liable to pay tax, with consideration given to the nature and extent of operations, and in such a way as to avoid any barriers to business or distortion of competition. The terms applicable to new members shall be fair and equitable in comparison with the terms applicable to other members in the return system.

Section 69
Obligations of a party maintaining a return system for beverage containers

(1) A party maintaining a return system for beverage containers must organise a functioning return system for beverage containers that includes the reception of containers, as well as their re-use or recycling. The party maintaining the system must also manage the administration of deposits of a magnitude which guarantees the functioning of the system, and see to the distribution of information regarding the operation of the system.

(2) The party maintaining a return system for beverage containers shall maintain a publicly available, up-to-date list of members. This list must include the name and business ID of each member and the types of beverage container members have responsibility for under the return system. Furthermore, the list must be made available on an information network.

(3) The party maintaining a return system for beverage containers shall comply with the provisions laid down in section 54 on the producer's obligation to keep records and provide information. In addition, the provisions laid down in section 64 on securing the operations of a producer corporation, in section 65 on cooperation between producers and producer corporations, and in section 66 on service procurement by producer corporations, shall apply to a return system for beverage containers that is open to membership.

(4) Further provisions may be given by government decree on the minimum amount of deposit, on the distribution of information related to the operations 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 party maintaining a return system for beverage containers shall ensure that the amount of deposit is displayed on the beverage containers included in the return system, alongside the fact that they are included in a return system for beverage containers maintained by a party approved in accordance with section 103. The Centre for Economic Development, Transport and the Environment for Pirkanmaa may grant an exception from the labelling obligation if packaged beverages are not delivered to consumers, or the lack of labelling does not fundamentally impede the return of beverage containers.

Section 71

Obligation to accept beverage containers

A distributor of certain beverages sold in containers with a deposit, referred to in section 3(1)(1) of the Act on Excise Duty on Certain Beverage Containers, must 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 must pay the deposit to the party returning the containers.

Chapter 8 – Littering

Section 72

Prohibition on littering

No waste or discarded machine, device, vehicle, vessel or other object may be abandoned in the environment, and no substance may be emitted in a manner which may cause

unclean conditions, disfigurement of the landscape, a decline in amenities, risk of injury to humans or animals, or any other comparable hazard or harm (*prohibition on littering*).

Section 73 **Obligation of person leaving litter to clean up**

A person responsible for littering has the obligation to remove the object or substance from the environment and otherwise clean up the littered area.

Section 74 (6.6.2014/410) **Supplementary obligation to clean up**

(1) If the person responsible for littering cannot be ascertained or found, or if the person responsible fails to comply with the obligation to clean up, the following are responsible for cleaning up:

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

(2) If the holder of an area referred to in subsection 1(6) fails to comply with the obligation to clean up, or the holder is not required to clean up under the aforementioned paragraph, the local municipality is required to clean up the litter.

Section 75 **Order to clean up**

(1) The municipal environmental protection authority may order the responsible party to fulfil its obligation to clean up the litter.

(2) If a municipality neglects its obligation to clean up the litter referred to in section 74(2), the centre for economic development, transport and the environment may issue an order to the municipality to take action.

(3) Provisions on issuing an order and related effective measures, in case the obligation is neglected, are laid down in chapter 13.

Section 76 **Collection of waste to prevent littering**

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

Section 77 **Other regulations concerning littering**

Provisions on the landowner's and municipality's obligation 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, as regards management of the built environment, the provisions laid down on it in the Land Use and Building Act (132/1999) shall apply. Furthermore, as regards littering due to waste arising during the normal course of the operations of a ship, the provisions laid down on the prevention of emissions and discharges from ships in the Act on Environmental Protection in Maritime Transport shall apply. Moreover, the Act on Transferring Vehicles and Disposal of End-of-life Vehicles (828/2008) includes provisions on the transferring of vehicles. The Environmental Protection Act contains provisions on the treatment of contaminated soil.

Chapter 9 – Waste management charges

Section 78 **Municipal waste charge**

(1) A municipality shall collect a waste charge for waste management it organises pursuant to this Act, to cover any costs it incurs in managing the task. The charge collected for waste disposal shall cover at least the costs referred to in section 21. A municipality may also collect a waste charge for covering the costs incurred from waste guidance mentioned in section 93(1) as the responsibility of municipalities, for maintaining the register mentioned in section 143 and for other corresponding tasks related to organising waste management.

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

(3) The waste charge that covers the costs incurred from waste guidance, maintenance of the register and other corresponding tasks related to organising waste management referred to in subsection 1, may be collected as a separate basic charge. This basic charge may also cover the costs incurred by the municipality for establishing and maintaining regional reception points for hazardous and other waste.

(4) At most, a reasonable return on capital may be collected as part of the waste charge.

Section 79 **Grounds for the municipal waste charge**

(1) Grounds for the municipal waste charge include the type, quality and quantity of the waste, and the collection frequency. Further grounds may be taken into account, such as the conditions for collecting and transporting waste on the property and in the transport area, the use of municipal waste collection equipment and devices, and the transportation distance, if the waste is transported as a single transport. Further grounds for setting the waste charge can be the number of persons living on the property, the purpose of use of the property, or other comparable grounds if the quantity or quality of waste is difficult to establish reliably, or if deemed necessary in order to prevent hazard to the environment or human health or to organise waste management.

(2) Grounds for the basic charge include the number of persons living on the property or the purpose of use of the property, or other comparable grounds. The basic charge can be specific to the property or household.

(3) Further provisions on the grounds for a 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 within the municipality. The municipality shall also annually inform its inhabitants and other waste management service users of the accumulated amount of the waste charge and basic charge, if any, and for what purposes the money has been spent. Information on the waste tariff, accumulated amount of the charge, and the use thereof shall be made available on an information network.

(4) Provisions on participation in policy-making with respect to handling the approval of a waste charge are laid down in section 41 of the Administrative Procedure Act.

Section 80 **Liability to pay the municipal waste charge**

(1) The property holder or other holder of waste, for whose waste the municipality organises waste management, is liable to pay the municipal waste charge.

(2) If the municipality organises the treatment of waste but not its transport, the municipality may collect the waste treatment charge from the waste carrier.

Section 81 **Setting the municipal waste charge**

(1) The municipal waste management authority sets the waste charge in accordance with the waste tariff approved by the municipality.

(2) If a waste charge is in compliance with the waste tariff but is deemed unreasonably high or low, considering the quantity of waste, the level of service of waste management organised by the municipality, and the level of service of waste treatment or transport organised by the waste producer or property holder in accordance with section 41(2) or (3), the charge may be set by derogation from the waste tariff or left uncollected by application of the party liable to pay, or on the initiative of the authorities. If the waste charge is set by derogation from the waste tariff, the grounds for payment shall be equitable and reasonable.

Section 82

Invoice for the waste charge and an objection lodged against the municipal waste charge

(1) An invoice for the waste charge shall be submitted to the party liable to pay the municipal waste charge. The invoice shall contain the following: the amount to be paid, due date, address for payment, itemised grounds for payment, information on the consequences of a delay in payment, instructions for lodging an objection, and, to facilitate contacts by the party liable to pay, the contact information of the municipal waste management authority or other billing office.

(2) The party liable to pay has the right to lodge an objection with the municipal waste management authority within 14 days of receiving the invoice for the waste charge. The authority must consider the objection and issue any new invoice, with an amended charge, to the party liable to pay.

Section 83

Payment and refund of the municipal waste charge

(1) The waste charge shall be paid to the municipality or a party acting on its behalf, designated by the municipality.

(2) Regardless of any appeal lodged, the waste charge shall be paid no later than on the due date given on the invoice for the waste charge, or on a new invoice sent after an objection has been lodged. If the waste charge is not paid within the specified time frame, interest shall be paid on the amount due as provided for in the Interest Act (633/1982) on interest on arrears.

(3) If the waste charge is revoked or reduced as the result of an appeal, the municipality shall refund the excess, and pay annual interest calculated from the date of payment to the date of refund. The interest will be specified 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 concerning the municipal waste charge shall apply, even 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 to be collected for transport organised by the property holder

(1) Charges collected for waste transports arranged by the property holder shall be equitable and reasonable. Grounds for the charge shall be set out clearly in the offer to the property holder.

(2) An invoice shall be submitted to the property holder for waste transport, containing the following: the amount to be paid, due date, address for payment, sufficiently itemised grounds for payment, information on the consequences of a delay in payment, instructions for lodging an objection and, to facilitate contacts by the property holder, the contact information of the sender.

(3) If, pursuant to section 80(2), the municipality collects a waste charge for waste treatment from the waste carrier, the amount for treatment and transport shall be itemised in the offer and invoice submitted to the property holder.

Section 86
Error and price reduction

(1) The waste holder is entitled to a price reduction if the waste container is not emptied or waste management not otherwise arranged in the manner specified in the municipal waste management regulations or an agreement, or if some other corresponding error occurs in the waste management service.

(2) Within a reasonable time, the waste holder must provide notification of the error to the party managing invoicing for the service, and demand a price reduction. The price reduction shall correspond to the extent and duration of the error. A price reduction due to an error can be rectified through the next invoice.

(3) No exemption by agreement may be made to the provisions laid down in this section, to the detriment of the property holder, if the waste in question is generated in dwellings.

Chapter 10 – Planning and guidance

Section 87 National waste plan

- (1) In order to implement the objectives of this Act and promote the implementation of provisions, the Ministry of the Environment shall prepare a national waste plan for approval by the Government. The plan shall present an estimate on current progress in reducing the quantity and harmfulness of waste, on waste management, development targets concerning these and measures to achieve the related targets. It must also include an estimate of the impacts of the plan.
- (2) The part of the national waste plan concerning the reduction of the quantity and harmfulness of waste may be prepared as a separate plan.
- (3) The Ministry of the Environment shall assess the implementation and impacts of the national waste plan and separate plan at least every six years, and, if appropriate, prepare a revised plan for approval by the Government.

Section 88 Regional waste plan

- (1) In order to achieve the targets set in the national waste plan, and to promote the implementation of the measures presented in it, a centre for economic development, transport and the environment shall singly, or together with several centres for economic development, transport and the environment, prepare a regional waste plan for its area of operation. The plan may also present other targets and measures necessary, due to regional circumstances, for reducing the quantity and harmfulness of waste, and for developing waste management.
- (2) The centre for economic development, transport and the environment shall assess the implementation and impacts of the regional waste plan at least every six years, and, if appropriate, prepare a revised plan.

Section 89 Preparation of waste plans

- (1) When a national waste plan or a separate plan concerning the reduction of the quantity and harmfulness of waste is prepared, the national associations and foundations referred to in section 134(2), and the authorities and parties whose sphere of operation or duties the national waste plan or separate plan may fundamentally affect, must be given an opportunity to review the draft plan and submit their opinions on it in writing. The draft must be available on an information network and sufficient time must be reserved for submitting opinions. Information on the approved plan, the related justifications and on how consideration has been given to the views expressed must be provided in electronic format.

(2) A centre for economic development, transport and the environment shall prepare the regional waste plan together with municipalities and other authorities of the region, and such operators active in the region, and associations and foundations referred to in section 134(2), whose sphere of operation the regional waste plan may fundamentally affect, and appoint a cooperation group for this purpose. When a regional waste plan is prepared, the regional council must be given an opportunity to submit a statement on the draft plan. Further provisions on participation in the preparation of regional waste plans are laid down in the Act on the Assessment of Certain Plans and Programmes on the Environment (200/2005).

(3) Municipalities shall provide the centre for economic development, transport and the environment, which shall further provide the Ministry of the Environment, with the data necessary for drawing up a national or regional waste plan, concerning waste generated within the municipality and the organisation and supervision of waste management, as well as the related development targets.

Section 90 **Government decrees on waste plans**

Further provisions may be given by government decree on the preparation, drawing up and contents of the national and regional waste plan, as well as on the assessment of the implementation and impacts of the plan, and on revising the plan.

Section 91 **Municipal waste management provisions**

(1) A municipality may issue general provisions due to local circumstances, applicable to the municipality or part thereof, necessary to implementing this Act:

- 1) concerning the reduction, sorting, storage, collection, transport, recovery and disposal of municipal waste generated by an activity referred to in section 32, and the technical requirements concerning these;
- 2) in order to comply with the requirements provided in section 13(1) and (2), on practical arrangements at properties or waste reception points for the collection, reception and transport of waste other than those referred to in paragraph 1, and the technical requirements concerning these;
- 3) concerning measures to prevent littering;
- 4) concerning the obligation to submit information to the municipal waste management authority or municipal environmental protection authority on waste referred to in paragraph 1, or waste transports referred to in section 39.

(2) The provisions issued pursuant to subsection 1(1) above may concern composting of municipal waste other than that generated by an activity referred to in section 32, or other, corresponding small-scale treatment of waste on the site where it is produced, but not, however, waste treatment subject to an environmental permit.

(3) An authority specified in the municipal waste management provisions may, in an individual case, grant an exception to complying with a waste management provision on the grounds mentioned therein.

Section 92
Procedure when issuing municipal waste management provisions

(1) Prior to issuing a municipal waste management provision the municipality shall reserve the opportunity for the centre for economic development, transport and the environment concerned and, if appropriate, other authorities to issue a statement. Provisions on participation in policy-making when handling the matter are laid down in Section 41 of the Administrative Procedure Act.

(2) The municipality shall provide public information on waste management provisions in the manner in which municipal notices are published within the municipality. These provisions 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 concerned, and the regional state administrative agency.

Section 93
Waste guidance

(1) The municipality shall organise advisory, information and education services in order to reduce the quantity and harmfulness of municipal waste generated by the activities referred to in section 32, and to ensure the appropriate implementation of waste management.

(2) When performing a duty pursuant to section 3(2) of the Act on Centres for Economic Development, Transport and the Environment (897/2009), the centre for economic development, transport and the environment shall particularly promote the fulfilment of, as provided for in section 12(1), the obligation to obtain information imposed upon parties engaged in production and on the product manufacturer and importer.

Chapter 11 – Approval and entry in a waste management and producer register

Section 94
Application for approval of activity in the waste management register

(1) Anyone intending to engage in waste transport or act as a dealer of waste on a professional basis must submit an application for approval of activity in a waste management register referred to in section 142(1)(2).

(2) The application shall be submitted to the centre for economic development, transport and the environment in whose area of operation most such activity occurs. If the competent authority cannot be identified on the aforementioned grounds, the application shall be submitted to the centre for economic development, transport and the environment in whose area of responsibility the operator is domiciled.

(3) The application shall contain information necessary for facilitating its handling concerning the operator, activity and area of operation. In addition, the application shall

include a report on the professional skills of the operator. Further provisions on the contents of the application and its handling may be given by government decree.

Section 95

Preconditions for approval in a waste management register

- (1) An activity may be approved in a waste management register if:
- 1) operations are carried out professionally, and in accordance with this Act and provisions issued thereunder;
 - 2) operations are carried out without posing a hazard or harm to human health or the environment;
 - 3) the equipment and facilities used for operations are technically appropriate;
 - 4) the applicant provides sufficient financial guarantee assigned to the centre for economic development, transport and the environment, to ensure appropriate waste management for the waste transported or dealt in, unless the authorities decide that such financial guarantee is unnecessary, considering the extent and nature of the operations in question.
- (2) Acceptable financial guarantees are a guarantee, insurance or pledged deposit. The party issuing the financial guarantee must be a credit or insurance institution, or another commercial financial institution domiciled in a European Economic Area member state.

Section 96

Decision on approval in a waste management register

- (1) Without undue delay, the centre for economic development, transport and the environment shall make a decision on any application submitted for approval in the waste management register. No activity may be initiated before it has been so approved by the centre for economic development, transport and the environment. The decision concerning approval shall remain valid until further notice, or for a fixed period.
- (2) This decision may include provisions on fulfilling the preconditions for approval provided in section 95, bookkeeping concerning the waste, the obligation to submit information necessary for supervision purposes to the authorities, and other measures necessary for facilitating the supervision of operations. If necessary, provisions may restrict the operations such that they concern waste of a certain type or quality. Further provisions may be given by government decree concerning the contents of the decision.
- (3) The centre for economic development, transport and the environment shall enter essential data concerning the application and decision into the waste management register. If an activity is performed in the areas of responsibility of two or more centres for economic development, transport and the environment, the authority taking the decision shall submit a copy thereof to the other centres for economic development, transport and the environment concerned.

Section 97

Amendment of a decision concerning approval in a waste management register

(1) If an activity approved in the waste management register changes fundamentally or is terminated, the centre for economic development, transport and the environment must be informed thereof without delay, in a newly filed application if necessary. The centre for economic development, transport and the environment shall enter the amended information into the waste management register and amend the approval decision correspondingly, if appropriate.

(2) A decision concerning approval in the waste management register may be amended on the initiative of the authority which made this decision, if the circumstances have fundamentally changed or the grounds for approval are later deemed fundamentally different to those obtaining when the decision was made.

Section 98

Certificate of registration in a waste management register

(1) A certificate containing information entered in the waste management register and information on the deadline for changes to the certificate shall be appended to the decision concerning approval in the waste management register. A waste carrier whose operations are approved in the register shall keep the certificate of registration in the vehicle during transport and present it to the supervisory authorities and the police on request. Further provisions concerning the information to be included in the certificate may be given by government decree.

(2) The centre for economic development, transport and the environment shall send a request for verification of the information in the certificate to the operator engaged in the activity approved in the waste management register, during the calendar year after which three years have passed since the approval of the activity in the waste management register, or, if the operations have changed, after three years since the approval of the last amendment in the register. The operator shall respond to the request for verification of the information in the certificate within a reasonable deadline set in the request for verification and notify the centre of any changes in the information.

Section 99

Revocation and expiry of approval in a waste management register

(1) The centre for economic development, transport and the environment may revoke the approval in the waste management register if:

- 1) the preconditions for approval under section 95 can no longer be met by amending the decision in accordance with section 97;
- 2) the operator has provided incorrect information which fundamentally affects the preconditions for approval; or
- 3) there have been recurring violations of regulations, or provisions set by the decision, regardless of a written objection by the authorities, in such a way that the activity poses a significant hazard or harm to human health or the environment.

(2) The centre for economic development, transport and the environment shall deem the approval in the waste management register to have expired if the operator fails to reply to the request to verify the information in the certificate, as described in section 98(2). The operator shall be given an opportunity to be heard before the approval is revoked in the waste management register.

Section 100

Notification to a waste management register of collection operations

(1) Anyone intending to engage in the collection of waste on a professional basis must submit a notification for entry in a waste management register, referred to in section 142(1)(2), to the environmental protection authority of the municipality within which collection occurs. The notification shall be made well in advance of commencing collection. The notification does not need to be made if the collection requires an environmental permit pursuant to the Environmental Protection Act or if the collection is approved as part of other activities subject to an environmental permit. (410/2014)

(2) The notification must include all information necessary to enter the operations into the waste management register and concerning the operator and operations, such as the waste to be collected, waste containers and the location of reception points, as well as measures for preventing harm to human health and the environment resulting from the operations. Further provisions on the content of the notification may be laid down by government decree. (410/2014)

(3) The municipal environmental protection authority shall notify the party submitting the notification of its entry into the waste management register.

Section 101

Application for approval in the producer register

(1) The producer as provided in section 48 above, the producer corporation as provided in section 62, and the party maintaining a return system for beverage containers as provided in section 68 shall submit an application to the Centre for Economic Development, Transport and the Environment for Pirkanmaa for approval in the producer register referred to in section 142 (1)(3). Such an application shall be submitted well in advance, so as to ensure the waste management of discarded products.

(2) The application shall identify the applicant and describe the operations in which the applicant engages. Furthermore, the application shall contain the following information, necessary for facilitating its handling and assessing the appropriateness of operations: details on the reception of discarded products and distribution of information thereon, re-use, recovery and other waste management. In addition, a producer of household electrical and electronic equipment shall present a report on the financial guarantee as laid down in section 61. An application by a producer corporation and a party maintaining a return system for beverage containers shall present information on agreements, rules and other documents necessary for facilitating an assessment of whether the operations meet the requirements laid down in this Act and thereunder. (410/2014)

(3) Further provisions on the contents of the application and its handling may be given by government decree.

Section 102 **Preconditions for approval in the producer register**

- (1) A producer, producer corporation or party maintaining a return system for beverage containers will be approved in the producer register if:
- 1) the operations meet the requirements laid down in this Act and thereunder;
 - 2) the reception of discarded products or beverage containers is organised as provided for in this Act and in the requirements thereunder;
 - 3) the re-use of products and waste management of discarded products are in compliance with the obligations provided in this Act and thereunder concerning re-use and recovery, and taking into account the related objectives.
- (2) In addition to the provisions laid down in subsection 1, the preconditions for accepting a producer corporation and a party maintaining a return system for beverage containers in the producer register include the following:
- 1) that the producer corporation is established and functions in accordance with sections 62 and 63, and that the return system for beverage containers is established and functions in accordance with sections 68 and 69.
 - 2) that the producer corporation or the party maintaining a return system for beverage containers has presented an acceptable account and action plan pursuant to section 64.
- (3) An additional precondition for the approval of a producer of household electrical and electronic equipment is the provision of a financial guarantee as laid down in section 61. (410/2014)

Section 103 **Decision on approval in the producer register**

- (1) Without undue delay, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall reach a decision on any application concerning approval in the producer register. Depending on the nature of the issue, the decisions on the approval of a producer corporation and on the party maintaining a return system for beverage containers in the producer register will be laid down as valid until further notice or for a fixed period. A decision on the approval of a producer will remain valid until further notice.
- (2) The decision may include provisions necessary for meeting the preconditions for approval laid down in section 102, and for meeting other requirements provided in this Act and thereunder, and for facilitating the supervision of operations. Furthermore, the provisions may set gradually tightening obligations and objectives for new producers, producer corporations and operators of return systems for beverage containers, concerning the commencement phase of operations for the reception, re-use and recovery of discarded products, as well as for the functionality of return systems, taking into account the nature and extent of their operations, until the obligations and objectives provided by government

decree apply to them in full. Such provisions may only be given if the producer, producer corporation or operator of a return system for beverage containers reliably demonstrates through letters of intent or comparable documents concerning the reception, transport and treatment of discarded products prepared with appropriate parties that the operations will be brought in line with the requirements of the government decree within the deadline set in the decision. (410/2014)

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

(4) Further provisions may be given by government decree concerning the contents of the decision.

Section 104 **Certificate of registration in the producer register**

The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall provide the party maintaining a return system for beverage containers, approved in the producer register, with a certificate verifying registration in the producer register. The party maintaining a return system for beverage containers shall furnish the members who have joined the system with the certificate.

Section 105 (410/2014) **Entering a producer or member in the producer register**

A producer corporation or party maintaining a return system for beverage containers approved in the producer register shall enter into the producer register any producers or members whose obligations pursuant to this Act the producer corporation or party maintaining a return system for beverage containers is managing. Any changes in the related information must be submitted to the register. Pirkanmaan elinkeino-, liikenne- ja ympäristökeskuksen on merkittävä tiedot tuottajarekisteriin ja ilmoitettava merkinnästä ilmoituksen tekijälle. Further provisions on the content of the notification may be laid down by government decree.

Section 106 **Amendment of decision concerning approval in the producer register**

(1) If the activity of a producer, producer corporation or party maintaining a return system for beverage containers approved in the producer register changes fundamentally, or if the members of a producer corporation or return system for beverage containers change, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall be informed thereof without delay, and a new application shall be filed if necessary. The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall enter the amended information in the producer register and amend the decision concerning approval therein, if appropriate.

(2) A decision may also be amended upon the initiative of the Centre for Economic Development, Transport and the Environment for Pirkanmaa, if circumstances have fundamentally changed or if, at a later time, the grounds for the decision are found to have been fundamentally different to those prevailing when the decision was made.

(3) Further provisions concerning the time of notification referred to in subsection 1 may be given by government decree.

Section 107

Revocation and expiry of approval in the producer register

(1) The Centre for Economic Development, Transport and the Environment for Pirkanmaa may revoke an approval in the producer register if, regardless of a written note of non-compliance by the centre for economic development, transport and the environment, the producer, producer corporation or party maintaining a return system for beverage containers repeatedly neglects to organise reception, re-use, recovery or other waste management under its producer responsibility in the manner required by this Act and the provisions and regulations issued under it, or if another precondition for approval provided in section 102 cannot be met regardless of a written note of non-compliance by the authorities.

(2) If the producer terminates operations covered by producer responsibility, or if a producer corporation is dissolved or a return system for beverage containers is dismantled or its operations terminated, the approval will expire without a separate decision and the producer, producer corporation or party maintaining a return system for beverage containers will be deleted from the producer register.

Chapter 12 – Transboundary shipments of waste

Section 108

Transboundary shipment of waste and approval thereof

Transboundary shipment of waste and approval thereof shall comply with the provisions of the Waste Shipment Regulation and this Act, and provisions issued thereunder.

Section 109

Shipment of waste for disposal in another country

In addition to that provided for in section 108, waste may only be shipped from Finland to another country for disposal, and mixed municipal waste, for which municipalities are responsible pursuant to section 32, may only be shipped for recovery if:

- 1) Finland lacks the required technical or financial resources or the necessary facilities for disposing of the waste in an acceptable manner;
- 2) the waste will be disposed of in a manner that, in terms of environmental protection, is significantly better than that applied in Finland;

- 3) the waste will be disposed of in a manner that, in terms of environmental protection, would be acceptable in Finland and that, in terms of cost, is significantly cheaper than disposal in Finland;
- 4) the shipment is carried out for the purpose of testing a new disposal method or for other testing purposes; or
- 5) the shipment of waste not classified as hazardous is based on regional waste management cooperation between municipalities in Finland and Sweden, or Finland and Norway.

Section 110

Shipment of waste for disposal in Finland

(1) In addition to the provisions in section 108, waste may only be shipped to Finland for disposal if the disposal of waste generated in Finland or the recovery of mixed municipal waste, for which municipalities are responsible pursuant to section 32, will not be prevented or delayed due to this.

(2) If waste being shipped for disposal in Finland is in question, the following further preconditions apply to the approval of shipment:

- 1) hazardous waste is incinerated in a facility specialising in the incineration of hazardous waste;
- 2) the waste is treated biologically or physico-chemically; or
- 3) the waste is deposited in the ground, on the ground or in a specially engineered landfill, or the incineration of waste not classified as hazardous 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 waste shipment or neglect of payment

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

- 1) the consignee, as defined in point 14 of Article 2 of the Waste Shipment Regulation, or the notifier, as defined in point 15, has by judgment or decision been established to have carried out an illegal shipment, as defined in point 35 of the Article; or
- 2) the notifier has neglected to pay the administration fee, imposed by the Finnish Environment Institute, for the notification of a previous shipment of waste.

Section 112

Applying the export prohibition of the Waste Shipment Regulation in certain cases

(1) The Finnish Environment Institute may decide that:

- 1) in exceptional cases, the export prohibition referred to in Article 36(1) of the Waste Shipment Regulation does not apply to certain types of waste listed in Annex V of the Waste Shipment Regulation, if the notifier provides reliable proof

that the waste in question does not display any of the properties referred to in section 6(1)(1);

- 2) in exceptional cases, the waste can be classified as hazardous waste, in which case the export prohibition laid down in Article 36(1) of the Waste Shipment Regulation may become applicable, even though the waste is not mentioned in Annex V of the Regulation or it is mentioned in list B of part 1 of the Annex, if the waste concerned displays a property referred to in section 6(1)(1).

(2) Before making the decision referred to in subsection 1, the Finnish Environment Institute must notify the destination country's competent authority 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 must also notify the Ministry of the Environment and the European Commission of such decisions, by the end of each calendar year.

Section 113

Transboundary shipment of waste in accordance with Article 18 of the Waste Shipment Regulation

Upon request, the Finnish Environment Institute has the right to receive the information provided under Annex VII of the Waste Shipment Regulation concerning waste referred to in Article 18 of the Waste Shipment 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 enforcement thereof.

Section 114

Pre-consent to waste recovery facility

(1) Upon application, the Finnish Environment Institute may issue a pre-consent, referred to in Article 14 of the Waste Shipment 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 cannot be issued to an operator of interim recovery operations, referred to in Article 2(7) of the Waste Shipment Regulation, or to an operator of testing activities.

(2) Pre-consent may be issued, if:

- 1) the operator holds an environmental permit pursuant to the Environmental Protection Act for the recovery activity;
- 2) the operator has sufficient expertise on 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 corresponding system; and
- 4) in previous transboundary shipments of waste, the operator has fulfilled its obligations in compliance with this Act, the Waste Shipment Regulation, and the Environmental Protection Act.

(3) The Finnish Environment Institute shall make a decision on any application concerning pre-consent. This decision shall include the waste itemised by type and the recovery method, and the facility to which the consent applies. Pre-consent is granted for a fixed period, for a maximum of ten years.

(4) Applications for pre-consent shall provide the information necessary for facilitating its handling, with respect to the operator, the facility and its operations and planned transboundary shipments of waste. Further provisions on the content of the application for, and decision on, pre-consent may be given by government decree.

Section 115

Amendments to and revocation of a decision concerning approval of, or pre-consent for, the transboundary shipment of waste

(1) On its own initiative, the Finnish Environment Institute may amend its decision on the approval of transboundary shipment of waste or pre-consent, if circumstances have fundamentally changed or the grounds for a decision are later found to have been fundamentally different to those prevailing when the decision was made.

(2) A decision on the approval of transboundary shipment of waste may be revoked if one of the preconditions for shipment provided in the Waste Shipment Regulation or this Act is no longer met. A decision on pre-consent may be revoked if one of the preconditions for approval provided in section 114 is no longer met.

Section 116

Financial guarantee for transboundary shipment of waste

Pursuant to Article 6 of the Waste Shipment Regulation, financial guarantee or equivalent insurance means a guarantee, insurance or pledged deposit. The party providing a financial guarantee or equivalent insurance shall be a credit or insurance institution, or another commercial financial institution domiciled in a European Economic Area member state.

Section 117

Duties of Customs

(1) Customs must, when necessary, stop any transboundary shipment of waste that is in violation of the requirements laid down in the Waste Shipment Regulation or this Act, and must provide notification on the matter to the Finnish Environment Institute, which will decide on further measures.

(2) The National Board of Customs may designate the customs offices in Finland through which waste shall be transferred to, or from, the European Economic Area.

Section 117a (410/2014)

Special provisions concerning used electrical and electronic equipment

(1) If a piece of electrical and electronic equipment is to be shipped to another country as a product instead of waste, the holder of the equipment must demonstrate the validity of the designation 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 type of comparable evidence, report or document relating to the condition or quality of the equipment, and by providing evidence that the equipment has been appropriately protected against damage during transportation. Further provisions on the evidence, testing procedures, testing results, reports and other information required to designate a piece of used electrical and electronic equipment as a product, as well as the measures required to protect the equipment against damage, may be issued by government decree. The required information and procedures may differ depending on the type, user group and intended use of the equipment.

(2) If the evidence on the designation of a piece of electrical and electronic equipment as a product cannot be presented pursuant to subsection 1, the equipment must be considered waste and its shipment to another country must be considered illegal shipment as referred to in the Waste Shipment Regulation.

Chapter 13 – Supervision and administrative enforcement

Section 118

Obligation to keep a record and provide information

- (1) The operator shall keep a record of waste, if it concerns:
- 1) an activity that generates a minimum of 100 tonnes of waste per year;
 - 2) an activity that generates hazardous waste;
 - 3) treatment of waste on a professional basis or at an installation referred to in Annex 1, tables 1(13) and 2(13) of the Environmental Protection Act; however, not treatment referred to in section 32 (1)(1–3) of the Act; (27.6.2014/528)
 - 4) an activity other than those referred to in paragraphs 1–3, which is subject to an environmental permit;
 - 5) transport of waste and acting as a waste dealer, referred to in section 94, and waste collection, referred to in section 100.
- (2) By request, the previous holder of waste and producer referred to in section 48 shall be provided with bookkeeping information concerning the management of waste delivered by them.

Section 119

Information to be included in bookkeeping, and retention of records

(1) In accordance with the nature of the operations in question, bookkeeping referred to in section 118 above must include information on the type, quality, quantity, origin and place of delivery of waste generated, collected, transported, handled or treated, and waste transport and treatment. Bookkeeping shall also include information on the quantity of

waste generated in activities as provided in section 118(1)(1), in relation to the extent of operations expressed in terms of turnover, the number of employees or some other corresponding manner (*amount of specific waste*). Further provisions on the information to be included in bookkeeping by function or type of waste, and on calculating the total amount of specific waste, may be given by government decree.

(2) Bookkeeping information shall be stored in written or electronic format for six years. Provisions on a shorter prescribed time may be given by government decree if the retention time of six years is plainly unnecessary to supervising the activity.

Section 120 **Obligation of the operator to monitor and supervise**

(1) The operator referred to in section 118(1) shall regularly and systematically monitor and supervise the waste management it organises, to ensure that the activity meets the requirements provided for it in this Act and the provisions thereunder, and that information necessary for the supervision of operations can be provided to the supervisory authority. The operator shall also ensure that the persons responsible for waste management receive guidance and training in the monitoring and supervision of operations and that sufficient information on this is provided to them. Without delay, the operator shall undertake measures to remedy any defects in operations detected on the basis of monitoring and supervision.

(2) An operator of waste treatment operations subject to an environmental permit shall present the permit authority with a plan on organising the monitoring and supervision of waste treatment. This plan shall include information necessary for organising the monitoring and supervision of waste management. If there is a change in the quality or quantity of waste treated, or in the arrangements for treatment, the operator shall assess and, if necessary, revise the plan and notify the supervisory authority thereof.

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

Section 121 (410/2014) **Shipping document**

(1) The waste holder shall draw up a shipping document on hazardous waste, sludge in cesspools and septic tanks, sludge in sand and grease interceptors, contaminated soil and construction and demolition waste other than uncontaminated soil, that is shipped and delivered to a consignee as referred to in section 29. The shipping document shall contain the information necessary for monitoring and supervision, on the type, quality, quantity, origin, delivery site and date, and waste carrier.

(2) The waste holder shall ensure that the shipping document accompanies the waste during shipment, and that it is submitted to the waste consignee after shipment. The consignee shall confirm the receipt of the waste by signing the shipping document or by other reliable means. The shipping document may be electronically stored if it is

accessible during shipment. The waste holder and consignee shall retain the shipping document or a copy thereof for three years.

(3) If waste, referred to in subsection 1, is collected from a private household, the waste carrier rather than the waste holder shall draw up the shipping document, and ensure that it is submitted to the consignee and retained. Provisions on the shipping document required for the transboundary shipment of waste are given in the Waste Shipment Regulation.

(4) Further provisions on the information to be entered in the shipping document, the use of the shipping document, the verification of the information contained therein and the procedures relating to it may be issued by government decree.

Section 122

Right to obtain information

(1) The supervisory authority, the Ministry of the Environment, the Finnish Environment Institute or a civil servant or official appointed thereby, is entitled, on request, for the purpose of supervising and implementing provisions issued in and under this Act and the Mercury Export Ban Regulation, and in order to enforce this Act:

- 1) to obtain the necessary information from the waste holder or other waste management operator, or the party obliged to clean up a littered area;
- 2) to obtain the necessary information on the manufacture of a product and the materials used therein, and on products manufactured, imported or otherwise brought to the market, as well as on the waste generated therefrom, and on waste management, from the manufacturer, importer or other party releasing the product onto the market;
- 3) to obtain necessary information and documents from another authority, civil servant or official referred to in this section, notwithstanding the confidentiality obligation provided in the Act on the Openness of Government Activities.

(1104/2011)

(2) The Centre for Economic Development, Transport and the Environment for Pirkanmaa, or a civil servant appointed by them, shall also have the right, on request, to obtain from producer corporations and producers, distributors and other operators of waste management related to discarded products, referred to in section 48, the necessary information to supervise and implement provisions issued in and under this Act, and to enforce this Act, concerning the quantity, collection, export or re-use, preparation for re-use, recycling, recovery or other waste management and other comparable aspects regarding products released onto the market, and discarded products.

(3) On request, the municipal waste management authority, or an official appointed by it, has the right to receive, from the waste holder or another waste management operator, the necessary information for fulfilling the municipality's obligation to organise waste management, as provided for in chapter 5.

Section 123 Right of inspection

(1) In order to implement provisions issued in and under this Act, and to enforce this Act, the supervisory authorities, civil servants or officials appointed by them have the right, on premises other than those intended for permanent residential purposes:

- 1) to move about the premises and have access to places where operations falling within the scope of application of this Act are carried out;
- 2) to conduct inspections and investigations;
- 3) to take measurements and samples;
- 4) to supervise the impacts of those operations on human health and the environment.

(2) The municipal waste management authority, or an official appointed thereby, has the right to conduct inspections necessary for fulfilling the municipality's obligation to organise waste management, as provided in chapter 5, on premises other than those intended for permanent residential purposes, and to receive information necessary for inspection.

(3) On demand, the holder of the site to be inspected, or the manufacturer of a product, the party releasing a product onto the market or holder of a product to be inspected shall, in written or electronic format, present the authority conducting the inspection, or a civil servant or official, with any documents of moment to supervising compliance with this Act and the provisions issued thereunder. The civil servant or official conducting the inspection has the right to copies of documents inspected and printouts of files recorded in information systems.

(4) The supervisory authority may decide that the holder of the site or of the product to be inspected shall be subject to reasonable expenses incurred from measurements or investigations, if so justified to facilitate supervision of the enforcement of this Act. The provisions of the Act on Criteria for Charges Payable to the State shall apply to determining the amount of the fee. The holder of the site or of the product to be inspected shall be informed of the results of any measurement or investigation.

Section 124 Inspections

(1) At regular intervals, the supervisory authority shall duly inspect facilities and operations that generate hazardous waste. The operations of an operator engaging in the professional transport or collection of waste or operating as a waste dealer shall be inspected in the same way. Provisions on inspections of operations subject to an environmental permit are given in the Environmental Protection Act and thereunder.
(6.6.2014/410)

(2) Further provisions on organising inspections and other supervisory activities may be given by government decree.

Section 125
Issuing an individual provision

Pursuant to an inspection it has conducted, the municipal environmental protection authority may issue an individual provision concerning activity other than that subject to an environmental permit, but necessary in order to prevent littering or to facilitate the appropriate organisation of waste management. This provision shall be reasonable considering the nature of the operations in question and the significance of littering or other harm.

Section 126
Rectification of a violation or negligence

- (1) A supervisory authority may:
- 1) prohibit a party that violates this Act, a decree or regulation based thereon, or the Waste Shipment Regulation, from continuing or repeating a procedure contrary to provisions, or order the party concerned to fulfil its duty in some other way;
 - 2) order a party, referred to in paragraph 1, to restore the environment to its prior state or to eliminate the harm to the environment caused by the violation;
 - 3) order temporary measures concerning waste or a product, such as the appropriate storage or retention of waste or a product, a ban on unloading a waste load, returning waste to the original location, or other corresponding measures necessary in certain situations referred to in paragraph 1.
- (2) The party that acted in violation of regulations or orders shall be responsible for any costs incurred due to temporary measures.
- (3) In urgent cases, an order may be issued by an official appointed by a municipal environmental protection authority in its line of duty. However, the matter shall be placed before the municipal environmental authority without delay.

Section 127
Rectification of a violation or negligence concerning a product or product labelling

- (1) If a product or its labelling does not meet the specified requirements laid down in or under this Act, or a government decree issued under it, the Ministry of the Environment, or, if the products in question are those referred to in section 48(1)(3), (4) or (6), the Finnish Safety and Chemicals Agency, may: (25/2014)
- 1) require the product manufacturer, importer or other party releasing the product onto the market to make such changes to the product or its labelling as meet the requirements laid down in or under this Act, and to prove that the changes have been made;
 - 2) temporarily or permanently prohibit the manufacturer, importer, other party releasing the product onto the market, or the distributor, from manufacturing, importing, dealing in, selling or delivering the product, or prohibit the use of the product, or oblige the violator to undertake the necessary measures concerning products already released onto the market;
 - 3) oblige the violator to dispose of the product for appropriate treatment as waste.

(2) The order referred to above in subsection 1(1) will be issued by Customs if it concerns beverage containers covered by a return system for beverage containers referred to in section 68. In such a case, the order will be directed at the party maintaining the return system for beverage containers.

Section 128

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

If the producer or producer corporation referred to in chapter 6, or a party maintaining 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 the provisions or regulations issued in and under this Act, 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 corporation or party maintaining a return system for beverage containers to make its operations comply with the provisions or regulations issued in and under this Act, and to prove that these changes have been made;
- 2) prohibit the producer from placing the product referred to in section 48 onto the market until the producer has been approved or entered in a producer register, referred to in section 142.

Section 129 (528/2014)

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

(1) Unless such a course of action is apparently unnecessary, the supervisory authority or the Ministry of the Environment shall reinforce compliance with a ban or order issued under this Act with a notice of a conditional fine or an order to carry out the activity that has been neglected at the expense of the negligent party, or with a notice of suspension or prohibition of the operations in question.

(2) Any information that is based on an obligation to provide information imposed on a natural person by this Act or thereunder and that has been obtained by imposing the threat of a fine on the natural person may not be used to hold the person criminally liable in preliminary investigation, consideration of charges or trial, or in matters related to a penalty payment for negligence.

(3) Unless otherwise provided for in this Act, the provisions of the Act on Conditional Fines (1113/1990) shall apply to any matter concerning the issuing of a notice of a conditional fine, and of enforced compliance and 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 cash value, the supervisory authority has the right to have the assets utilised or sold in order to cover the costs of the order, or the supervisory authority may assign the sale of assets to enforcement authorities. Any surplus shall be reimbursed to the original owner.

Section 131
Penalty payment for negligence

(1) A producer or producer corporation referred to in chapter 6 above shall be subject to a penalty payment for negligence if it fails to fulfil the obligation to submit an application for approval in the producer register, as provided in section 101.

- (2) The following are also subject to a penalty payment for negligence:
- 1) a producer who fails to fulfil the obligation provided in section 54 to keep a record and submit a summary on information concerning bookkeeping;
 - 2) a waste carrier or dealer who fails to fulfil the obligation provided in section 94 to submit an application for approval of its operations in the waste management register;
 - 3) a waste collector who fails to fulfil the obligation provided in section 100 to submit a notification to the waste management register;
 - 4) a waste carrier who fails to fulfil the obligation provided in section 98 to keep the certificate of registration from the waste management register in the vehicle;
 - 5) a party who fails to fulfil the obligation to draw up a shipping document as provided in section 121, the obligation to keep the shipping document in the vehicle during waste shipment, or the obligation to confirm receipt of waste; (410/2014)

Section 131(1)6 and 131(1)7 repealed (6.6.2014/410).

- 8) anyone who fails to fulfil the obligation to draw up or sign a document, referred to in Article 18 of the Waste Shipment Regulation, or the obligation to keep the document in the vehicle during shipment;
- 9) a party submitting a notification on waste shipment who neglects to provide a financial guarantee or equivalent insurance pursuant to Article 6 of the Waste Shipment Regulation prior to the shipment of waste.

Section 132
Amount of the penalty payment for negligence

(1) The penalty payment for negligence for failure to submit an application, referred to in section 131(1), is one per cent of the turnover of the party liable to pay, for the accounting period of the previous year, however, no less than 500 euro and no more than 500,000 euro. The penalty payment for negligence referred to in section 131(2) is no less than 500

euro and no more than 10,000 euro, considering the quality and extent of negligence and the financial benefit gained through this negligence.

(2) The penalty payment for negligence may be made equitable or remain unimposed if the party liable to pay can prove that the negligence was due to an error by the party liable to pay, or exceptional circumstances, and the party liable to pay gained no significant financial benefit due to this negligence.

(3) Notwithstanding provisions on secrecy, the Centre for Economic Development, Transport and the Environment for Pirkanmaa shall have the right, on request, to receive from the Tax Administration and for the purpose of determining the amount of the penalty payment for negligence, information on turnover or corresponding profit submitted by specified corporations, groups, entrepreneurs and self-employed persons for taxation purposes.

Section 133 **Imposing a penalty payment for negligence**

(1) The supervisory authority shall impose a penalty payment for negligence. Before imposing a penalty for negligence referred to in section 131(1) and paragraphs 1–3 of subsection 2, the supervisory authority shall request, in writing, that the negligent party remedy the negligence by a certain deadline, or risk the imposition of a financial penalty. A time limit of at least 30 days shall be reserved in the request for the negligence to be rectified. The penalty payment may be imposed within 60 days of the expiry of the deadline set in the request, if the negligent party has failed to correct this negligence. Before imposing a penalty payment for negligence referred to in section 131(2)(4–9), the supervisory authority shall first caution the negligent party in writing and order it not to repeat the negligence, or risk a penalty payment. The penalty may be imposed if the operator repeats the act of negligence within two years, following the caution or the previous imposition of such a penalty. The penalty payment may be imposed within 60 days of the detection of the negligence.

(2) A penalty payment for negligence cannot be imposed on a party convicted of a violation regarding the same matter, or if the matter is under a pre-trial investigation or a consideration of charges, or before a court of law.

(3) A penalty payment for negligence for neglecting to submit an application, referred to in section 131(1), may be re-imposed if the negligence continues when at least a calendar year has passed from the previous imposition of the penalty. The provisions of subsection 1 shall apply to the imposition of new penalties.

(4) The penalty payment for negligence is payable to the state. A penalty payment that remains unpaid by the due date is subject to interest in arrears 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 upon the supervisory authority's initiative, the matter can 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 the protection of the environment, human health or nature conservation or the general amenity of the living environment, and whose area of interest is affected by the environmental or human health impacts in question;
- 3) the municipality in which the activity is located, or another municipality in the area in which the environmental or human health impacts occur;
- 4) the centre for economic development, transport and the environment and the 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 given 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). Customs, too, is obliged to provide executive assistance in supervising compliance with provisions and regulations issued in and under this Act.

Section 136

Action in criminal cases

(1) The supervisory authority shall report to the police, or, if a Customs offence is in question, primarily to Customs authorities, any reason to suspect an act or negligence referred to in section 147(1), for preliminary investigation purposes. However, no notification need be made if the act can be considered minor in view of the circumstances and the public interest does not require that charges be brought.

(2) In criminal cases involving an infringement of the public interest, the centre for economic development, transport and the environment is the injured party. In criminal cases concerning producer responsibility, wherein the public interest is infringed, the Centre for Economic Development, Transport and the Environment for Pirkanmaa is the injured party.

Chapter 14 – Appeal and enforcement

Section 137

Appeal

(1) Official decisions issued under this Act are open to appeal to an administrative court, as provided in the Administrative Judicial Procedure Act (586/1996), unless otherwise

provided hereinafter. Rulings on processing fees to be charged are open to appeal in the same order as the principal claim.

(2) Decisions of the centre for economic development, transport and the environment, other than those made pursuant to sections 96, 97 and 99, and decisions referred to in sections 126 and 133 concerning the violation of obligations provided in the these sections, or negligence, are open to appeal to the administrative court in whose jurisdiction the majority of operations in question are undertaken. 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 corporation, whom the decision primarily concerns, is domiciled. Decisions made by the regional state administrative agency under section 7(2) may be appealed to Vaasa Administrative Court. (528/2014)

(3) Decisions concerning the approval of municipal waste management regulations and waste tariffs, and municipal decisions made under sections 37 and 43(1), are open to appeal as laid down in the Local Government Act. Orders issued by a municipal official under section 126(3) are not subject to separate appeal.

(4) Administrative court decisions on the payment of the waste charge, referred to in section 83, or any material appeal against the charge, referred to in section 9 of the Act governing the enforcement of the collection of taxes and tax-like charges (*Laki verojen ja maksujen täytäntöönpanosta* 706/2007), are only subject to appeal if the Supreme Administrative Court grants leave to appeal.

Section 138 Right of appeal

(1) Right of appeal pertains to:

- 1) persons whose rights or interests may be affected by the matter;
- 2) registered associations or foundations whose purpose is to promote the protection of the environment, human health or nature conservation, or the general amenity of the living environment, and whose area of interest is affected by the environmental or human health impacts in question;
- 3) the municipality where the activity takes place and other municipalities subjected to its environmental or human health impacts;
- 4) the centre for economic development, transport and the environment and the environmental protection authority of the municipality where the activity takes place, or which is located in the area of impact.

(2) For the purpose of safeguarding the public interest, the centre for economic development, transport and the environment and municipal environmental protection authorities are also entitled to appeal against administrative court decisions that amend or reverse decisions issued by them.

Section 139
Enforcement of decisions regardless of appeal

A decision made under the Waste Shipment Regulation and sections 75, 96, 97, 99 and 125–128 of this Act may require that the decision be observed regardless of the appeal, unless otherwise determined by the administrative court. An administrative court decision on enforcement only, which prohibits or suspends the enforcement of a decision against which an appeal is pending, is subject to appeal to the Supreme Administrative Court, with respect to the main issue only.

Section 140
Enforcement and refund of the penalty payment for negligence

(1) A penalty payment for negligence shall be enforced before the decision becomes legally valid, in accordance with the provisions of the Act governing the enforcement of the collection of taxes and tax-like charges. The Legal Register Centre shall enforce the penalty payment for negligence.

(2) On application, the Legal Register Centre will refund a penalty payment for negligence already paid, if the decision concerning the imposition of the payment is repealed due to an appeal, or if a matter concerning the same offence is pending in a court of law.

Chapter 15 – Miscellaneous provisions

Section 141
Person in charge of a waste treatment facility or site

(1) The operator of a waste treatment facility or site shall appoint a person in charge of the appropriate management, use and decommissioning of operations and the related monitoring and supervision thereof. The person in charge must be employed by the operator and possess sufficient professional skills to facilitate management of duties.

(2) The operator shall ensure adequate training for the person in charge.

Section 142
Maintenance of waste management registers and the producer register

(1) The Finnish Environment Institute and centres for economic development, transport and the environment maintain registers, included in the environmental protection database referred to in section 27 of the Environmental Protection Act, as follows:

- 1) The Finnish Environment Institute maintains a register containing information on notifications concerning transboundary shipments of waste and on applications concerning pre-consent, and decisions made on these.
- 2) Centres for economic development, transport and the environment maintain a waste management register containing information on applications provided for in section 94, any decisions made on them, and notifications provided for in section 100.

3) The Centre for Economic Development, Transport and the Environment for Pirkanmaa maintains a producer register containing information on the applications provided for in section 101, any decisions made thereon, and notifications provided for in section 105.

(2) The Finnish Environment Institute, the centre for economic development, transport and the environment and municipal environmental protection authority shall ensure that any essential information reported to them for approval or entry in the register is entered in the registers referred to in subsection 1.

(3) The Centre for Economic Development, Transport and the Environment for Pirkanmaa shall maintain a publicly available up-to-date list of producers and producer corporations approved in the producer register. The name and business ID of the producer or producer corporation and the products to which the producer's or producer corporation's responsibility applies shall be entered on the list. The list shall be available on an information network.

Section 143

Register of waste transports

(1) The municipal waste management authority shall maintain a register in which information referred to in section 39(2) is entered. Personal data entered in the register shall be stored for five years after its entry in the register.

(2) Provisions on the secrecy of and access to personal data and other information recorded in the register are laid down in the Act on the Openness of Government Activities and in provisions on other processing of personal data in the Personal Data Act (523/1999).

Section 144

Fees for processing a matter

(1) Provisions on a fee charged by a State authority for processing a matter under this Act, and the Waste Shipment Regulation, and the amount of the fee, are laid down in the Act on Criteria for Charges Payable to the State and a Ministry of the Environment decree issued thereunder.

(2) A fee can be charged by municipal authorities for processing a matter under this Act. The Act on Criteria for Charges Payable to the State shall apply to the bases for the fee. The bases for fees collected by the municipality shall be specified in detail in a tariff approved by the municipality.

(3) No fee shall be charged for processing matters initiated by authorities or an injured party.

Section 145

Collection of charges and fees

The municipal waste charge, the fee provided in section 144(2) and expenses referred to in section 123(4) of this Act, and those referred to in Article 29 of the Waste Shipment Regulation, are directly enforceable. Provisions on collecting them are laid down in the Act governing the enforcement of the collection of taxes and tax-like charges (706/2007).

Section 146

Submitting confidential information

Notwithstanding the secrecy provisions in the Act on the Openness of Government Activities, information acquired in carrying out duties under this Act, relating to the economic status or business or professional secrets of an individual or a corporation, or the private affairs of an individual, may be disclosed to supervisory authorities or the Ministry of the Environment for the purpose of carrying out duties under this Act, or to prosecuting, police or customs authorities for the purposes of criminal investigation. Furthermore, information that should otherwise be kept secret may be disclosed to Customs authorities, for the purpose of supervising the implementation of the Waste Tax Act (1126/2010) and the Act on Excise Duty on Certain Beverage Containers.

Section 147

Penal provisions

(1) Provisions concerning punishment for degradation of the environment in violation of this Act, or provisions or regulations issued thereunder, are laid down in chapter 48, sections 1–4, of the Penal Code (39/1889).

(2) Whosoever deliberately or through gross negligence, in a manner other than that referred to in subsection 1,

- 1) violates the ban referred to in section 13(1) on abandoning waste or treating it in an uncontrolled manner;
- 2) violates the ban on mixing hazardous waste, referred to in section 17(1);
- 3) violates the ban on the incineration of waste in Finland's water bodies, territorial waters and exclusive economic zone, referred to in section 18;
- 4) neglects the obligation to organise waste management, referred to in section 28;
- 5) delivers waste to a consignee other than the one referred to in section 29;
- 6) neglects the obligation referred to in section 31;
- 7) neglects the obligation referred to in section 35(3) to deliver waste to a reception or treatment point designated by the municipality;
- 8) neglects the obligation to organise a waste reception point, referred to in section 40;
- 9) neglects the obligation referred to in section 41(1) to deliver waste for waste transport from properties;
- 10) neglects the obligation to organise waste management, referred to in section 46;
- 11) neglects the producer's obligation to receive, referred to in section 49;
- 12) neglects the obligation to organise a waste reception point, referred to in section 50;

- 13) neglects the product distributor's obligation to receive, referred to in section 56;
 - 14) neglects the prohibition on littering, referred to in section 72;
 - 15) neglects the obligation to collect waste, referred to in section 76;
 - 16) violates or neglects a ban or order issued pursuant to section 91, 96(2), 103(2), 125, 126(1), 127 or 128;
 - 17) violates a decree given pursuant to section 8(3), section 10, 14, 15(2), 16(3) or 49(1); (1104/2011)
 - 18) imports to or exports waste from another country, or transfers waste, via Finnish territory in violation of this Act or a provision issued thereunder, or an order regarding an individual case, or the Waste Shipment Regulation, regardless, however, of any act of negligence as provided for in section 131(2)(8) and (9), or (410/2014)
 - 19) violates the export ban on mercury regarded as waste in accordance with Article 1 of the Mercury Export Ban Regulation or the provisions in Article 2 or Article 3(1) on disposal or storage of waste, or neglects the obligation to submit information regarding waste in accordance with Article 5 (1104/2011),
- shall be fined for *violation of the Waste Act*, unless a more severe punishment is provided for elsewhere in law.

(3) Separate provisions are issued on fixed fines.

Chapter 16 – Transitional provisions and entry into force

Section 148 Entry into force

- (1) This Act enters into force on 1 May 2012.
- (2) This Act repeals the Waste Act (1072/1993), hereinafter, *the Waste Act of 1993*, and the Waste Decree (1390/1993).
- (3) However, section 35 of the Waste Act of 1993, and chapter 4 of the Waste Decree concerning waste management work shall remain in force after this Act enters into force. Other government and Ministry of the Environment decrees and decisions, given under the Waste Act of 1993, shall also remain in force insofar as they do not contradict this Act, until otherwise provided under this Act.
- (4) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 149 Application of previous provisions

- (1) Matters pending when this Act enters into force shall be dealt with in accordance with the provisions in effect until the Act enters into force.
- (2) The provisions in effect upon the entry into force of this Act apply to transboundary shipments of waste that have been approved by the Finnish Environment Institute, or of

which the Institute has been notified prior to the entry into force of this Act, and which the competent authority of the destination country has acknowledged.

(3) If, in a matter pending when this Act enters into force, an appellate court reverses a decision to which provisions in force at the time apply, and remits the matter in full for reconsideration, the matter shall be handled and decisions made in compliance with the provisions laid down in this Act.

(4) Municipalities which, upon the entry into force of this Act, are managing organised waste transport, referred to in the Waste Act of 1993, as contract-based waste transport, shall consider the organisation of waste transport on the basis of the preconditions for waste transport organised by the property holder, provided in section 37(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 change from waste transport organised by the property holder to waste transport organised by the municipality, the decision shall include provisions on the cessation of waste transport organised by the property holder, which may take place at the earliest within three years of the decision being made, and at the latest, within five years of the entry into force of the Act.

(5) Municipalities that, before 1 June 2007, organised the transport of waste, comparable with waste generated in dwellings, or generated in industrial, service or other business activities, in a manner referred to in section 10(1) of the Waste Act of 1993, through either another corporation or private undertakings, may continue the arrangement with the corporation or undertaking in question until the expiry of the signed contracts; however, no longer than 31 May 2012. (195/2012)

(6) The provisions in force before the entry into force of the Waste Act of 1993 shall apply to a landfill and other waste treatment facility whose operations have been terminated before 1 January 1994, and to littering that has taken place before 1 January 1994.

Section 150

Reference to the Waste Act and certain concepts in previous provisions

(1) If provisions issued prior to the entry into force of this Act refer to the Waste Act, this Act shall apply instead of the Waste Act of 1993.

(2) If a provision issued under the Waste Act of 1993 contains the concept 'hazardous waste', it shall be deemed to refer to the concept of hazardous waste in this Act. If such a provision contains the concept 'waste disposal', it shall be deemed to refer to the concept 'disposal of waste' in this Act.

(3) The provisions laid down in this Act on waste transport organised by the property holder shall correspondingly apply to waste transport being managed, 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

- (1) A decision or regulation issued by authorities under the Waste Act of 1993, valid upon the entry into force of this Act, shall be complied with unless otherwise provided for in this Act.
- (2) Municipal waste management regulations issued under section 17 of the Waste Act of 1993 shall be superseded by the entry into force of this Act, insofar as they contradict the provisions of this Act.
- (3) If a decision or regulation issued under the Waste Act of 1993 requires the submission of a notification to a waste or producer data file, the provisions under this Act on approval and entry into the waste management register and producer register shall apply.

Section 152 (195/2012)
Transitional periods concerning certain obligations

- (1) The obligation to deliver waste for waste transport from properties in the area, or to a regional reception point provided by the municipality, shall apply from 1 June 2014 to a waste holder referred to above in section 32(1), paragraph 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(2) or (3), or section 42.
- (2) Chapter 6 on producer responsibility, and Chapter 7 on beverage containers, shall apply from 1 May 2013. However, Chapter 6 will apply to packages other than those referred to in Chapter 7 only from 1 May 2014. Section 49 on the reception and transport of discarded products shall apply to producers of packages from 1 January 2016; however, producers must organise the reception of packaging waste separately collected in accordance with section 35(1), section 41(3) and section 47 from 1 May 2015. Until the points in time mentioned in this section, corresponding provisions in the Waste Act of 1993 on producer responsibility shall apply. (25/2014)
- (3) Section 41(3) on separate collection of packaging waste arranged by the property holder shall apply from 1 May 2015. (25/2014)
- (4) Section 70 on labelling of containers included in a return system for beverage containers shall apply to beverage containers delivered to consumers from 1 May 2013.
- (5) A producer and producer corporation, and any party maintaining a return system for beverage containers, shall submit an application for approval in the producer register, in accordance with section 101, within one year of the entry into force of this Act. A producer corporation who is fulfilling the obligations imposed on producers of packages shall, however, submit such an application within two years of the entry into force of this Act. Correspondingly, a producer entered in the producer data register in accordance with the Waste Act of 1993 shall submit an application for approval in the producer register within two years of the entry into force of this Act. However, the producer of packages or a producer corporation managing the obligations set for the producer of packages must submit the aforementioned application within three years of the entry into force of the Act.

The provisions of the 1993 Waste Act on the waste data register shall apply to producers and producer corporations entered in the waste data register until the producer or the producer corporation has been entered into the producer register in accordance with this Act. (25/2014)

(6) An importer of printed paper products shall submit an application for approval in the producer register within one year of the entry into force of this Act.

(7) 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, referred to in section 94, on the approval of activity in 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 certificate of information in the waste data register that is in compliance with the Waste Act of 1993 is due for verification.

(8) A notification, referred to in section 100 of this Act, on the collection of waste on a professional basis performed when this Act enters into force, shall be submitted within one year of the entry into force of this Act.

(9) An operator subject to an environmental permit, who, in accordance with section 120(1), must monitor and supervise the waste management it organises or who must prepare a waste management monitoring and supervision plan pursuant to subsection 2 of this section, and who has been granted an environmental permit before this Act enters into force, shall review the arrangements for monitoring and supervision so as to ensure these are in compliance with the section, and shall present the related material or plan to the permit authority within one year of the entry into force of this Act.

(10) A municipality's obligation to keep a record and that of a company in accordance with section 43, and section 44 regarding the obligation of a waste carrier to provide the consignee with information on the origin of waste, shall apply from the beginning of the new accounting period of the municipality or company concerned, beginning after the entry into force of this Act, however no later than from 1 May 2013.