

**Unofficial translation from Finnish**  
**Legally binding only in Finnish and Swedish**  
**Ministry of Economic Affairs and Employment, Finland**

**Pressure Equipment Act**

*(1144/2016; Amendments up to 995/2018 included)*

**Chapter 1**

**General provisions**

**Section 1**

**Scope of application**

This Act applies to pressure equipment and pressure equipment on ships.

Provisions on transportable pressure equipment and equipment similar to transportable pressure equipment referred to in the Act on Transport of Dangerous Goods (719/1994) are laid down in chapter 12.

Provisions on military pressure equipment and pressure equipment that are stationary in specially protected objects in the possession of the Ministry of Defence or the Defence Forces are laid down in chapter 13.

Provisions on the application of this Act on pressure equipment at nuclear facilities and pressure equipment used for the transport of nuclear waste are laid down in the Nuclear Energy Act (990/1987).

**Section 2**

**Definitions**

For the purposes of this Act:

1) *pressure equipment* means vessels, piping and other technical assemblies which are overpressurised or in which overpressure may build up, and technical assemblies intended to protect pressure equipment;

2) *pressure equipment on ships* means pressure equipment that has been installed or is intended to be installed on a ship or that is intended for the operation of a ship; cargo tanks on gas carriers are not considered as pressure equipment on ships;

3) *military pressure equipment* means pressure equipment of the Defence Forces intended solely for military use and pressure equipment intended for the operation of a ship of the Defence Forces; pressure equipment on military aircraft are not considered as military pressure equipment;

*Section 4 has been repealed by Act 797/2017.*

5) *transportable pressure equipment* means pressure equipment as referred to in Article 2(1) of Directive 2010/35/EU of the European Parliament and of the Council on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC;

6) *pressure equipment similar to transportable pressure equipment* means pressure equipment the conformity of which shall be verified in accordance with this Act and the structure, operation and periodic inspection of which correspond to transportable pressure equipment; (797/2017)

7) *assembly* means several pieces of pressure equipment assembled by a manufacturer to constitute an integrated and functional whole;

8) *notified body* means a body established in Finland which is designated by a Finnish public authority and notified to the European Commission and whose task is to assess the conformity of products when national legislation based on Union harmonisation legislation is applied;

9) *conformity assessment body* means a notified body, user inspection body and recognised third-party organisation as referred to in Directive 2014/68/EU of the European Parliament and of the Council on the harmonisation of laws of the Member States relating to the making available on the market of pressure equipment, hereinafter referred to as *Pressure Equipment Directive*, as well as a notified body as referred to in Directive 2014/29/EU of the European Parliament and of the

Council on the harmonisation of the laws of the Member States relating to the making available on the market of simple pressure vessels, hereinafter referred to as *Simple Pressure Vessels Directive*, that assesses conformity based on the provisions in the stated Directives by calibration, testing, certification, inspection or by other means;

10) *simple pressure vessel* means a simple pressure vessel as referred to in Article 1(1) of the Simple Pressure Vessels Directive;

11) *CE marking* means a marking as referred to in Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93, hereinafter referred to as *NLF Regulation*, by which the manufacturer indicates that it takes responsibility for the conformity of the product with all applicable requirements set out in the relevant Union harmonisation legislation providing for its affixing;

12) *inspection body* means an organisation, declared qualified under national legislation, that performs inspections and periodic inspections under national legislation to verify the conformity of pressure equipment;

13) *manufacturer* means any natural or legal person who manufactures pressure equipment or an assembly or has such equipment or assembly designed or manufactured, and markets that pressure equipment or assembly under its name or trademark or uses it for its own purposes;

14) *harmonised standard* means the European standards that have been adopted on the basis of a request submitted by the European Commission so that the Union harmonisation legislation can be applied;

15) *conformity assessment* means the process demonstrating whether the essential safety requirements of this Act relating to the product have been met;

16) *EU declaration of conformity* means a document by which the manufacturer assumes responsibility for the compliance of the pressure equipment with the provisions laid down in the European Union legislation;

17) *withdrawal* means any measure aimed at preventing products in the supply chain from being made available on the market;

18) *European approval for materials* means a technical document defining the characteristics of materials intended for repeated use in the manufacture of pressure equipment which are not covered by any harmonised standard;

19) *EU-type examination* means the part of a conformity assessment procedure in which a notified body examines the technical design of a vessel and verifies that the technical design of the vessel meet the requirements of the European Union legislation that apply to it;

20) *conformity to type based on internal production control and supervised vessel testing* means the part of a conformity assessment procedure whereby the manufacturer fulfils the obligations laid down separately and ensures and declares on its sole responsibility that the vessels concerned conform with the type described in the EU-type examination certificate and meet the requirements of the European Union legislation that apply to it;

21) *importer* means any natural or legal person established within the European Union that places pressure equipment from a third country on the Union market;

22) *distributor* means any natural or legal person in the supply chain, other than the manufacturer or the importer, that makes pressure equipment available on the market;

23) *authorised representative* means any natural or legal person that has received a written mandate from the manufacturer to act on its behalf in relation to specified tasks;

24) *placing on the market* means the first making available of a product on the Union market;

25) *making available on the market* means any supply of a product for distribution, consumption or use on the Union market in the course of a commercial activity, whether in return for payment or free of charge;

26) *economic operators* mean manufacturers, authorised representatives, importers and distributors;

27) *qualification body* means a recognised third-party organisation as referred to in the Pressure Equipment Directive that qualifies and approves the persons undertaking the permanent joining of pressure equipment parts and the non-destructive tests as well as the procedures for the permanent joining of pressure equipment parts;

28) *user inspection body* means a conformity assessment body as referred to in the Pressure Equipment Directive that performs inspections on certain groups of pressure equipment users;

29) *approved body* means an inspection body that has the right to perform national tasks, laid down for it in this Act, relating to ensuring the safety of pressure equipment.

30) *self-inspection body* means an inspection body whose right to perform inspections is restricted solely to certain groups of pressure equipment users;

31) *operations supervisor* means a person designated by the owner or holder of the pressure equipment who is responsible for the proper operation of the pressure equipment;

32) *boiler plant* means an integrated whole of one or more steam or hot water boilers and associated piping, pressure vessels, support structures, fuel feed and feedwater supply systems and buildings;

33) *autoclave* means a pressure equipment the content of which is heated and that has a quick-release door, wall or lid for repeated reload and unload;

34) *steam boiler* means an assembly, consisting of at least one heated pressure equipment that presents a risk of overheating, intended to produce water vapour or to heat other liquid than water beyond 100 degrees centigrade;

35) *hot water boiler* means an assembly, consisting of at least one heated pressure equipment that presents a risk of overheating and that is used to heat water beyond 100 degrees centigrade, intended to heat water;

36) *power* means the thermal energy transferred in a time unit by continuous maximum load to liquid or steam in a steam or hot water boiler;

37) *power value* means the value calculated by adding up the product of the maximum allowable pressure and the power of the different steam and hot water boilers in use in a boiler plant; (797/2017)

38) *pressure* means the internal pressure of a pressure equipment relative to atmospheric pressure, i.e. gauge pressure; as a consequence, vacuum is designated by a negative value. (797/2017)

### **Section 3**

#### **The relation of the Act to other legislation**

The provisions of the Act on the Market Surveillance of Certain Products (1137/2016) and the NLF Regulation shall apply to market surveillance of pressure equipment.

Provisions on the requirements for notified bodies and the supervision of notified bodies are laid down in the Act on Notified Bodies Concerning Certain Product Groups (278/2016).

Provisions on the minimum requirements for the accreditation of conformity assessment bodies, market surveillance, external border control of products from third countries and the CE marking of products and the general principles concerning the CE marking are laid down in the NLF Regulation. Provisions on the sanctions for violations concerning CE markings are laid down in the Act on the Violations Concerning CE Markings (187/2010).

The provisions of the Aviation Act (864/2014) and regulations issued under it shall apply to pressure equipment on aircraft, unless otherwise provided by Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC or in Commission Regulations issued under it.

### **Section 4 (995/2018)**

#### **Supervisory authority**

Compliance with this Act shall be supervised by the Finnish Safety and Chemicals Agency.

The supervisory authority for pressure equipment on ships shall be the Finnish Transport and Communications Agency. The Finnish Safety and Chemicals Agency, however, shall supervise the conformity of the CE marking of pressure equipment on ships.

The supervisory authority for military pressure equipment and pressure equipment that are stationary in specially protected objects in the possession of the Defence Forces or the Ministry of Defence shall be the Defence Forces.

## **Chapter 2**

### **Ensuring the safety of pressure equipment**

#### **Section 5**

##### **General safety requirements**

Pressure equipment shall be designed, manufactured, maintained, operated and inspected so that it does not endanger anybody's health, safety or property.

Pressure equipment shall have the equipment and assemblies necessary for operational safety, and they shall operate properly.

#### **Section 6**

##### **Safety of placement of pressure equipment**

The owner and holder shall place the pressure equipment so that:

- 1) hazard caused by damage or malfunction be as low as possible;
- 2) the pressure equipment can be operated properly in the manner required by its intended use;
- 3) the pressure equipment can be inspected and maintained properly;

The owner and holder shall ensure that the facilities and structures around the pressure equipment are designed and carried out in such a way that hazard caused by damage or malfunction be as low as possible.

## **Section 7**

### **Plan for the placement of pressure equipment**

The owner or holder shall draw up a plan for the placement of pressure equipment if the equipment may cause a significant hazard because of its site of placement.

In a situation referred to in subsection 1, the pressure equipment may not be installed on its site before the inspection body has inspected the plan for the placement of pressure equipment and verified that the equipment has been placed in the manner referred to in section 6.

A plan for the placement of transportable pressure equipment shall contain the general principles to be observed when the pressure equipment is placed at different sites.

Provisions on the technical characteristics of pressure equipment that may cause a significant hazard as referred to in subsection 1 are issued by government decree.

## **Section 8**

### **Verification of conformity**

The conformity of pressure equipment shall be verified with inspections carried out by conformity assessment bodies and inspection bodies.

Verification of conformity with inspections is not required if the risk involved with pressure is minor.

## **Section 9**

### **Obligation to demonstrate the conformity of pressure equipment**

When placing on the market pressure equipment, the manufacturer shall be able to demonstrate that the pressure equipment and its design and manufacture meet the requirements laid down in section 5.

The provisions of subsection 1 shall also apply to anybody who:



- 1) exports pressure equipment if the provisions of European Union legislation require that the exporter produce the demonstration referred to in subsection 1;
- 2) manufactures pressure equipment for its own use or for transfer to another party;
- 3) installs or repairs pressure equipment;
- 4) intends to put into service pressure equipment the conformity of which has not been verified.

## **Section 10**

### **Obligations of the owner and holder of pressure equipment in the event of damage and accident**

The owner and holder shall take measures to repair a damaged pressure equipment or withdraw it from operation.

The owner or holder shall without delay notify the supervisory authority of personal injury or substantial damage to property caused by damage to the pressure equipment or a sudden release of pressure and assist the supervisory authority in its investigation into the incident.

## **Section 11**

### **Obligation of the manufacturer to notify personal injury and damage to property**

The manufacturer shall without delay notify the supervisory authority of personal injury or substantial damage to property caused by damage to the pressure equipment or a sudden release of pressure during testing carried out in connection with the manufacture of the pressure equipment.

Provisions on the obligation to report accidents or dangerous situations to the Safety Investigation Authority are laid down in section 16 of the Safety Investigation Act (525/2011).

## **Section 12**

### **Applicable standards**

The supervisory authority publishes a list of the standards that, when complied with, are considered to mean that the pressure equipment comply with the requirements laid down in this Act.

If a standard is revised or a new edition of a standard is issued, the supervisory authority updates the list of standards. The pressure equipment under construction at the time of the updating of the list may be completed and put into service in accordance with the standard in force at the time of the updating within three years of the updating.

## **Chapter 3**

### **General provisions on the conformity of pressure equipment and the obligations of the manufacturer**

#### **Section 13**

##### **Scope of application of chapter 3**

The provisions of this chapter shall only be applied to pressure equipment referred to in the Pressure Equipment Directive and to simple pressure vessels.

#### **Section 14**

##### **Essential safety requirements**

Pressure equipment shall meet the essential safety requirements laid down in this Act before it can be placed on the market and put into service.

Pressure equipment placed on the market shall be designed, manufactured, checked, equipped and installed, in such a way as to ensure its safety when put into service in accordance with the manufacturer's instructions in normal and reasonably foreseeable operating conditions.

Pressure equipment shall be properly designed taking all relevant factors into account in order to ensure that the equipment will be safe throughout its intended life. Pressure equipment shall be manufactured using techniques and manufacturing procedures that ensure that the requirements confirmed for the pressure equipment at the design stage can be met.

In choosing the most appropriate solutions, the aim shall be to eliminate or reduce hazards as far as is reasonably practicable. Appropriate protection measures shall be applied against hazards which cannot be eliminated. Users shall be informed of residual hazards and indicated whether it is necessary to take special measures to reduce the risks at the time of installation or use.

Where the potential for misuse is known or can be clearly foreseen, the pressure equipment shall be designed to prevent risks from such misuse or, if that is not possible, it shall be prohibited to use the pressure equipment in a way that presents a risk.

Further provisions on the essential safety requirements under the Pressure Equipment Directive and the Simple Pressure Vessels Directive that apply to the design, manufacture, equipment and installation of pressure equipment referred to in this chapter are issued by government decree.

## **Section 15**

### **Presumption of conformity**

Pressure equipment is considered to meet the essential safety requirements referred to in section 14 if it conforms to the relevant harmonised standard.

## **Section 16**

### **Obligation of the manufacturer to ensure conformity of the pressure equipment**

When placing pressure equipment on the market or using it for its own purposes, the manufacturer shall ensure that the equipment is designed and manufactured in accordance with the essential safety requirements referred to in section 14.

The manufacturer shall carry out the relevant conformity assessment procedures for the pressure equipment. A notified body shall be used in the conformity assessment if the conformity assessment procedure applicable to the pressure equipment so requires.

The manufacturer shall also:

- 1) draw up technical documentation demonstrating the conformity of the pressure equipment;

2) draw up an EU declaration of conformity when conformity of the pressure equipment has been verified; and

3) keep the technical documentation and the EU declaration of conformity for ten years after the pressure equipment has been placed on the market.

The technical documentation and the EU declaration of conformity shall be in Finnish or in Swedish, or in another language approved by the supervisory authority.

Further provisions on the conformity assessment procedure, the necessary technical documentation and the EU declaration of conformity under the Pressure Equipment Directive and the Simple Pressure Vessels Directive are issued by government decree.

## **Section 17**

### **CE marking**

The manufacturer shall affix the CE marking to pressure equipment that meets the requirements laid down in this chapter or to its dataplate before the placing on the market of the equipment, unless otherwise provided elsewhere by law.

The CE marking shall be affixed visibly, legibly and indelibly. The CE marking shall be followed by the identification number of the notified body that was involved at the production control stage. The identification number of the notified body shall be affixed by the body itself or, under its instructions, by the manufacturer or its authorised representative.

The CE marking and the identification number of the notified body may be followed by any other mark indicating a special risk or use.

Further provisions on the affixing of the CE marking and on other marks that may accompany it are issued by government decree.

## **Section 18**

### **Instructions, safety information, markings and contact information**

The manufacturer shall ensure that the pressure equipment placed on the market is accompanied by instructions and safety information. Such instructions and safety information shall be clear, understandable and intelligible.

The manufacturer shall ensure that pressure equipment placed on the market bears a type, batch or serial number or other element allowing their identification. Where the size or nature of the pressure equipment does not allow it, the information shall be provided on the packaging or in a document accompanying the pressure equipment.

The manufacturer shall indicate on the pressure equipment its name, registered trade name or registered trade mark and its postal address, or where that is not possible, on the packaging or in a document accompanying the pressure equipment.

The markings, safety information and instructions of the pressure equipment as well as the documentation accompanying the equipment shall be in Finnish or Swedish. However, when pressure equipment is intended for private consumption or predominantly used by private consumers, the markings, instructions and safety information the documentation accompanying the equipment referred to above shall always be in both Finnish and Swedish. The provisions in this subsection shall not apply to information in a dataplate. (797/2017)

Further provisions on the requirements for the product markings, instructions and safety information under the Pressure Equipment Directive and the Simple Pressure Vessels Directive are issued by government decree.

## **Section 19**

### **Obligation of the manufacturer to ensure that series production remains in conformity**

The manufacturer shall ensure that pressure equipment produced in series production remains in conformity with the essential safety requirements. The manufacturer shall take into account changes in design or characteristics of pressure equipment and changes in the harmonised standards or in other technical specifications that define the requirements the pressure equipment shall meet.

## **Section 20**

### **Obligations of the manufacturer in situations involving non-compliance**

Should the manufacturer have reason to suspect that the pressure equipment it has placed on the market does not comply with the requirements laid down in this Act, the manufacturer shall immediately take measures to bring the equipment into conformity, to withdraw it or to recall it.

After taking the measures referred to in subsection 1 above, the manufacturer shall immediately inform the supervisory authority of the non-compliance and give details of the non-compliance and of any corrective measures taken.

When deemed appropriate with regard to the risks presented by the pressure equipment, the manufacturer shall, to protect the health and safety of consumers and other users, carry out sample testing of the pressure equipment made available on the market. The manufacturer shall investigate and keep a register of complaints, non-compliant pressure equipment and recalls of pressure equipment and keep distributors informed of any such measures.

## **Section 21**

### **Pressure equipment to be designed and manufactured in accordance with sound engineering practice**

Pressure equipment, the characteristics of which are such that the essential safety requirements referred to in section 14 do not apply to them, shall be designed and manufactured in accordance with the sound engineering practice of a Member State of the European Union.

Pressure equipment designed or manufactured in accordance with sound engineering practice shall not bear the CE marking referred to in section 17.

Further provisions on the technical characteristics of pressure equipment designed and manufactured in accordance with sound engineering practice under the Pressure Equipment Directive and the Simple Pressure Vessels Directive are issued by government decree.

## **Chapter 4**

### **Conformity assessment of pressure equipment**

## **Section 22**

### **Scope of application of chapter 4**

The provisions of this chapter shall only be applied to pressure equipment referred to in the Pressure Equipment Directive.

## **Section 23**

### **Classification of pressure equipment**

Pressure equipment shall be classified by category in accordance with the level of hazard.

The conformity assessment procedures to be applied to an item of pressure equipment shall be determined by the category in which the equipment is classified.

Further provisions on the classification of pressure equipment under the Pressure Equipment Directive are issued by government decree.

## **Section 24**

### **European approval for materials**

The characteristics of materials intended for repeated use in the manufacture of pressure equipment which are not covered by any harmonised standard shall be established with a European approval for materials.

The materials conforming to the European approvals shall be presumed to be in conformity with the essential safety requirements referred to in section 14.

European approval for materials shall be issued at the request of one or more manufacturers of materials or equipment by one of the notified bodies specifically designated for that task.

The notified body shall determine and perform, or arrange for the performance of, the appropriate inspections and tests to certify the conformity of the types of material with the requirements set for them.

The notified body shall send a copy of the European approval for materials to the States belonging to the European Economic Area, the notified bodies and the European Commission.

Further provisions on the procedure, notifications and types of material applicable to the European approval for materials under the Pressure Equipment Decree are issued by government decree. Further provisions on the requirements of the European approval for materials under the Pressure Equipment Directive are also issued by government decree.

## **Section 25**

### **Withdrawal of the European approval for materials**

The notified body which issued the European approval for materials shall withdraw that approval if it finds that it should not have been issued or if the material in question is covered by a harmonised standard.

The notified body shall immediately inform the supervisory authority, other States belonging to the European Economic Area, the notified bodies and the European Commission of any withdrawal of an approval.

## **Chapter 5**

### **Conformity assessment of simple pressure vessels**

## **Section 26**

### **Scope of application of chapter 5**

The provisions of this chapter shall only be applied to simple pressure vessels.

## **Section 27**

### **Conformity assessment of simple pressure vessels before commencing manufacture**

Prior to their manufacture, simple pressure vessels of which the product of the maximum allowable pressure and the capacity exceeds 50 bar litres shall be subject to the EU-type examination.

Further provisions on the EU-type examination under the Simple Pressure Vessels Directive are issued by government decree.

## **Section 28**

### **Conformity assessment of simple pressure vessels before the placing on the market**



Prior to their placing on the market, the conformity of simple pressure vessels shall be verified by conformity to type based on internal production control and supervised vessel testing.

Further provisions on the conformity to type based on internal production control and supervised vessel testing under the Simple Pressure Vessels Directive are issued by government decree.

## **Chapter 6**

### **Obligations of the importer, distributor and authorised representative**

#### **Section 29**

##### **Scope of application of chapter 6**

The provisions of this chapter shall only be applied to pressure equipment and simple pressure vessels referred to in the Pressure Equipment Directive.

#### **Section 30**

##### **Obligations of the importer**

The importer may only place on the market pressure equipment that meet the essential safety requirements.

Before placing pressure equipment on the market, the importer shall ensure that:

- 1) the manufacturer has performed the conformity assessment referred to in section 16;
- 2) the manufacturer has drawn up the technical documentation;
- 3) the pressure equipment bears the CE marking;
- 4) the pressure equipment is accompanied by a EU declaration of conformity;
- 5) the pressure equipment bears the identification information referred to in section 18, subsection 2 and the manufacturer's information referred to in subsection 3;

6) the pressure equipment is accompanied by instructions and safety information in Finnish or Swedish.

Where the pressure equipment causes a hazard, the importer shall inform the manufacturer and the supervisory authority to that effect.

The importer shall ensure that the conformity of the pressure equipment is not endangered when it is under their responsibility during storage and transport.

The importer shall indicate its name, registered trade name or registered trade mark and its postal address at which it can be contacted. The details shall be indicated on the pressure equipment or, if this is not possible, on its packaging or in a document accompanying the equipment.

The importer shall, for ten years after the pressure equipment has been placed on the market, keep a copy of the EU declaration of conformity at the disposal of the supervisory authority and ensure that the technical documentation is at the disposal of the authorities.

## **Section 31**

### **Obligations of the distributor**

Before making the pressure equipment available on the market, the distributor shall verify that:

1) the pressure equipment is accompanied by the EU certificate of conformity and the technical documentation;

2) the pressure equipment bears the identification information referred to in section 18, subsection 2 and the manufacturer's information referred to in subsection 3;

3) the pressure equipment is accompanied by instructions and safety information in Finnish or Swedish.

The distributor shall ensure that the conformity of the pressure equipment is not endangered when it is under their responsibility during storage and transport.

Should the distributor have reason to believe that the pressure equipment is not in conformity with the essential safety requirements, the distributor may place the pressure equipment on the market only after the pressure equipment is in conformity with the requirements laid down in this Act. Where the product causes a hazard, the distributor shall inform the manufacturer or the importer and the supervisory authority to that effect.

## **Section 32**

### **Applying the obligations of the manufacturer to the importer and the distributor**

The importer and the distributor shall have the same obligations as the manufacturer if they place pressure equipment on the market under their own name or trade mark or modify pressure equipment that has already been placed on the market in such a way that compliance of the pressure equipment with the requirements laid down in this Act may be affected.

## **Section 33**

### **Authorised representatives**

The manufacturer's obligations laid down in section 16, subsection 1 or subsection 3, paragraph 1 shall not form part of the authorised representative's mandate.

The authorised representative shall be allowed to fulfil at least the obligations laid down in section 16, subsection 3, paragraph 3 for the manufacturer.

The authorised representative shall, on request, release to the supervisory authority any information and documentation in Finnish or Swedish or another language approved by the supervisory authority that are necessary to the supervision and enforcement of compliance with this Act and cooperate with the supervisory authority on any action taken to eliminate the risks posed by the pressure equipment covered by the authorised representative's mandate.

## **Section 34**

### **Obligations of the importer and the distributor in situations of non-compliance**

The provisions in section 20 on the manufacturer's obligations shall apply to the obligations of the importer in situations of non-compliance.

The provisions in section 20, subsections 1 and 2 on the manufacturer's obligations shall apply to the obligations of the distributor in situations of non-compliance.

## **Section 35**

### **Release of information and obligation to cooperate**

The manufacturer, importer and distributor shall, on request, release to the supervisory authority any information and documentation in Finnish or Swedish or another language approved by the supervisory authority that are necessary to the supervision and enforcement of compliance with this Act and cooperate with the supervisory authority in other ways in order to ensure the conformity of pressure equipment.

Economic operators shall, on request, identify the following to the market surveillance authorities:

- 1) any economic operator who has supplied them with pressure equipment;
- 2) any economic operator to whom they have supplied pressure equipment.

Economic operators shall be able to present the information referred to in subsection 2 for ten years after they have been supplied with the pressure equipment or they have supplied the pressure equipment.

## **Chapter 7**

### **Conformity assessment bodies**

## **Section 36**

### **Approval and supervision of qualification bodies and user inspection bodies**

The Ministry of Economic Affairs and Employment approves, on application, qualification bodies and user inspection bodies after it has determined that the requirements for the approval are met and notifies the bodies to the European Union and other Member States.

Provisions on the application for approval as a body referred to in subsection 1 and on the approval of the body and the revocation of the approval are laid down in sections 4 and 6 of the Act on Notified Bodies Concerning Certain Product Groups.

The Ministry of Economic Affairs and Employment supervises the qualification bodies and user inspection bodies it has approved.

## **Section 37**

### **General requirements for qualified bodies and user inspection bodies**

The provisions in sections 7–13 of the Act on Notified Bodies Concerning Certain Product Groups on the requirements for notified bodies shall apply to the general requirements for qualification bodies and user inspection bodies, the requirements for their activities, their impartiality, the requirements for their assessment personnel, their liability insurance, their presumption of conformity and their subcontracting of tasks or carrying out of tasks by a subsidiary.

However, the provisions in section 7, paragraph 2 of the Act mentioned in subsection 1 shall not apply to user inspection bodies.

## **Section 38**

### **Special requirements concerning user inspection bodies**

The user inspection body shall be part of the organisation of the owner and holder of the pressure equipment. However, the user inspection body shall be organisationally identifiable.

The user inspection body shall use the reporting methods within the organisation of which it is part. The reporting methods shall ensure and demonstrate the impartiality of the user inspection body.

The user inspection body is not required to take out the liability insurance referred to in section 11 of the Act on Notified Bodies Concerning Certain Product Groups, if liability is assumed by the organisation of which the user inspection body is part.

## **Section 39**

### **General obligations of qualification bodies and user inspection bodies and their obligation to provide information**

The provisions laid down in section 14 of the Act on Notified Bodies Concerning Certain Product Groups on the general obligations of notified bodies and their subsidiaries and subcontractors shall apply to the general obligations of qualification bodies and user inspection bodies and their subsidiaries and subcontractors.

The provisions laid down in section 15, subsection 1 of the Act on Notified Bodies Concerning Certain Product Groups on the obligation of notified bodies to provide information to public authorities and conformity assessment bodies shall apply to the obligation of qualification bodies and user inspection bodies to provide information to public authorities and other conformity assessment bodies.

## **Section 40**

### **Certificates of conformity**

The conformity assessment body shall give the manufacturer a certificate demonstrating the conformity of pressure equipment, if the pressure equipment meets the requirements laid down in this Act and the conformity assessment procedure that applies to it requires the issue of a certificate.

The conformity assessment body shall keep copies of the certificates referred to in subsection 1 and additions to them as well as the technical documentation, including the documentation supplied by the manufacturer, until the expiry of the validity of the certificate.

Further provisions on the certificates of conformity under the Pressure Equipment Directive and the Simple Pressure Vessels Directive and on the conditions for issuing certificates and on their content are issued by government decree.

## **Section 41**

### **Refusal or withdrawal of certificate**

Should a conformity assessment body discover that the pressure equipment does not meet the essential safety requirements laid down for it, it shall require the manufacturer to take corrective measures and it may not issue the manufacturer with a certificate of conformity.

Should the conformity assessment body find, after the issue of a certificate, that the pressure equipment no longer complies with the essential safety requirements, it shall require the manufacturer to take corrective measures and shall suspend or withdraw the certificate if necessary.

If corrective measures are not taken or do not have the required effect, the conformity assessment body shall restrict, suspend or withdraw the certificate, as appropriate.

## **Section 42**

### **Restrictions concerning conformity assessment performed by qualification bodies**

A qualification body may only qualify and approve persons undertaking the permanent joining of pressure equipment parts and the non-destructive tests as well as procedures for the permanent joining of pressure equipment parts.

## **Section 43**

### **Restrictions concerning conformity assessment performed by user inspection bodies**

A user inspection body may only perform conformity assessments for the organisation of which it is part.

Pressure equipment of which conformity with the essential safety requirements has been assessed by a user inspection body may only be used in the organisation of which the user inspection body is part.

The organisation shall apply a common safety policy as regards the technical specifications for the design, manufacture, inspection, maintenance and use of pressure equipment.

Pressure equipment the conformity of which has been assessed by a user inspection body shall not bear the CE marking.

Further provisions on the conformity assessment procedure under the Pressure Equipment Directive applied by user inspection bodies are issued by government decree.

## **Chapter 8**

## **Inspection bodies**

### **Section 44**

#### **Approval of inspection bodies**

The supervisory authority shall approve the inspection body to perform tasks laid down in this Act for inspection bodies.

The approval shall remain in force for a specific period of time. Requirements, restrictions and other conditions may be placed on the operations of the inspection body.

Documentation demonstrating compliance with the requirements laid down in sections 45 and 46 shall be appended to the application for approval as an inspection body. A certificate or a statement of compliance, issued by the accreditation unit of the Finnish Safety and Chemicals Agency, shall be appended to the documentation.

### **Section 45**

#### **General requirements applicable to inspection bodies**

For an inspection body to be approved it is required that:

- 1) the body shall be a legal person registered in Finland;
- 2) the body and its personnel shall carry out the assessment and inspection activities professionally and with technical competence;
- 3) the body and its personnel shall not be under any pressure or financial or other inducement which might influence their judgement or the results of their assessment or inspection activities, especially as regards persons or groups of persons with an interest in the results of those activities;
- 4) the inspection personnel of the body shall be impartial and their remuneration shall not depend on the number of inspections carried out or on the results of those inspections;



5) the body shall have the personnel and equipment necessary to perform the technical and administrative duties connected with the inspection and monitoring activities in an appropriate manner and shall have access to equipment necessary to perform special inspections;

6) the body shall have a reliable and appropriate maintenance and storage system for the documentation associated with inspection activities;

7) considering the extent and nature of the work, the body shall have adequate liability insurance for compensating the damage arising from the work.

## **Section 46**

### **Requirements concerning the assessment personnel of inspection bodies**

The assessment personnel of the inspection body shall have:

1) sound technical expertise as well as vocational skills and training;

2) satisfactory knowledge of the requirements of the inspections they carry out and adequate experience to carry out the inspections;

3) the ability to draw up certificates, records and reports demonstrating the results of the inspections.

## **Section 47**

### **Special requirements concerning approved bodies**

An approved body, its manager and personnel shall not be the designer, manufacturer, supplier, installer or user of the pressure equipment which they inspect, nor the representatives of any of those parties.

The parties referred to in subsection 1 above shall not be involved directly or as representatives in the design, manufacture, placing on the market or maintenance of pressure equipment. The manufacturer of pressure equipment and the approved body may, however, exchange technical information.

## **Section 48**

### **Special requirements concerning self-inspection bodies**

The provisions in section 38 on the special requirements concerning user inspection bodies shall apply to the special requirements concerning self-inspection bodies.

The self-inspection body may not be responsible for the design, manufacture, supply, installation, use or maintenance of the pressure equipment which it inspects, and it shall not engage in any activities that might conflict with its independence of judgement and integrity in relation to its inspection activities.

## **Section 49**

### **General obligations of inspection bodies**

The personnel of the approved bodies and self-inspection bodies shall be subject to criminal liability for acts in office when carrying out the public administrative duties referred to in this Act. Provisions on compensation for damages are laid down in the Tort Liability Act (412/1974).

The inspection body may use external testing, inspection or assessment services. In such cases, the inspection body shall ensure that the external service provider meets the requirements laid down in sections 45–48 for inspection bodies. The inspection body shall be responsible for work performed by a subcontractor.

The inspection body shall notify the supervisory authority of any changes in its operations that may have an effect on the conditions on the basis of which the inspection body has been approved.

The inspection body shall provide the supervisory authority with information on any facts endangering the general safety of pressure equipment that it has detected.

The inspection body shall submit an annual report of its operations to the supervisory authority.

Provisions on the general obligations of inspection bodies when carrying out the public administrative duty referred to in this Act are laid down in the Act on the Openness of Government Activities (621/1999), the Administrative Procedure Act (434/2003), the Act on Electronic Services

and Communication in the Public Sector (13/2003), the Language Act (423/2003) and the Personal Data Act (523/1999).

## **Section 50**

### **Restrictions on the operations of self-inspection bodies**

A self-inspection body may only inspect pressure equipment of the organisation of which it is part.

The provisions in section 43, subsections 2 and 3 on the restrictions concerning user inspection bodies also apply to the restrictions on the operations of self-inspection bodies.

## **Chapter 9**

### **Inspection of pressure equipment**

## **Section 51**

### **Registration obligation**

The owner or holder shall notify the pressure equipment for registration in connection with the first periodic inspection laid down in section 55, if the pressure equipment can cause a significant hazard.

The owner or holder shall submit the registration notification to the inspection body. The notification shall indicate the pressure equipment's technical information, its site as well as the manufacturer, importer, owner and operations supervisor of the pressure equipment.

The owner or holder of the pressure equipment subject to registration shall notify the supervisory authority of any changes in the information concerning the owner, holder, site and operations supervisor of the pressure equipment.

Further provisions on the technical characteristics of pressure equipment that do not cause a significant hazard referred to in subsection 1 are issued by government decree.

## **Section 52**

### **Obligations in connection with a registration notification**

The inspection body shall inspect the registration notification and complement it with information on the date and results of the first periodic inspection and information on the type and date of the next periodic inspection and supply this information to the supervisory authority.

The inspection body shall also supply the supervisory authority with corresponding information on the rescheduling of periodic inspections and on the modification inspections.

If a periodic inspection has been replaced with measures laid down in section 63 or section 64, the owner or holder shall supply the supervisory authority with the information referred to in subsections 1 and 2.

### **Section 53**

#### **Obligation to ensure that pressure equipment are inspected**

The owner or holder of pressure equipment subject to registration shall ensure that the first periodic inspection on the pressure equipment be carried out at the time it is put into service.

The owner or holder of registered pressure equipment shall ensure that the periodic inspections referred to in sections 56–59 are carried out on the pressure equipment or that they are replaced in the manner laid down in sections 63 and 64.

The owner or holder of pressure equipment shall ensure that, where necessary, a modification inspection laid down in section 61 or section 62 is performed for the purpose of ensuring that the pressure equipment, when properly operated, does not endanger anybody's health, safety or property.

The provisions in subsection 2 above shall not apply to pressure equipment that has been notified to the supervisory authority as decommissioned.

### **Section 54**

#### **Obligation of the inspection body to perform inspections**

The inspection body shall perform the inspections laid down in sections 55–62 for pressure equipment. The inspection body also approves the procedures replacing periodic inspections laid down in sections 63 and 64.

The inspection body shall approve as part of the inspections referred to in sections 55–59 measures performed in States belonging to the European Economic Area, if an acceptable report of the measures is presented.

## **Section 55**

### **First periodic inspection**

In the first periodic inspection of pressure equipment:

- 1) the pressure equipment shall be registered in the manner referred to in section 51;
- 2) the in-service values of the pressure equipment shall be confirmed;
- 3) the type and date of the next periodic inspection shall be determined;
- 4) the registration number of the pressure equipment and the date of the next periodic inspection, with an accuracy of one month, shall be marked on the pressure equipment or its data plate;

In the first periodic inspection it shall be inspected that:

- 1) the markings and instructions of the pressure equipment have been made in the manner referred to in section 18 and that the EU declaration of conformity has been drawn up in the manner referred to in section 16, subsection 3, paragraph 2;
- 2) the pressure equipment has been placed in the manner referred to in section 6;
- 3) the pressure equipment can be operated safely and it can operate safely in the system to which it has been connected;
- 4) the operations supervisor has the qualifications and expertise referred to in section 72;
- 5) the pressure equipment has the equipment and assemblies necessary for operational safety and that they operate properly;

6) the electronic or programmable automation system with protective and locking mechanisms and its plant-specific realisation are appropriate, unless these factors have been assessed as part of the conformity assessment.

Further provisions on the content of the first periodic inspection and the associated inspections of boiler plants and pressure equipment placed outside are issued by government decree.

## **Section 56**

### **Subsequent periodic inspections**

Subsequent periodic inspections are either in-service inspections, internal inspections or periodic pressure tests.

In the periodic inspection, the inspection body shall determine the type and date of the next periodic inspection. The date of the next periodic inspection, with an accuracy of one month, shall be marked on the pressure equipment.

The inspection body shall reduce the frequency of periodic inspections laid down in section 57, subsection 3, section 58, subsection 3 and section 59, subsection 3, if the condition of the pressure equipment as well as the operating conditions, maintenance, manufacturer's instructions or inspection results so require.

Upon the request of the owner or holder, the inspection body can extend the frequency of periodic inspections laid down in section 57, subsection 3, section 58, subsection 3 and section 59, subsection 5, if the condition of the pressure equipment as well as the operating conditions, maintenance, manufacturer's instructions or inspection results so allow.

The date of a periodic inspection may be rescheduled by up to 13 months, unless a shorter period of time is provided below. The rescheduling shall not affect the dates of the subsequent periodic inspections. (797/2017)

Further provisions on the periodic inspection of the piping of pressure equipment subject to registration are issued by government decree.

## **Section 57**

## **In-service inspection**

In the in-service inspection it shall be inspected that:

- 1) the pressure equipment has the equipment and assemblies necessary for operational safety and that they operate properly;
- 2) the operations supervisor has the qualifications and expertise referred to in section 72;
- 3) the pressure equipment and its accessories, insulations, weather guards and other external structures are in proper condition;
- 4) the pressure equipment can operate safely in the system to which it has been connected; and
- 5) the hazard assessment of the boiler plant has been performed in the manner laid down in section 65 and the requirements for the operations supervision of the boiler plant are met in the manner laid down in section 75.

In connection with the in-service inspection, the owner or holder shall provide the inspection body with a report of the repairs carried out after the previous in-service inspection.

The frequency of in-service inspections shall not exceed:

- 1) two years for:
  - a) steam and hot water boilers;
  - b) autoclaves;
  - c) transport vessels discharged using pressure that are pressurised only when discharged;
  - d) fibre-reinforced plastic vessels;
  - e) pressure vessels used in the hardening of chalk and cement products;

2) four years for other pressure equipment.

The frequency of in-service inspections may be extended by no more than one year.

## **Section 58**

### **Internal inspection**

In the internal inspection of pressure equipment, it shall be inspected that the pressure equipment and its accessories do not have any faults or characteristics that could endanger the safe operation of the pressure equipment.

Inspections of piping connected to pressure equipment may be replaced with the monitoring laid down in section 63. The supervisory authority need not be notified of the monitoring.

The frequency of internal inspections shall not exceed:

1) two years for:

a) fibre-reinforced plastic vessels;

b) pressure vessels used in the hardening of chalk and cement products;

2) eight years for pressure equipment the fluids of which are non-corrosive and do not otherwise affect negatively the wall of the pressure equipment;

3) four years for other pressure equipment.

The frequency of internal inspections may be extended by no more than twice its length.

## **Section 59**

### **Periodic pressure test**

A periodic pressure test shall verify that the pressurised walls of the pressure equipment are tight at test pressure and that the structure does not exhibit any deformation endangering the safety of



the equipment. The manufacturer's instructions, if they exist, shall be taken into account when performing the test.

The pressure test shall be performed observing necessary caution.

The pressure test shall be performed as part of every other internal inspection. A test need not to be performed on a pressure vessel and piping if, in the course of the internal inspection, it has been possible to adequately verify the intactness and strength of the structure.

The grounds for non-performance of the test shall be presented in the inspection record and the possibility of non-performance shall be reassessed in the next internal inspection.

Further provisions on the procedure applicable to pressure tests are issued by government decree.

The frequency of pressure tests may be extended by no more than twice its length.

## **Section 60**

### **Underground inspection**

Pressure equipment subject to registration that is to be covered fully or partially by soil shall not be covered until the inspection body has performed an underground inspection on the pressure equipment and the piping connected to it.

The underground inspection shall verify that the pressure equipment and the piping connected to it are adequately covered, that uneven soil or soil movements do not endanger the safety of the pressure equipment and that the soil material used is appropriate for covering the pressure equipment.

## **Section 61**

### **Modification inspection**

Before putting into service again, a modification inspection shall be performed on pressure equipment:

- 1) that has been damaged;

2) when the accessories or assemblies affecting its operational safety have been substantially modified; or

3) when there is intention to modify the intended use or the allowable in-service values of the pressure equipment.

A modification inspection shall be performed on a registered pressure equipment:

1) that has been installed on a new site;

2) that has been moved or modified in a way that means the approved plan for placement cannot be observed;

3) that has been notified to the supervisory authority as decommissioned for more than one year and will be recommissioned;

4) that is intended to be moved from continuous operations supervision to periodic operations supervision.

The modification inspection shall observe the provisions in section 55 concerning the first periodic inspection and it shall control that the modification has been performed appropriately.

Further provisions on the content of the modification inspection referred to in subsection 2, paragraph 4 are issued by government decree.

## **Section 62**

### **Modification inspections in certain situations**

A modification inspection shall also be carried out before the putting into service of a pressure equipment when:

1) the pressure equipment has been imported from a State belonging to the European Economic Area and manufactured before the requirement for the CE marking for pressure equipment;

2) the conformity of the pressure equipment has been assessed by a user inspection body or a self-inspection body and the pressure equipment is intended to be used outside establishments operated by the organisation of which the user inspection body or the self-inspection body is part.

In the modification inspection referred to in subsection 1 above, it shall be assessed, based on the documentation on the pressure equipment and by inspecting the pressure equipment, that the condition and level of safety of the pressure equipment comply with the general safety requirements laid down in section 5. If the essential safety requirements laid down in section 14 are applied to the pressure equipment, the inspection shall also assess whether the pressure equipment meets these requirements. The modification inspection shall observe the provisions in section 55 concerning the first periodic inspection.

### **Section 63**

#### **Replacing a periodic inspection with monitoring of pressure equipment**

Periodic inspections may be replaced fully or partially with monitoring performed by the owner or holder of a registered pressure equipment, if the safety of the pressure equipment can be verified by means of monitoring.

The owner or holder shall agree on the monitoring of pressure equipment with an approved body and a monitoring plan shall be made in writing.

The owner or holder shall notify the supervisory authority of the monitoring and of the registration numbers of the pressure equipment covered by the monitoring.

Periodic inspections shall be reinstated if the owner, holder, approved body or supervisory authority deems that the monitoring of the pressure equipment cannot be used to assess whether the pressure equipment meets the general safety requirements laid down in section 5. If the essential safety requirements laid down in section 14 are applied to the pressure equipment, the monitoring shall be able to assess whether the pressure equipment meets these requirements.

Further provisions on the periodic inspections or their parts that can be replaced with monitoring of pressure equipment are issued by government decree.

### **Section 64**

## **Replacing periodic inspections with a condition monitoring system**

The periodic inspection referred to in section 56, subsection 6 and sections 57–59 above may be replaced with a condition monitoring system confirmed for the inspection target by an approved body, if the system has the same effect as the periodic inspection.

The condition monitoring system shall be made in writing. It shall define the duties and qualification requirements of the persons participating in the monitoring system as well as the maintenance of the measuring devices required by the monitoring.

The number, content and frequency of measures replacing periodic inspections shall take into account any information received concerning the risks, use and inspections of the inspection target.

The owner or holder of pressure equipment shall report the registered pressure equipment covered by the condition monitoring system and their inspection and follow-up programme to the supervisory authority that may set conditions for the implementation of the system or programme.

The owner or holder of the pressure equipment shall continuously develop the condition monitoring system based on information received from the operation and inspection of the pressure equipment.

Periodic inspections shall be reinstated if the owner, holder, approved body or supervisory authority deems that the confirmed condition monitoring system cannot be used to assess whether the pressure equipment meets the general safety requirements laid down in section 5. If the essential safety requirements laid down in section 14 are applied to the pressure equipment, the condition supervision system shall be able to assess whether the pressure equipment meets these requirements.

## **Section 65**

### **Hazard assessment and preparedness for hazards in boiler plants**

The owner and holder shall carry out a hazard assessment to ensure the post-use safety of a boiler plant that:

- 1) has a steam boiler subject to registration to the pressure equipment register with a capacity exceeding 6 megawatts;
- 2) has a hot water boiler subject to registration to the pressure equipment register with a capacity exceeding 15 megawatts; or
- 3) is to be placed underground.

The hazard assessment of a boiler plant shall indicate:

- 1) the hazards associated with the operation of the boiler plant and the circumstances where an accident can occur;
- 2) the hazards caused by the operating technology of the boiler plant;
- 3) a description of typical and greatest possible hazards as well as of inappropriate uses, malfunctions, damage to equipment and other factors leading to hazards.

Measures shall be taken to prepare for the hazards identified in the hazard assessment and, in addition to what is provided in subsection 2, the hazard assessment shall indicate at least:

- 1) the measures taken to prepare for the prevention of hazards in the normal use of the boiler plant and in connection with repair and maintenance work and different kinds of incidents;
- 2) the measures taken as a result of the analyses carried out; and
- 3) the protective systems intended to be used to prevent the identified hazards or reduce their consequences, the requirements for the functions and reliability of the systems and the measures used to ensure that these requirements are met.

The inspection body shall inspect the hazard assessment.

## **Section 66**

### **Inspection record**

The inspection body shall provide the operator that requested an inspection with an inspection record of performing the inspection referred to in sections 55–62. The inspection record shall be accompanied by a report, referred to in section 54, subsection 2, if measures performed in States belonging to the European Economic Area have been approved as part of the inspections.

## **Section 67**

### **Immediate hazard**

Should the inspection body observe in the course of an inspection that the operation of the pressure equipment cause an immediate hazard, the inspection body shall request the operations supervisor or the representative of the owner or holder to immediately take measures to eliminate the hazard.

The inspection body shall notify the owner or holder of the pressure equipment of the matter in writing and send a copy of the notification to the supervisory authority and the operations supervisor.

The owner or holder of the pressure equipment shall request the inspection body to perform a modification inspection, referred to in section 61, on the pressure equipment after the measures to eliminate the hazard, referred to in subsection 1, have been taken.

## **Section 68**

### **Defects and deficiencies**

Should the inspection body find in the course of an inspection that the pressure equipment has defects or deficiencies that reduce the safety of the operation of the pressure equipment, the inspection body shall notify the operations supervisory or the representative of the owner or holder that the pressure equipment is unsafe to operate.

The owner or holder of the pressure equipment shall request the inspection body to perform a modification inspection, referred to in section 61, on the pressure equipment after the measures to repair the defect and deficiency have been taken.

Should the inspection body deem the defects of the pressure equipment serious, but they do not require any measures referred to in subsection 1 or section 67, subsection 1, the defects shall be

recorded in the inspection record and a timetable shall be agreed for eliminating the defects or for decommissioning the pressure equipment. The inspection body shall supervise that the agreed measures be taken.

The supervisory authority may order extraordinary inspections on pressure equipment when there are special reasons to ensure their safety.

## **Section 69**

### **Inspection book**

The owner or holder of pressure equipment subject to registration shall compile key documentation of the pressure equipment into an inspection book.

The owner or holder of pressure equipment shall keep the inspection book of a registered pressure equipment until the supervisory authority is notified that the pressure equipment has been removed from the register. On transfer of the pressure equipment, the inspection book shall be handed over to the new owner or holder.

## **Chapter 10**

### **Operation and operations supervision of pressure equipment**

## **Section 70**

### **Obligations of the owner and holder to ensure the safe operation of pressure equipment subject to registration**

The owner or holder of pressure equipment subject to registration shall designate an operations supervisor, who has the qualifications referred to in section 72, to supervise the proper operation of the pressure equipment

The owner or holder of pressure equipment shall ensure that:

- 1) the operations supervisor has access to all information associated with the operation and maintenance of the pressure equipment;

2) the operations supervisor is able to maintain and operate the pressure equipment in a manner that does not cause a hazard to people or property;

3) one or more stand-by operations supervisors are designated for the pressure equipment who will act as the operations supervisor when the ordinary operations supervisor is unable to perform his or her duties;

4) the personnel acting as operations supervisors are competent and they have received orientation to their duties;

5) when the owner or holder of the pressure equipment changes, the supervisory authority is notified of the contact information of the new owner or holder.

## **Section 71**

### **Duties of the operations supervisor**

The operations supervisor shall:

1) supervise the operation and maintenance of the pressure equipment as well as keep an operations record;

2) keep the owner or holder of the pressure equipment informed of essential matters concerning the operation and condition of the pressure equipment;

3) ensure that the personnel operating the pressure equipment are familiar with the operation, instructions and security provisions of the pressure equipment and the functioning, operation and testing of the limiting and alarm devices.

Further provisions on the content of the duties of the operations supervisor are issued by government decree.

## **Section 72**

### **Qualifications of the operations supervisor**



The operations supervisor shall have the necessary expertise concerning the structure, operation and maintenance of the pressure equipment.

In a boiler plant, where there are one or more steam or hot water boilers subject to registration in the pressure equipment register and their combined power is greater than one megawatt, or the maximum allowable pressure of one or more boilers is greater than ten bar, the operations supervisor shall have the following qualifications:

- 1) senior engineer certificate, if the power value is greater than 5,000 bar megawatt;
- 2) engineer certificate, if the power value is not more than 5,000 bar megawatt;
- 3) junior engineer certificate, if the maximum allowable pressure is not more than 40 bar and the power value is not more than 500 bar megawatt;
- 4) machine operator certificate A, if the maximum allowable pressure is not more than 25 bar and the power value is not more than 100 bar megawatt;
- 5) machine operator certificate B, if the maximum allowable pressure is not more than 16 bar and the power value is not more than 40 bar megawatt.

Should the boiler plant have only hot water boilers, a person with qualifications one category below what is laid down in subsection 2 can be designated an operations supervisor.

Should the boiler plant have both steam and hot water boilers, the qualification requirements under subsections 2 and 3 are determined in accordance with the higher qualifications category by calculating the power value and the maximum allowable pressure separately for the groups of steam boilers and hot water boilers.

Persons with the following training and experience may also be designated as operations supervisors of boiler plants:

- 1) a university degree in engineering, a master's degree in engineering from a university of applied sciences or a bachelor's degree in engineering from a university of applied sciences;

2) a grade in subjects concerning the planning, construction and maintenance of steam and hot water boilers; and

3) at least two years' experience of operation and maintenance duties in a boiler plant in the corresponding qualification category.

Should a person, who otherwise meets the qualification requirements referred to in subsection 5, have at least one year's experience of duties concerning the planning and manufacturing of steam or hot water boilers or of inspection duties, he or she may be designated as operations supervisor if he or she has one year's experience of the duties referred to in subsection 5, paragraph 3.

A person with qualifications one category below what is laid down in subsections 2–4 can be designated a stand-in operations supervisor in a boiler plant.

Further provisions on the training content, the work experience requirements and other required qualifications demonstrating technical competence that are the conditions for granting the qualification certificates referred to in subsection 2, paragraphs 1–5 are issued by government decree.

## **Section 73**

### **Granting of qualification certificates**

The approved body assesses the qualifications of the person applying for a qualification certificate and grants the qualification certificate.

A record of the applicant's studies and work experience and a copy of any qualification certificates granted earlier shall be appended to the application for a qualification certificate.

The approved body shall issue a qualification certificate to a person who meets the requirements laid down in section 72.

The approved body keeps a list of the qualification certificates it has granted.

When requested, the approved body shall issue a certificate of professional pressure equipment work performed in Finland.

## **Section 74**

### **Training and work experience acquired outside Finland**

When assessing the qualifications of a person applying for a qualification certificate, the approved body shall take into consideration the training received outside Finland and the work experience in the pressure equipment field acquired outside Finland. Provisions on requesting an opinion from a university, a university of applied sciences or other educational institution to support the decision-making are laid down in section 4, subsection 2 of the Act on the Recognition of Professional Qualifications (1384/2015).

The approved body may also assess the qualifications of the person in question on the basis of a foreign qualification certificate or a similar document.

Provisions on the requirements for approved bodies when they issue qualification certificates are laid down in the Act on the Recognition of Professional Qualifications. If an application for a qualification certificate is submitted on the basis of professional experience, the qualification certificate issued by the qualification assessment body shall reflect the pressure equipment work experience acquired by the applicant.

## **Section 75**

### **Operations supervision of boiler plants**

The steam and hot water boilers, registered in the pressure equipment register, in a boiler plant shall be supervised either continuously or periodically while they are in use.

The operator of pressure equipment under continuous operations supervision shall monitor the operations data essential for the safety of the boiler plant inside the plant or from a control position located outside the plant.

The operator of pressure equipment under periodic operations supervision does not need to be continuously inside the boiler plant or in the control position, but the operator must make regular supervision visits to the plant. However, the operator of pressure equipment shall immediately receive information of an alarm to take necessary measures.

A condition for periodic operations supervision is that the requirements for periodic operations supervision have been taken into account in the hazard assessment of the boiler plant.

Provisions on the following are issued by government decree:

1) the requirements for the control position in a boiler plant subject to continuous and periodic operations supervision;

2) the requirements for on-site personnel in a boiler plant subject to continuous operations supervision;

3) the requirements for the boiler plant that are a condition for periodic operation supervision, the frequency of supervision visits and other requirements on the presence of the operator of pressure equipment in the boiler plant or the control position.

## **Section 76 (797/2017)**

### **Installations, repairs and modifications of pressure equipment**

Installations, repairs and modifications of pressure equipment and the joining of pressure equipment the conformity of which has not been verified, shall comply with the general safety requirements laid down in section 5. If the essential safety requirements laid down in section 14 are applied to the pressure equipment, the installations, repairs and modifications shall also comply with these requirements. In the joining of pressure equipment, the conformity of the welding, heat treatment or other modification of the structures contributing to pressure resistance shall be verified by applicable conformity assessment procedures.

Further provisions on the procedure applicable to installations, repairs and modifications of structures contributing to pressure resistance and on the application of the procedure on the verification of the conformity of the joining of pressure equipment referred to in subsection 1.

## **Chapter 11**

### **In-service control of pressure equipment by public authorities**

## **Section 77**

### **Pressure equipment register**

The Finnish Safety and Chemicals Agency keeps a register of pressure equipment for the control of the safe operation of pressure equipment and for ensuring that the frequency of inspections of registered pressure equipment complies with the provisions and that an operations supervisor who meets the qualification requirements have been designated for the pressure equipment.

The following details are entered into the pressure equipment register for the purpose of the control referred to in subsection 1:

- 1) registration number, manufacturing number and manufacturing year of the pressure equipment;
- 2) company name, business identity code and contact information of the owner and holder of the pressure equipment;
- 3) company name of the manufacturer and importer of the pressure equipment;
- 4) name, personal identity number and qualification information of the operations supervisor as well as name, business identity code and contact information of the employer of the operations supervisor;
- 5) information about the site of the pressure equipment;
- 6) information about the type and safety accessory system of the pressure equipment;
- 7) the pressure equipment's allowable in-service values, volume, power and the information about the fluids of the pressure equipment;
- 8) the date of inspection, type of inspection, result of inspection and the date and type of the next inspection;
- 9) essential safety observations during inspection;
- 10) information on the procedures replacing inspections referred to in sections 63 and 64;

11) information of the inspection body that performed the inspection.

The information kept in the register shall be removed without delay when it is no longer necessary for the control.

## **Section 78**

### **Right to access premises essential to in-service control**

For purposes of in-service control of pressure equipment, the supervisory authority has the right to:

- 1) access the premises where pressure equipment and its parts and materials are manufactured, stored, sold, installed, repaired, operated and inspected; and
- 2) obtain samples and test components from the owners, holders and manufacturers of pressure equipment and their parts and materials, from those engaged in their installation, repair, import, sales and storage, and from the relevant inspection body.

However, the supervisory authority does not have the right to access premises used as a permanent residence.

The inspections performed by the supervisory authority shall comply with the provisions laid down in section 39 of the Administrative Procedure Act.

The supervisory authority shall reimburse for the samples and test components referred to in subsection 1, paragraph 2 at current price, unless the pressure equipment is found to be non-complying.

## **Section 79**

### **Right of the supervisory authority to obtain information**

Notwithstanding secrecy provisions, the supervisory authority has the right to obtain the information necessary for supervision of compliance with this Act from economic operators, holders of pressure equipment, user inspection bodies, qualification bodies, inspection bodies, and those engaged in installation, repair, sale and storage of pressure equipment.

## **Section 80**

### **Obtaining information from the authorities and disclosing secret information**

Notwithstanding the secrecy obligation and other restrictions concerning access to information, the supervisory authority has the right to obtain information essential for criminal investigation or supervision from other authorities.

Notwithstanding secrecy provisions, the supervisory authority may disclose information on the financial situation of private individuals or corporations, business secrets or personal circumstances of private individuals it has obtained as part of its supervisory duties: (677/2018)

1) to prosecutors for the consideration of charges and to pre-trial investigation authorities for preventing and investigating offences;

2) to rescue authorities and occupational safety and health authorities, if disclosing the information is essential for ensuring that these authorities can perform their duties;

3) to competent authorities in other states and to international bodies so that obligations based on the legislation of the European Union or international agreements binding on Finland can be met.

## **Section 81**

### **Measures of the supervisory authority regarding non-compliant pressure equipment**

Should the supervisory authority find in the course of the monitoring that a pressure equipment does not meet the essential safety requirements laid down in section 5 or its placement does not meet the requirements laid down in section 6, the supervisory authority shall request the owner or holder to redress the deficiencies and negligence within a specified time limit as well as require that the owner or holder demonstrate that the requirements are met.

Should the supervisory authority find in the course of the monitoring that a pressure equipment subject to the essential safety requirements laid down in section 14 does not meet the requirements, the supervision authority shall observe the procedure laid down in subsection 1.

Should the supervisory authority find in the course of the monitoring that an inspection referred to in sections 55–59 has not been performed on a pressure equipment or that an operations supervisor referred to in section 70, subsection 1 has not been designated for the pressure equipment, the supervisory authority shall request the owner or holder to perform the said procedures within a specified time limit.

If the request referred to in subsections 1–3 is not complied with within the given time limit, the supervisory authority has the right to prohibit the use, sale or other supply of the non-compliant pressure equipment.

If the deficiencies or negligence are of serious or fundamental nature and if no corrective measures have been taken despite a request, issued under subsections 1–3, or a warning, issued under subsection 4, the supervisory authority has the right to order that the owner or holder shall modify the pressure equipment so that it is no longer suitable for pressurised use. If the said measure is not appropriate, the supervisory authority shall order how to proceed with the non-compliant pressure equipment in other respects.

The owner, holder, distributor, wholesaler and retailer of the pressure equipment may be obliged to reimburse the costs of testing and examination, if the supervisory authority uses one of the rights referred to in subsections 1–4.

## **Section 82**

### **Supervision of the inspection bodies**

The supervisory authority shall monitor the operations of the inspection bodies it has approved and ensure at regular intervals that the bodies meet the requirements laid down in this Act.

Should the supervisory authority find that an inspection body does not meet the requirements laid down in sections 45–48 or should it fail to comply with the conditions and restrictions issued in the approval decision, or should it otherwise operate materially contrary to the provisions, the supervisory authority shall request the inspection body to redress the deficiency within a specified time limit. If the deficiency is not redressed within the time limit and the deficiency is serious, the supervisory authority shall withdraw the approval of the inspection body.



The supervisory authority shall monitor that the organisation of which the self-inspection body is part complies with the common safety policy laid down in section 43, subsection 3. Should the supervisory authority find in the course of the monitoring a failure to comply with the common safety policy, the supervisory authority shall take measures referred to in subsection 2 against the inspection body. The supervisory authority shall take measures referred to in section 81 against pressure equipment.

## **Section 83**

### **Designation of a new operations supervisor**

Should an operations supervisor, in the performance of his or her duties, fail to observe this Act or the provisions or regulations issued under it, the supervisory authority shall request the operations supervisor to correct the deficiency within a specified time limit.

Should the negligence be of serious or fundamental nature, the supervisory authority may order the owner or holder of the pressure equipment to designate a new operations supervisor. Prior issuing the order, the supervisory authority shall reserve the operations supervisor and the owner or holder of the pressure equipment an opportunity to be heard.

## **Section 84**

### **Investigation into personal injury and damage to property caused by pressure equipment**

The supervisory authority shall investigate any personal injury or substantial damage to property caused by damage to a pressure equipment or a sudden release of pressure referred to in section 10, subsection 2 or section 11, if it deems it necessary for establishing the cause of the accident or for preventing accidents.

## **Chapter 12**

### **Operation of transportable pressure equipment**

## **Section 85**

### **Provisions applied to transportable pressure equipment**

The provisions in this chapter apply to transportable pressure equipment. The provisions in section 6 on the safe placement of pressure equipment shall also apply to transportable pressure equipment.

Provisions on the inspection of transportable pressure equipment are laid down in the Act on Transport of Dangerous Goods.

### **Section 86 (797/2017)**

#### **Provisions applicable to pressure equipment similar to transportable pressure equipment**

The provisions in this chapter shall apply to the filling, discharge and other operation of pressure equipment similar to transportable pressure equipment. The provisions in the Act on Transport of Dangerous Goods shall apply to the periodic inspection of pressure equipment similar to transportable pressure equipment.

### **Section 87**

#### **Filling station**

The owner or holder of a filling station shall ensure that the station is placed and constructed and working in the station is organised so that the filling of pressure equipment do not cause a hazard to anybody's health, security or property.

The structure and equipment of the filling station shall be such that the filling of transportable pressure equipment and related operations can be performed with proper precision.

The filling station shall have in its service qualified personnel with sufficient expertise of the filling and structure of transportable pressure equipment.

### **Section 88**

#### **Foundation plan and commissioning of a filling station**

The owner or holder of a filling station shall draw up a foundation plan of the filling station and, before the start of the construction work, request the inspection body to inspect that the

requirements referred to in section 87, subsection 1 have been taken into account in the foundation plan.

A foundation plan is not necessary if the filling station has a licence referred to in section 23 of the Act on the Safe Handling of Dangerous Chemicals and Explosives (390/2005), issued by the Finnish Safety and Chemicals Agency, or a notification referred to in section 24 of the mentioned Act has been issued of it. No foundation plan is needed for a filling station for drinks.

The filling station can be commissioned once the inspection body has in the commissioning inspection found that the filling station be technically ready for operation and meet the requirements laid down in section 87, subsection 1.

The owner or holder of the filling station shall request, at least at three-year intervals, the inspection body to inspect that the filling station meet the requirements laid down in section 87, subsection 1 and comply with the obligations laid down in section 91. An inspection shall be requested also if there is a significant change in the conditions.

An inspection after the commissioning inspection is not necessary if the Finnish Safety and Chemicals Agency performs periodic inspections on the filling of the substance in question under the Act on the Safe Handling of Dangerous Chemicals and Explosives (390/2005). (797/2017)

## **Section 89 (797/2017)**

### **Filling of transportable pressure equipment and pressure equipment similar to transportable pressure equipment**

Transportable pressure equipment shall be filled in a filling station referred to in section 87.

Notwithstanding the provisions of subsection 1 above:

- 1) transportable pressure equipment with a capacity of no more than 450 litres may be filled from another transportable pressure equipment with a capacity of no more than 450 litres;
- 2) breathing equipment cylinder designed to be portable or used in rescue operations may be filled in a filling facility referred to in section 90;

3) gas cylinders with a capacity of no more than 15 litres may be filled in a filling facility referred to in section 90.

Before filling, it shall be ensured that the transportable pressure equipment and its accessories are in working order and that the next inspection date has not expired.

Transportable pressure equipment may be filled only with the substance for which it has been approved and marked. There shall be a reliable protection against overfilling a pressure equipment.

## **Section 90**

### **Filling facility**

The owner or holder of equipment used to fill transportable pressure equipment and pressure equipment similar to transportable pressure equipment, referred to in section 89, subsection 2 and 3 above, shall request the inspection body to assess the filling facility before the filling equipment are put into service. The filling facility shall be assessed at least every six years after it has been commissioned. (797/2017)

The inspection body shall assess whether the equipment of the filling facility can be used to fill pressure equipment safely to the correct filling pressure and whether the filling personnel has the necessary skills to operate the filling facility equipment and fill pressure equipment.

## **Section 91**

### **Filling list**

A filling station shall keep a list of the transportable pressure equipment it has filled, including the filling substance, date of filling, identification and manufacturing number of the filling equipment or the number used by the owner or holder. For transportable pressure equipment with a capacity of no more than 450 litres, the information entered in the filling list shall even include the name of the owner or holder of pressure equipment and the filling values and weighing results of pressure equipment. The list shall be kept for at least three years after the filling.

A filling list is not required for the following transportable pressure equipment:

- 1) transportable pressure equipment with a capacity of no more than 150 litres, if the filling substance is propane, propene, butane, butene or a mix of them;
- 2) other transportable pressure equipment with a capacity of no more than 450 litres than those referred to in paragraph 1, if the pressure equipment are labelled with a permanent marking indicating the filling station that performed the most recent filling;
- 3) transportable pressure equipment used as a vehicle fuel tank.

## **Section 92**

### **Discharge of transportable pressure equipment**

The owner or holder of a discharge facility for transportable pressure equipment with a capacity of more than 450 litres that contains flammable, toxic or corrosive gas shall ensure that the discharge facility is placed and constructed and working in the facility is organised so that the discharge of pressure equipment does not endanger anybody's health, safety or property.

When a transportable pressure equipment on board of a means of transport is discharged to a storage tank, the owner or holder of the discharge facility shall:

- 1) ensure that the discharge be performed under controlled circumstances;
- 2) ensure, before starting the discharge, that the means of transport be stationary;
- 3) use proper grounding when discharging flammable gas;
- 4) isolate the discharge facility appropriately when discharging flammable or toxic gas.

A transport vessel may be discharged with pressure only if the vessel or discharge equipment have been equipped to prevent the maximum allowable pressure from exceeding.

## **Section 93**

### **Authority of the inspection body**

An inspection body, approved to perform periodic inspections on transportable pressure equipment under the Act on Transport of Dangerous Goods, may perform periodic inspections on pressure

equipment similar to transportable pressure equipment without the approval referred to in section 44 of this Act.

## **Section 94**

### **Other obligations of the inspection body**

Should the inspection body notice that the operations of a filling station or a filling or discharge facility cause an immediate hazard, it shall proceed in accordance with section 67.

Should the inspection body observe defects and deficiencies in a facility referred to in subsection 1, it shall proceed in accordance with section 68.

The inspection body shall keep a list of the inspections and assessments referred to in section 88 and 90 and submit this information to the supervisory authority at its request.

## **Section 95**

### **Special provisions on the operation of transportable pressure equipment**

Transportable pressure equipment may not be pressurised if the frequency of inspections under the Act on Transport of Dangerous Goods plus one year have elapsed since the most recent inspection of the pressure equipment. The supervisory authority may extend the operating period referred to above.

Notwithstanding the provisions of subsection 1, eleven years may have elapsed since the most recent inspection of transportable pressure equipment with a capacity of no more than 150 litres, used as an extinguisher or its component.

The fluids of transportable pressure equipment with a capacity of no more than 450 litres shall be indicated by a colour code.

The joining of a pressure equipment and another equipment shall prevent any dangerous joining.

## **Chapter 13**

### **Military pressure equipment and pressure equipment that are stationary in specially protected objects of the Defence Forces and the Ministry of Defence**

## **Section 96**

### **Application of the Act to military pressure equipment and pressure equipment that are stationary in specially protected objects of the Defence Forces and the Ministry of Defence**

This Act applies to military pressure equipment and pressure equipment that are stationary in specially protected objects in the possession of the Defence Forces or the Ministry of Defence. However, the provisions of section 8, subsection 1; section 16, subsection 2; section 16, subsection 3, paragraphs 2 and 3; section 17; section 18, subsection 4; sections 23–25; chapter 5; section 30, subsection 2, paragraphs 3, 4 and 6; section 30, subsection 5; and section 35, subsection 2 do not apply to military pressure equipment referred to in subsection 1 above.

## **Section 97**

### **Pressure equipment inspected by the Defence Forces and conformity assessment**

The Defence Forces shall inspect the pressure equipment that are stationary in specially protected objects of the Defence Forces or the Ministry of Defence. The Defence Forces shall also inspect the placement of the pressure equipment referred to in this section.

The Defence Forces shall assess the conformity of military pressure equipment.

## **Section 97a (797/2017)**

### **Pressure equipment register of the Defence Forces**

The Defence Forces shall maintain a pressure equipment register of military pressure equipment and pressure equipment that are stationary in specially protected objects of the Defence Forces or the Ministry of Defence. The Defence Forces shall be responsible for the tasks referred to in section 77, subsection 1, associated with the register. Information referred to in section 77, subsection 2 shall be entered into the pressure equipment register of the Defence Forces. However, the name and personal identity number, referred to in section 77, subsection 2, paragraph 4, of operations supervisors of pressure equipment on military ships shall not be entered into the register. For other pressure equipment, the date of birth of the operations supervisor shall be entered into the register instead of the personal identity number.

## **Chapter 14**

### **Pressure equipment on ships**

#### **Section 98 (995/2018)**

##### **Inspection of pressure equipment**

Pressure equipment on ships shall be inspected by the supervisory authority.

The supervisory authority may authorise a recognised classification society or an inspection body approved by the Finnish Safety and Chemicals Agency in accordance with section 44 to perform the inspection of pressure equipment on ships, if the inspection body has sufficient competence and experience of pressure equipment on ships.

A recognised classification society, authorised by the Finnish Transport and Communications Agency, shall keep a register of pressure equipment on classified ships. The classification society shall be responsible for the tasks referred to in section 77, subsection 1, associated with the register. The Finnish Transport and Communications Agency shall keep a similar register of pressure equipment on unclassified ships. For merchant ships, the information referred to in section 77, subsection 2, with the exception of the name and personal identity number of the operations supervisor referred to in paragraph 4, shall be entered in the register of pressure equipment.

#### **Section 99**

##### **Supervision of the inspection body**

The supervisory authority shall supervise the operations of the inspection body it has authorised to perform the inspection of pressure equipment on ships.

Should the inspection body fail to meet the statutory requirements, or act contrary to the regulations, the supervisory authority may give the inspection body a caution or a warning. If the caution or warning issued to the inspection body does not lead to the remedy of deficiencies found in its operations, the supervisory authority may suspend the authorisation. The authorisation may be withdrawn if essential and serious deficiencies or neglect are found in the operations of the inspection body.



The provisions of the Act on the Technical Safety and Safe Operation of Ships (1686/2009) shall apply when the supervisory authority authorises an approved classification society to perform inspections of pressure equipment.

## **Section 100**

### **Qualification alternatives for operations supervisors on ships**

The provisions of the Act on Ships' Crews and the Safety Management of Ships shall apply to the qualification requirements for operations supervisors of pressure equipment installed on ships referred to in section 4 of the Act on Ships' Crews and the Safety Management of Ships.

Provisions in section 72 shall apply to the qualification requirements for operations supervisors of pressure equipment on other vessels and barges.

## **Section 101**

### **Special requirements for the safety of pressure equipment on ships**

Steam boilers and steam generators on ships shall be equipped with at least two safety valves. However, the supervisory authority may allow the use of only one safety valve in low-efficiency boilers and steam generators if it is possible to ensure sufficient protection against overpressure. The capacity of each individual safety valve shall be sufficient to protect the steam boiler or steam generator against overpressure. The steam boiler shall also be equipped with a vacuum protector.

An oil- or gas-fired boiler used on a ship without continuous supervision shall be equipped with a safety accessory that disconnects the fuel feed and gives an alarm in the event of low water level, air feed failure or flame failure.

A steam generating system, which provides steam feed essential for the safety of the ship or which could cause a hazard by the failure of its feedwater supply system, shall be equipped with at least two separate feedwater supply systems and with water pumps, noting that a single penetration of the steam drum is acceptable. If the structure of the pump does not withstand pressure rising above the design value, a safety accessory shall be installed on the pump casing or the pipe before the first stop valve.

Each steam boiler essential for the safety of the ship that has been designed to contain a certain amount of water shall be equipped with at least two water-level indicators of which at least one is a sight glass allowing immediate visual inspection. The indicators shall be installed with due consideration to the movement of the ship.

It shall be possible to disconnect the main steam valve of steam boilers on ships from outside the site of the boiler.

## **Section 102**

### **Operation of pressure equipment complying with the harmonised European standard**

If a pressure equipment that has a level of safety corresponding with at least the level described in the applicable harmonised European standards has been or will be installed on a ship, the supervisory authority shall allow the operation of the pressure equipment if it has been manufactured or marketed in another Member State of the European Union or it has been manufactured in another State belonging to the European Economic Area.

## **Chapter 15**

### **Miscellaneous provisions**

## **Section 103**

### **Notice of a conditional fine and notice of enforced compliance**

The supervision authority may enforce a prohibition or order it has issued under this Act by a notice of a conditional fine or a notice that the neglected measure be carried out at the expense of the negligent party. Provisions on the notice of a conditional fine and the notice of enforced compliance are laid down in the Act on Conditional Fines (1113/1990).

The costs of work carried out at the negligent party's expense are paid in advance from government funds. The costs may be collected from the negligent party and shall be directly enforceable. Provisions on their recovery are laid down in the Act on the Enforcement of Taxes and Charges (706/2007).

## **Section 104**

### **Penal provision**

Anyone who, on purpose or through gross negligence, violates

- 1) the owner's and holder's obligation laid down in section 6, subsection 1 to ensure the safe placement of pressure equipment;
- 2) the owner's or holder's obligation laid down in section 10, subsection 2 to notify without delay the supervisory authority of personal injury or substantial damage to property caused by damage to a pressure equipment or a sudden release of pressure;
- 3) the manufacturer's obligation laid down in section 11, subsection 1 to notify the supervisory authority of personal injury or substantial damage to property caused by damage to a pressure equipment or a sudden release of pressure during the manufacture and testing of the pressure equipment;
- 4) the manufacturer's obligation laid down in section 16, subsection 1 to ensure that the pressure equipment, falling within the scope of application of chapter 3, is designed and manufactured in accordance with the essential safety requirements;
- 5) the manufacturer's obligation laid down in section 16, subsections 2 and by virtue of subsection 5 to carry out the relevant conformity assessment procedure for the pressure equipment;
- 6) the manufacturer's obligation laid down in section 16, subsection 3 and by virtue of subsection 5 to draw up the technical documentation and the EU certificate of conformity demonstrating the conformity of the pressure equipment;
- 7) the manufacturer's obligation laid down in section 17, subsection 1 and by virtue of subsection 4 to affix the CE marking on the pressure equipment;
- 8) the manufacturer's obligation laid down in section 18, subsection 1 to ensure that pressure equipment placed on the market is accompanied by required instructions and safety information;
- 9) the manufacturer's obligation laid down in section 19 to ensure that pressure equipment produced in series production is in conformity with the essential safety requirements;

- 10) the importer's obligation laid down in section 30, subsection 1 to place on the market pressure equipment that fulfil the essential safety requirements;
- 11) the importer's obligation laid down in section 30, subsection 2 to ensure that the manufacturer has performed the conformity assessment and drawn up the technical documentation, the CE marking has been affixed to the pressure equipment and the pressure equipment is accompanied by an EU certificate of conformity and instructions and safety information;
- 12) the importer's obligation laid down in section 30, subsection 3 to notify the manufacturer and the supervisory authority of pressure equipment that causes a hazard;
- 13) the distributor's obligation laid down in section 31, subsection 1 to ensure that pressure equipment is accompanied by an EU certificate of conformity, technical documentation, and instructions and safety information;
- 14) the distributor's obligation laid down in section 31, subsection 3 to notify the manufacturer and the supervisory authority of pressure equipment that causes a hazard;
- 15) the owner's or holder's obligation laid down in section 51, subsection 2 to provide information about the pressure equipment in connection with the registration notification;
- 16) the owner's or holder's obligation laid down in section 53, subsection 1 to ensure that the first periodic inspection is performed on the pressure equipment;
- 17) the owner's or holder's obligation laid down in section 53, subsection 2 to ensure that subsequent periodic inspections are performed on the pressure equipment or that the inspections are replaced;
- 18) the owner's or holder's obligation laid down in section 53, subsection 3 to ensure that a modification inspection is performed on the pressure equipment;
- 19) the owner's or holder's obligation laid down in section 65, subsection 1 to perform a risk assessment on a boiler plant;

20) the owner's or holder's obligation laid down in section 70, subsection 1 to designate an operations supervisor to supervise the operation of the pressure equipment;

21) the owner's or holder's obligation laid down in section 70, subsection 2 to ensure that the operations supervisor has access to all information related to the operation and condition of the pressure equipment and that the operations supervisor is able to maintain and operate the pressure equipment in a manner that does not cause a hazard to people or property; or

22) the order, referred to in section 81, subsection 5, issued for the owner or holder to modify the non-compliant pressure equipment so that it is no longer suitable for pressurised use;

shall be sentenced to a fine for a *pressure equipment offence*, unless a more severe punishment is provided elsewhere in law.

Anybody violating a prohibition or obligation ordered under this Act for which a notice of a conditional fine has been issued, may not be sentenced to a punishment for the same offence under subsection 1.

## **Section 105**

### **Appeal against a decision of the Ministry and the supervisory authority**

An administrative decision made by the Ministry and the supervisory authority in accordance with this Act may be appealed against, as laid down in the Administrative Judicial Procedure Act (586/1996). A decision by an Administrative Court may only be appealed against if the Supreme Administrative Court grants a leave to appeal.

Notwithstanding any appeal, a decision of the supervisory authority made under this Act shall be observed unless otherwise ordered by the appellate authority.

However, the decision concerning the issuing of a notice of a conditional fine, and the issuing of a notice of enforced compliance or enforced suspension, and the decision concerning the ordering of the enforcement of the decisions may be appealed against, as laid down in the Act on Conditional Fines.

## **Section 106**

## **Appeal against a decision of a conformity assessment body, an approved body or a self-inspection body**

A decision made by a conformity assessment body, an approved body and a self-inspection body under this Act is open to a rectification request, as laid down in the Administrative Procedure Act.

A decision on the rectification request may be appealed against to an Administrative Court, as laid down in the Administrative Judicial Procedure Act.

A decision by an Administrative Court may only be appealed against if the Supreme Administrative Court grants a leave to appeal.

Notwithstanding any appeal, a decision by a conformity assessment body, an approved body and a self-inspection body shall be observed unless otherwise ordered by the appellate authority.

### **Section 107**

#### **Advisory Committee on Safety Technology**

The Advisory Committee on Safety Technology appointed by the government for three years, assists the Ministry and the supervisory authority in the development and monitoring of the provisions of this Act.

Further provisions on the composition and tasks of the Committee are issued by government decree.

### **Section 108**

#### **Right of the supervisory authority to grant derogations**

In individual cases, the supervisory authority has the right to grant, for special reasons, derogations from the qualification requirements for and eligibility of operations supervisors of boiler plants and from the frequency of periodic inspections of pressure equipment.

### **Section 109**

#### **Showing of pressure equipment**

Pressure equipment or assemblies which do not comply with this Act may be shown at trade fairs, exhibitions, demonstrations or other similar events, if a visible sign clearly indicates that such pressure equipment or assemblies are not in conformity and may not be made available until they are brought into conformity.

During demonstrations, appropriate safety measures shall be taken in accordance with the requirements laid down by the supervisory authority in order to ensure the safety of persons.

## **Chapter 16**

### **Entry into force**

#### **Section 110**

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

This Act enters into force on 1 January 2017.

This Act repeals the Pressure Equipment Act (869/1999), hereafter *the repealed act*.

The Decree on Qualification Certificates of Operations Supervisors in Boiler Plants (891/1999), issued under the repealed act, shall remain in force after the mentioned act is repealed.

Pressure equipment that have been placed on the market before the entry into force of this Act and the conformity of which has been ensured in accordance with the provisions in force at the entry into force of this Act, may remain on the market after the entry into force of this Act. The certificates of conformity of these products shall remain in force.

Self-inspection bodies and approved bodies approved before the entry into force of this Act may continue their operations on the conditions laid out in the approval decision.

The scope of the qualification certificates and exemptions granted before the entry into force of this Act will not be affected.

The Advisory Committee on Safety Technology appointed before the entry into force of this Act shall work until the end of its term

Should another Act or a provision laid down by virtue of such Act, or a decision issued under the repealed act, contain a reference to the repealed act, the reference shall be considered to refer to this Act. (797/2017)