

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

Waste Act

(1072/1993; amendments up to 747/2007 included)

Chapter 1 - General provisions

Section 1 - Purpose of the Act

- (1) The purpose of this Act is to support sustainable development by promoting the rational use of natural resources, and preventing and combating the hazard and harm to health and the environment arising from wastes.

Section 2 - Scope of application

- (1) This Act shall apply to waste, prevention of its generation and reduction of its hazardous or harmful property, promotion of waste recovery, any other organization of waste management, prevention of littering and cleaning of sites which have become littered. (91/2000)
- (2) This Act shall not apply to the waste explosives referred to in the Act on Potentially Explosive Substances (263/1953), the nuclear waste referred to in the Nuclear Energy Act (990/1987), the radioactive waste referred to in the Radiation Act (592/1991) or waste which can be disposed of in the sea under the permit referred to in the Act on the Prevention of Marine Pollution (1415/1994). (91/2000)

- (3) Further provisions on preventing pollution of the environment caused by waste are laid down in the Environmental Protection Act (86/2000). (91/2000)
- (4) Further provisions on the scope of application of this Act may be laid down by decree.

Section 3 - *Definitions*

- (1) For the purposes of this Act:
 - 1) *waste* means any substance or object which the holder discards or intends, or is required, to discard;
 - 2) *hazardous waste* means any waste which may cause particular hazard or harm to health or the environment because of its chemical or some other property;
 - 3) *waste producer* means any natural or legal person whose activities produce waste;
 - 4) *property holder* means the owner of a real property or the holder equated with the owner or the holder of the lease on the property;
 - 5) *operator* means the keeper of a harbour, road, outdoor leisure or motorsledging route, or the holder of a railway;
 - 6) *waste holder* means the producer of the waste, property holder, or operator or any other natural or legal person who is in possession of the waste;
 - 7) *transporter* means any natural or legal person responsible for the transport of waste on behalf of the waste holder or municipality;
 - 8) *waste management* means the collection, transport, recovery and disposal of waste, including the supervision of such operations and after-care of disposal sites;
 - 9) *collection* means the gathering, sorting or mixing of waste for transport or for on-site recovery or disposal;

10) *recovery* means operations aimed at leading to the separation and further use of the material or energy of the waste;

11) *disposal* means operations aimed at rendering the waste harmless or permanently depositing it;
(747/2007)

12) *supervisory authority* means regional environment centres and municipal environmental protection committees and other authorities insofar as they have been given supervisory tasks provided in and under this Act; (747/2007)

13) *transboundary shipment of waste* means the shipment of waste from Finland to another European Union Member State or from a European Union Member State to Finland, the export of waste from Finland to a country that is not a member of the European Union or the import of waste to Finland from a country that is not a member of the European Union, either directly or through another Union Member State, or the shipment of waste through the territory of Finland from a country that is not a member of the European Union to another country that is not a member of the European Union, as laid down in Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, hereafter referred to as the *Waste Shipment Regulation*.(747/2007)

- (2) The provisions of this Act concerning municipalities shall also apply to the Helsinki Metropolitan Area Council or a municipal federation insofar as they are allotted duties decreed or prescribed for municipalities in or under this Act.

Chapter 2 - Prevention of waste generation and reduction of its quantity and harmfulness

Section 4 - General duties of care

- (1) As far as possible, care shall be taken in all activities to minimize generation of waste and to ensure that waste does not significantly hamper or complicate the organization of waste management, or result in hazard or harm to health or the environment. Specifically:
- 1) the producer shall use raw material sparingly in production and substitute waste for raw material used;
 - 2) the manufacturer of a product shall take care, and an importer likewise ensure, that the product is durable, repairable or reusable, or recoverable as waste, and that the product does not, as waste, result in any hazard, harm, or complication referred to above; and
 - 3) the authorities shall promote fulfilment of the obligations referred to above, and use recyclable products or products manufactured from recycled materials in their own activities.

Section 5 - Government general regulations

- (1) In order to implement the provisions of the present chapter, the Government can issue general regulations on:
- 1) labelling of the product or information to be attached to the product;
 - 2) a deposit on the product, or payments to be made for return of the product;
 - 3) prohibition or restriction of, or precondition for, the manufacture, import, export, release onto

the market, transferral, sale, delivery or use of the product, if its production, use or discard is generating waste, which is known or can justifiably be expected to significantly hamper or complicate the organization of waste management, or result in hazard or harm to health or the environment; and

4) any other comparable matter necessary for implementation of an international agreement binding on Finland.

- (2) In issuing a general regulation, the Government can also prescribe that the authorities be provided with any information on operations, products or wastes necessary for implementing the regulation.

Chapter 3 - Organization of waste management

Section 6 - General duties related to the organization of waste management

- (1) Waste management shall be organized as follows:
- 1) unless otherwise provided below in this chapter or chapter 3a, the waste holder shall be responsible for organizing waste management; (452/2004)
 - 2) waste shall be recovered if this is technically feasible and does not entail excessive additional costs compared with some other form of waste management;
 - 3) the first priority shall be given to recovery of the material contained in waste, and the second priority to recovery of the energy contained in waste;
 - 4) waste or waste management shall not cause hazard or harm to health or the environment;
 - 5) waste management shall employ the best economically available technology and the best possible practice of combating harm to health and the environment;

- 6) abandonment or uncontrolled disposal of waste is prohibited;
- 7) waste shall be collected and stored separately at all stages of waste management as far as is necessary and technically and economically feasible in order to prevent hazard or harm to health or the environment or to organize waste management appropriately;
- 8) different types of hazardous waste shall not be mixed with one another or with other waste or substances unless this is necessary for waste recovery or disposal, and can be done without causing hazard or harm to health or the environment;
- 9) if mixing has taken place in violation of the general prohibition laid down in paragraph 8 above, the waste shall be separated if this is technically and economically feasible and necessary in order to prevent hazard or harm to health or the environment;
- 10) waste disposal shall take place at one of the nearest appropriate waste disposal facilities; and
- 11) waste management shall be planned, organized and financed, and waste management approval procedures applied in order to ensure that the country has an adequate number of appropriate waste disposal facilities for various types of disposal.

Section 7 - Organization of waste collection

- (1) Waste producers shall organize the collection of waste.
- (2) Property holders shall, however, take care to organize the collection of waste covered by a waste transport scheme. Waste producers shall deliver such waste to a collection site provided by the property holder.
- (3) Operators shall, for their part, organize the collection of waste in their area or on their route.

- (4) The municipality can designate the collection site to which waste must be delivered for the waste transport scheme.

Section 8 - *Organization of waste transport*

- (1) Waste holders shall take care to organize the transport of waste.

Section 9 - *Waste transport*

- (1) The waste transporter shall take care that the waste is transported in the appropriate manner and that it is delivered to the facility specified by the waste holder or designated by the authorities. If the waste is not accepted at the facility, the transporter shall return it to the waste holder.

Section 10 - *Waste transport scheme*

- (1) Municipalities must, either independently or using other corporations or private undertakings, organize the transport of household waste and the transport of waste other than hazardous waste that is comparable to household waste in its nature, composition and quantity and that has been generated as a result of public-sector administrative and service activities carried out by central and local government and parishes and by corporations and associations subject to public law (*municipal waste transport scheme*). The same also applies to waste other than hazardous waste that is generated by business premises located in residential properties and comparable to household waste in its nature, composition and quantity and that, with the property holder's permission, is taken to a waste collection point located in the property. All waste generated by households, such as waste generated in permanent

dwellings and holiday homes and waste generated in residential buildings on farms, irrespective of the category, quality and quantity of the waste, and including sludge in cess pools and septic tanks, is considered household waste. Further provisions on which activities are considered public-sector activities referred to above that generate waste which can be considered comparable to household waste are given by Government decree. By concluding an agreement with the waste holder, a municipality can also include other waste in its waste transport scheme. (411/2007)

- (2) Transport of the waste referred to in subsection 1 above in a municipality or part of it can be organized, by decision of and under further conditions specified by the municipality, by mutual agreement between the waste holder and the transporter (*contractual waste transport scheme*). The conditions specified by the municipality can refer to the type and quality of the waste to be transported, the highest reasonable charge for transport by type of waste, and the area within which the transporter shall offer services.
- (3) Municipalities can decide not to organize the waste transport referred to in subsections 1 or 2 (*waste transport scheme*) in areas with difficult connections or with few waste holders or little waste to be transported, unless transport is considered necessary for health or environmental or other comparable reasons.
- (4) Waste transport schemes shall be planned and managed in such a way that they form part of the implementation of the general duties laid down in section 6 and provide waste holders with an adequate service. If waste transport has not been organized on a property-specific basis, the municipality shall ensure that the collection sites are reasonably accessible. (452/2004)

Section 11 - *Subscribing to a waste transport scheme*
(452/2004)

- (1) Waste holders shall subscribe to a waste transport scheme in their area. Waste holders shall take their waste to a waste container or a collection site provided as part of a waste transport scheme, except for waste that the waste holders themselves recover or dispose of in accordance with this Act, with provisions issued pursuant to it or with relevant municipal waste management regulations.

Section 12 - *Waste recovery and disposal*

- (1) Waste holders shall organize the recovery and disposal of waste.

Section 13 - *Waste recovery and disposal organized by municipalities*

- (1) A municipality must organize the recovery and disposal of household waste and other comparable waste, other than hazardous waste, referred to in section 10(1). A municipality must also organize the recovery and disposal of hazardous waste generated by households and in agriculture and forestry, unless excessive quantities are involved. The waste mentioned above must be delivered for recovery or disposal organized by the municipality. By concluding an agreement with the waste holder, a municipality can also organize the recovery or disposal of other waste. (411/2007)
- (2) Municipalities can assign the waste management provided for in subsection 1 partly or entirely to another corporation or private undertaking. Even in this case, the municipality shall remain liable for fulfilment of its legal obligations.

Section 14 - *Waste management organized secondarily by the property holder*

- (1) If the waste holder neglects his duties as provided for in sections 7, 8 and 12, the holder of the property on which the waste was generated or who allowed delivery of the waste to the site shall take care to organize waste management. If the property holder changes after the waste has been removed from the property, the property owner shall take care to organize the waste management referred to above.

Section 15 - *Delivery of waste and the consignee's duties*

- (1) Waste can be delivered only:
 - 1) to a consignee approved in accordance with the approval procedures referred to in chapter 8;
 - 2) to whomsoever has the right to receive the waste under an environmental permit granted in accordance with the Environmental Protection Act;
 - 3) to whomsoever is not required to have an environmental permit for its operations under section 30(1) of the Environmental Protection Act on the grounds prescribed in section 28(1)(4) of the said Act, said operations having been entered in the environmental protection database in compliance with section 65 of the same Act;
 - 4) provided the consignee is not required to have such approval, permit or entry as referred to in paragraphs 1-3 above, to a consignee who fulfils the necessary requirements for organizing appropriate waste management. (91/2000)
- (2) When waste is delivered in accordance with the procedure prescribed in subsection 1, duty to take care of its management shall shift to the waste consignee. Duty shall not, however, shift to a transporter entered in the waste data register

referred to in section 49 if the waste is transported by means other than the waste transport scheme.

Section 16 - Cooperation between municipalities

- (1) If necessary, municipalities shall fulfil their duties to organize waste management in cooperation.
- (2) If cooperation between municipalities is necessary in order to arrange waste management in accordance with provisions or regulations issued in or under this Act, but the municipalities are unable to reach agreement about said cooperation, the Government can require said municipalities to cooperate, and stipulate the conditions for such cooperation.

Section 17 - Municipal waste management regulations

- (1) Municipalities can issue local general regulations on more detailed implementation of the provisions of this chapter and of Government general regulations issued under them, concerning:
 - 1) waste collection, sorting, storage, transport, dealing, recovery or disposal and the technical requirements for them;
 - 2) measures required to prevent hazard or harm to health or the environment; and
 - 3) supervision of waste management.
- (2) The regulations shall be publicized in the manner in which municipal notices are issued in the municipality concerned. In addition, the regional environment centre shall be notified about the regulations. (63/1995)

Section 18 - *Government general regulations on implementing the provisions on the organization of waste management (605/1997)*

- (1) In order to implement the provisions of the present chapter, the Government can issue general regulations on: (605/1997)
 - 1) waste collection, labelling, sorting, storage, transport, dealing, recovery or disposal, and the technical requirements for them;
 - 2) measures required to prevent hazard or harm to health or the environment;
 - 3) surveillance and supervision;
 - 4) the identification form needed to identify hazardous waste and supervise its transport, and the use of this form;
Paragraph 5) has been repealed. (452/2004)
 - 6) any comparable matter necessary to implement the provisions of this chapter.
- (2) In issuing a general regulation, the Government may also provide that the information on waste or waste management needed in order to supervise implementation of the regulation shall be given to the authorities.

Chapter 3a - Producer responsibility (452/2004)

Section 18a - *Objectives (452/2004)*

- (1) Producer responsibility means the obligation of the producers referred to in section 18b to see the organization of the reuse, recovery and other waste management of the products they have put on the market and the resulting waste, and to meet the costs incurred.

- (2) The objective of producer responsibility is, in accordance with the principles of sustainable use of natural resources and sustainable production and consumption,
- 1) to make the prevention of waste generation and the reuse of products more efficient;
 - 2) to make the reuse, recovery and other waste management of products discarded as waste and components thereof more efficient;
 - 3) to reduce the quantity and harmfulness of waste taken to landfills and the hazard and harm to human health and the environment arising from waste.

18b - *Products and producers covered by producer responsibility (452/2004)*

- (1) Producer responsibility shall apply to the following products and producers:
- 1) tyres of motor vehicles and other vehicles and equipment and their producers; professional manufacturers and importers of tyres and of vehicles and equipment fitted with tyres and retreaders of tyres are regarded as producers;
 - 2) newspapers, magazines, office paper and other similar paper products and their producers; professional manufacturers and importers of paper used for the manufacturing of printing paper and other paper products are regarded as producers;
 - 3) packaging and producers of packaging; professional packagers of products and importers of packaged products are regarded as producers;
 - 4) passenger cars, vans and other similar vehicles and their producers; vehicle manufacturers, professional importers and import agents who import vehicles into the country on behalf of domestic users are regarded as producers;
 - 5) electrical and electronic equipment and their producers; manufacturers and importers of electrical

and electronic equipment and sellers that sell equipment under their own brand are regarded as producers; producer responsibility shall not, however, apply to equipment that is specifically designed for military purposes or that is otherwise connected with protection of the essential security interests of the State.

- (2) Further provisions on which products come under the definitions in subsection 1 shall be given by Government decree.

Section 18c - *Producer responsibility* (452/2004)

- (1) Unless otherwise provided below, producers have an obligation to promote the reuse of the products referred to in section 18b and to organize the reuse, recovery and other waste management of products discarded as waste and components thereof and to assume responsibility for the costs incurred.
- (2) The producer obligations may cover products which the producer itself has put on the market as well as a proportion of all similar products put on the market that is considered reasonable in relation to the number or market share of the products, irrespective of the date on which the products were put on the market.
- (3) Reuse, recovery and other waste management based on the principle of producer responsibility shall be in accordance with the provisions on general duties laid down in sections 4 and 6(2-11), the provisions on waste transport laid down in section 9 and the provisions on the delivery of waste and the consignee's duties laid down in section 15, as applicable.
- (4) Further provisions may be given by Government decree on the following:
 - 1) quantitative targets and obligations concerning the reduction, reuse, recycling and recovery of

discarded products referred to in this chapter and waste resulting from them, and the deadlines for reaching the targets and fulfilling the obligations, and in such a way that the targets and obligations may be specified by material, product or product group;

2) the prevention of substantial hindrance to the waste management of discarded products referred to in this chapter and the measures necessary for preventing hazard or harm to human health or the environment arising from their reuse, recovery and other waste management;

Section 18d - Collection facilities for products covered by producer responsibility (452/2004)

- (1) Producers shall ensure that the network of collection facilities for discarded products referred to in section 18b is of such extent that the last holders of the products have a reasonable opportunity to deliver discarded products for reuse, recovery or for other waste management in all parts of country.

Section 18e - Product labelling and information on disassembly (452/2004)

- (1) Producers of the vehicles referred to in section 18b above shall ensure that the products or components thereof are appropriately labelled for identification of components containing hazardous substances. Electrical and electronic equipment shall have labelling indicating the producer, the date on which the appliance was put on the market and the obligation concerning separate collection.
- (2) Producers of vehicles and electrical and electronic equipment shall also ensure that the sellers of the products and, when necessary, other operators are

provided with the necessary information and instructions on the products, their reuse and disassembly and the recyclability of the components thereof, and the location of hazardous substances and components in the products.

- (3) Further provisions on the labelling of products referred to in subsections 1 and 2 and the information on their disassembly shall be given by Government decree.

Section 18f - *Obligation to provide information*
(452/2004)

- (1) Producers shall provide the Pirkanmaa Regional Environment Centre with information on products put on the market, the accumulation of discarded products and their collection, reuse, recovery, export and other waste management, and other similar matters that is necessary for supervision of the implementation of this Act and the provisions on producer responsibility issued under it.
- (2) Further product-specific provisions on the information referred to in subsection 1 above shall be given by Government decree.

Section 18g - *Producer corporations and other cooperation by producers* (452/2004)

- (1) Producers may take care of their obligations arising from section 18c and other obligations arising from this Act and provisions issued under it in cooperation with other producers and operators by establishing a legally competent corporation or foundation (producer corporation), by joining an existing producer corporation or by agreeing on the matter with an existing producer corporation. If a producer has joined a producer corporation or concluded an agreement with it, producer

responsibility will be transferred from the producer to the producer corporation as soon as the notification concerning the producer corporation, the joining process or the agreement has been approved or entered in the producer data register, as laid down in section 50c.

- (2) In a producer corporation the obligations shall be fairly divided between the producers and any other operators, with consideration given to the nature and extent of operations, and in such a way that any barriers to business or distortion of competition are avoided. A producer corporation shall, under the same terms as producers already in the corporation, accept as shareholders, members or contractual partners new producers for whom, because of a limited market or other special reason, it would be economically unreasonable to organize comprehensive reuse, recovery and other waste management independently;
- (3) In order to achieve the objectives laid down in section 18a(2), the producer corporation shall give equal consideration to all economic operators and their proper operational prerequisites on the market in question when concluding agreements on the organization of reuse, recovery and other waste management in practice.
- (4) The Government may by its decision oblige producer corporations and producers operating in a certain product sector to cooperate if it is necessary for the dismantling or the prevention of such parallel reuse and recovery systems that clearly hamper the overall functioning of the systems or the opportunity of the last holders of the products to have discarded products delivered for reuse, recovery or other waste management.
- (5) Provisions on producer corporations laid down in subsections 2-4 shall also correspondingly apply to other cooperative arrangements involving several

producers that manage reuse, recovery or other waste management in accordance with the principle of producer responsibility and that have an important position on the market in the products or product groups concerned.

Section 18h - *Obligations of certain other operators*
(452/2004)

- (1) Sellers and other suppliers of tyres referred to in section 18b(1)(1) above shall accept discarded tyres from purchasers of new tyres. The number of tyres to be accepted shall be in reasonable proportion to the quantities sold, and the discarded tyres shall correspond to the types of tyres to be purchased.
- (2) Sellers of electrical and electronic equipment referred to in section 18b(1)(5) above and other distributors shall accept from purchasers discarded electrical and electronic appliances originating from private households if a new similar appliance is purchased, or shall direct the purchaser to another reception point.
- (3) Sellers and other distributors of beverages referred to in section 18k below shall accept empty beverage containers from the purchasers of such beverages.
- (4) Property holders shall provide residential properties and properties incorporating offices or production or service functions with necessary facilities and equipment for collecting discarded paper products referred to in section 18b(1)(2) above. The obligation shall not, however, apply to properties that are located in low-density areas or sparsely populated areas in which producers have organized collection in regional collection facilities or in which collection would result in unreasonable costs because of the small quantities of paper to be collected.

- (5) Municipalities shall act in a way that does not prejudice the ability of producers to take care of the obligations laid down in this chapter and under it.

Section 18i - *Rights of the last holder of the product*
(452/2004)

- (1) The last holder of products referred to in section 18b above has a right to deliver discarded products free of charge to the reuse, recovery and waste management system organized by the producer. If the product lacks components essential to its recovery value, such as the engine, essential body parts or a catalytic converter, or if objects or substances substantially hampering the reuse, recovery or other waste management have been added to it, the deliverer of the end-of-life vehicle may, however, be charged a fee corresponding to the raw material value of the discarded components or a reasonable fee corresponding to the additional costs of reuse, recovery or other waste management.

Section 18j - *Special provisions on packaging and packaging waste* (452/2004)

- (1) The producer responsibility covering packaging is on a partial basis. Producers must for their part see to it that an average of 61 per cent by weight of all packaging waste is recovered. Waste holders, property holders and municipalities shall be responsible for the other obligations of the management of packaging waste, as laid down in chapter 3.
- (2) The obligations concerning the recovery of packaging and packaging waste and the cost liability obligations connected with it, the monitoring information referred to in section 18f, and the

obligations concerning the provision of waste guidance referred to in section 68(2) shall not apply to packagers and importers referred to in section 18b(1)(3) whose operations in the previous year had generated a turnover of less than EUR 1,000,000.

Section 18k - *Certain beverage containers* (1040/2004)

- (1) Provisions laid down in this Act on reuse, recovery and other waste management based on the principle of producer responsibility and on producers shall correspondingly apply to the functioning return system referred to in section 3(1)(2) of the Act on excise duty on certain beverage containers (1037/2004) and to the parties liable to pay tax referred to in section 4 of the same Act.

Section 18l - *Special provisions on end-of-life vehicles* (452/2004)

- (1) The last holder of a vehicle referred to in section 18b(1)(4) that can be considered as waste referred to in section 3(1)(1) (end-of-life vehicle) shall deliver the end-of-life vehicle to a collector or treatment facility set up under a system organized in accordance with the principle of producer responsibility. The consignee must verify that the last holder has a right to deliver the end-of-life vehicle. The last holder of the vehicle must in this connection be issued with an appropriate certificate of destruction so that the end-of-life vehicle can be irrevocably removed from the vehicle traffic register of the Finnish Vehicle Administration. The producer can be charged a reasonable fee for the deregistration of the vehicle.
- (2) Further provisions on deregistration and the certificate of destruction shall be given by

Government decree; provisions on the fees charged for deregistration shall be given by decree of the Ministry of Transport and Communications.

Section 18m - *Special provisions on electrical and electronic equipment* (452/2004)

- (1) Producers shall be responsible for the costs incurred in the recovery and other waste management of electrical and electronic equipment discarded by users other than private households if the appliances have been put on the market after August 13, 2005. Producers shall be responsible for the costs incurred in the recovery and other waste management of discarded products that were put on the market before that date only if the discarded product is replaced with a similar product or a product with similar use. Otherwise the user of the product other than a private household shall be responsible for the costs incurred in the recovery and other waste management of the discarded appliance. Producers and product users other than private households may also agree on a different distribution of costs.
- (2) Producers of electrical and electronic equipment shall provide a guarantee, such as recycling insurance or a blocked bank account, or be part of an appropriate financing scheme, in order to demonstrate that the financing of the future waste management of household appliances to be put on the market after August 13, 2005, has been secured.

Section 18n - *Authorization to implement European Community provisions on producer responsibility by decree (452/2004)*

- (1) A Government decree on implementing the European Community provisions on producer responsibility may also cover the following:
- 1) technical requirements for the collection, labelling, sorting, storage, preservation, transport, dealing, reuse, recovery, disposal and other waste management of the discarded products referred to in this chapter, and the disclosure of waste management costs in the price of the product.
 - 2) application of provisions on producer responsibility if the products are purchased from foreign countries or are exported by means of electronic or other distance transaction.

Chapter 4 - Littering (91/2000)

Section 19 - *Prohibition on littering*

- (1) No litter, dirt or discarded machine, device, vehicle, vessel or other object may be abandoned in the environment in a manner which may cause hazard or harm to health, uncleanliness, disfigurement of the landscape, decline in amenities or other comparable hazard or harm (*prohibition on littering*).

Section 20 - *Duty to clean a littered area*

- (1) The litterer shall be responsible for cleaning up any littered area. The organizer of an entertainment or other such event shall also be considered a litterer if the event leads to littering of the environment.

- (2) If the litterer cannot be ascertained or reached, or if he fails to comply with his cleaning duty and the littered area is a public or private road area, or its adjacent or surrounding area, a railway area, a public outdoor leisure or motorsledging route area, a public outdoor leisure or recreation area, or other comparable area meant for public use, or an area covered by a ratified town plan, the holder of the littered area and, in the area of a public outdoor leisure or motorsledging route, the keeper of the route, shall be responsible for cleaning the area. (147/1999)
- (3) The duty to clean a street is provided for elsewhere. (147/1999)

Section 21 - Ordering cleaning of a littered area

- (1) The municipal environmental protection committee can order a litterer or other party obliged to do so to clean a littered area. (1015/1996)
- (2) If the litterer cannot be ascertained or reached, or if he fails to comply with his cleaning duty, and the area concerned is not one referred to in section 20(2), the municipal environmental protection committee can order the holder of the area to clean the littered area, provided that the cleaning duty is not considered excessive. If the area concerned is in the possession of the municipality, the regional environment centre can order the municipality to clean the littered area. (1015/1996)
- (3) If some holder of a littered area other than a municipality, as referred to in subsection 2, fails to comply with his cleaning duty or if this duty must be considered excessive, the regional environment centre can order the municipality to clean the area. (63/1995)

Sections 22-26 have been repealed. (91/2000)

Chapter 5 - Cost liability and finance

Section 27 - Cost liability of waste holder (452/2004)

- (1) The holder or the previous holder of waste shall be liable for costs arising from said waste unless otherwise provided in provisions on producer responsibility in chapter 3a.

Section 28 - Municipal waste charge

- (1) Municipalities have the right to collect a waste charge to cover the costs of waste management and related functions organized by them. The waste charge can consist of one or several payments.
- (2) For waste disposal, a waste charge shall be collected which covers at least the costs of setting up, running, closure and after-care of disposal sites.

Section 29 - Grounds for setting the municipal waste charge

- (1) The general grounds for setting the waste charge are the type, quality and quantity of the waste and collection frequency. Further grounds which may be taken into account are the conditions for collecting and transporting waste on the property and in the transport area, the use of a municipal waste collection device, and the transport distance, if the waste is transported as a single transport.
- (2) If the quantity or quality of waste cannot be established reliably without difficulty or if necessary for environmental protection or the organization of waste management, the grounds for

setting the waste charge can also be the gross floor area or number of persons on the property, or other comparable grounds.

Section 30 - *Setting the municipal waste charge*

- (1) The municipality shall approve a tariff laying down detailed grounds for setting the waste charge. The approved tariff shall ensure that the waste charge corresponds to the level of service provided and encourages reduction of the quantity and harmfulness of waste and recovery of waste. The waste charge shall be set and imposed by an authority appointed by the municipality. (452/2004)
- (2) If the waste charge based on the tariff can be considered unreasonably high or low, it can be set contrary to the tariff or waived, giving special consideration to the quantity of waste, the level of service of organized waste management and the independent organization of waste recovery and disposal referred to in section 11. (452/2004)
- (3) In individual cases, the grounds for the charge can be laid down independently of the tariff.
- (4) In setting the waste charge contrary to or independently of the tariff, the grounds for the charge must be fair and reasonable.

Section 31 - *Liability for payment of the municipal waste charge*

- (1) A holder or previous holder of waste attended to by the municipality shall be liable to pay the waste charge.
- (2) If the municipality organizes recovery or disposal of waste, but not transport, the waste charge can be collected from the transporter.

Section 32 - Objection lodged against the municipal waste charge

- (1) Within 14 days of receiving the bill, the party liable for payment shall have the right to lodge an objection with the municipal authority responsible for setting and collecting the waste charge. A decision shall be made on the objection and a new bill issued to the party liable for payment.

Section 33 - Payment and refund of the municipal waste charge

- (1) The waste charge shall be paid to the municipality. The municipality can also order the charge to be paid to an organization or undertaking acting on its behalf.
- (2) The waste charge shall be paid notwithstanding appeal within the time frame stated in the bill or in any new bill issued in response to an objection. If the deadline for payment is not met, interest at the annual rate referred to in section 4(3) of the Interest Act, calculated from the date of maturity, shall be paid on the amount due. (298/1995)
- (3) If the waste charge is revoked or reduced as a result of appeal, the municipality shall refund the excess, plus annual interest calculated from the date of payment to the date of refund at a rate equivalent to the currently valid three-month market rate confirmed by the Ministry of Finance Act on certain reference rates (996/1998), adjusted to correspond to an average annual rate. (91/2000)

Section 34 - Non-application of provisions on the municipal waste charge

- (1) The provisions on the municipal waste charge shall not apply, insofar as the recovery or disposal of

waste has been assigned to an organization or undertaking referred to in section 13(2).

Section 35 - *State participation in waste management work* (91/2000)

- (1) If waste in the environment or some other discarded object or substance causes hazard, harm or other consequence as referred to in section 19 above or section 7 of the Environmental Protection Act, and the costs of work or measures necessary to prevent or eliminate this are, or may prove, unreasonable for the municipal waste management system, the regional environment centre can, under the State budget and having so agreed with the relevant municipality as necessary, carry out the work or measure or have it carried out as waste management work, or otherwise contribute to the costs referred to above.

Chapter 6 - Authorities

Section 36 - *National authorities* (452/2004)

- (1) The Ministry of the Environment shall manage, direct and develop performance of the tasks laid down in the provisions and regulations issued in and under this Act.
- (2) The Finnish Environment Institute acts as the competent authority and correspondent referred to in the Waste Shipment Regulation. The Finnish Environment Institute supervises compliance with the provisions on transboundary shipments of waste and is responsible for the necessary cooperation with other competent authorities in the supervision of transboundary shipments of waste. (747/2007)
- (3) The Pirkanmaa Regional Environment Centre shall, as a national authority, supervise compliance with the

provisions issued in and under this Act concerning producers, producer corporations and producer responsibility. (452/2004)

Section 37 - *Regional authorities* (63/1995)

- (1) The regional environment centre shall direct and develop performance of the tasks laid down in the provisions and regulations issued in and under this Act within its jurisdiction, and shall supervise compliance with these provisions and regulations.

Section 38 - *Municipal authorities*

- (1) The municipal environmental protection committee referred to in the Act on Municipal Environmental Administration (64/1986) shall supervise compliance with provisions and regulations issued in and under this Act within the municipality concerned.

(1015/1996)

Subsection (2) has been repealed. (91/2000)

Section 39 - *Other authorities*

- (1) Compliance with the provisions issued in and under this Act concerning transboundary shipments of waste and imports and exports of products referred to in section 5(1) is also subject to supervision by the Customs. Transboundary shipments of waste are supervised by the Customs within its sphere of operation, in cooperation with the Finnish Environment Institute. The Customs must, if necessary, stop a waste shipment that is in violation of the requirements laid down in the Waste Shipment Regulation or this Act and must give notification of the matter to the Finnish Environment Institute, which must decide on further measures without delay. (747/2007)

- (2) In issuing a regulation referred to in section 5 or section 18, the Government can also order some other government authority to contribute to supervising compliance with the regulation. (91/2000)

Chapter 7 - Planning concerning wastes and waste management

Section 40 - National and regional waste plan

- (1) In order to carry out and develop the tasks provided for or regulated in or under this Act, the Ministry of the Environment and the regional environment centre shall draw up a plan concerning waste and waste management (*national and regional waste plan*). (63/1995)
- (2) The waste plan shall present data on wastes and the current state of waste management, the development targets set and the measures necessary to achieve them.
Subsection (3) has been repealed.(747/2007)

Section 40a - Participation in the preparation of waste plans (815/2005)

- (1) When a national waste plan is drawn up, the authorities and parties whose interests or rights are affected, and the national associations and foundations referred to in section 59 below, must be given an opportunity to submit their opinions on the draft plan. The draft must be published in electronic form and members of the public must be given an opportunity to express their views at a sufficiently early stage. Information on the approved plan and justifications for it and on how consideration has been given to the views expressed must be provided in electronic form.

- (2) Provisions on participation in the preparation of regional waste plans are laid down in the Act on the assessment of environmental impacts of the plans and programmes drawn up by authorities. (200/2005)

Section 41 - Duties of municipalities in drawing up waste plans (63/1995)

- (1) Municipalities shall provide the regional environment centre, which shall further provide the Ministry of the Environment, with the data necessary for drawing up waste plans concerning waste generated within the municipality and the organization and supervision of waste management, as well as the related development targets.

Chapter 8 - Approval procedures

Sections 42-44 have been repealed. (91/2000)

Section 45 - Shipments of waste (747/2007)

- (1) Provisions in the Waste Shipment Regulation and those laid down in and under this Act apply to the shipment of waste and the approval of such shipments. However, shipment of waste taking place exclusively within the territory of Finland comes under the applicable provisions laid down in and under this Act.

Section 46 - Shipments of waste for disposal in another country (747/2007)

- (1) In addition to what is provided in section 45, waste may only be shipped from Finland to another country if:
- 1) Finland lacks the required technical or financial resources or the necessary disposal facilities or

sites for disposing of the waste in an acceptable manner;

2) in the country in question, the waste will be disposed of in a manner that, in terms of environmental protection, is significantly better than the manner applied in Finland;

3) in the country in question, the waste will be disposed of in a manner that, in terms of environmental protection, would be acceptable in Finland and that, in terms of cost, is significantly cheaper than disposal in Finland; or

4) the waste shipment is carried out for the purpose of testing a new disposal method or it is a question of shipping a waste consignment needed for other tests.

Section 47 – *Shipments of waste for disposal in Finland*
(747/2007)

(1) In addition to what is laid down in section 45, waste may only be shipped to Finland for disposal if:

1) it will not prevent or delay the disposal of waste generated in Finland;

2) the waste will be disposed of without unnecessary delay and no later than one year after the shipment; and

3) the waste will be treated in a disposal facility or at a disposal site in accordance with the permit conditions and the requirements otherwise laid down for the activities.

(2) However, the waste may not be shipped to Finland for disposal if the intention is:

1) to deposit the waste in the ground, on the ground or in a specially engineered landfill;

2) to incinerate the waste in a facility other than one specializing in incineration of hazardous waste;

- 3) biological or physico-chemical treatment of the waste, where further disposal of the waste arising from this treatment would impede the disposal of waste generated in Finland; or
- 4) land treatment, deep injection, surface impoundment, release into a water body or seas, incineration at sea, or permanent storage of the waste.

Section 48 – Prohibiting the shipments of waste on the basis of illegal waste shipments carried out previously (747/2007)

- (1) Under the Waste Shipment Regulation, the Finnish Environment Institute may prohibit transboundary shipments of waste if a previous judgement or decision of legal validity has established that the notifier or the consignee has, deliberately or through gross negligence, carried out illegal shipments or other acts that are illegal for reasons of environmental protection.

Section 48a – Shipments of waste in border areas (747/2007)

- (1) Transboundary shipments of waste in Finland's border areas are subject to what has been agreed, in the manner referred to in article 30 of the Waste Shipment Regulation between Finland and another European Union Member State or a state belonging to the European Economic Area.

Section 48b – Applying the export prohibition of the Waste Shipment Regulation in exceptional cases (747/2007)

- (1) Under the Waste Shipment Regulation the Finnish Environment Institute may decide:

- 1) that, in exceptional cases, the export prohibition referred to in article 36, paragraph 1 of the Waste Shipment Regulation does not apply to certain wastes referred to in annex V of the Waste Shipment Regulation if the notifier provides reliable proof that the waste in question does not display any of the properties referred to in article 36, paragraph 3 of the Waste Shipment Regulation; and
 - 2) that, in exceptional cases, the waste can be classified as hazardous waste and as a result may decide to apply the export prohibition laid down in article 36, paragraph 1 of the Waste Shipment Regulation, even though the waste is not mentioned in annex V of the Waste Shipment Regulation or even though it is mentioned in list B of part 1 of the annex, if the waste concerned displays a property referred to in article 36, paragraph 4 of the Waste Shipment Regulation.
- (2) Before the decision referred to in subsection 1 is made, the Finnish Environment Institute must notify the competent authority of destination about the matter. The Finnish Environment Institute must also notify the Ministry of the Environment and the Commission of the European Communities of such decisions by the end of each calendar year.

Section 48c - Transboundary shipments of waste referred to in article 18 of the Waste Shipment Regulation (747/2007)

- (1) The Finnish Environment Institute has the right to receive, on request, the information referred to in annex VII of the Waste Shipment Regulation concerning waste referred to in article 18 of the Waste Shipment Regulation from the party responsible for a transboundary shipment of waste or from the

waste carrier, if this is necessary for inspection and enforcement.

Section 49 - *Notification of operations to the waste data register*

- (1) For the purpose of entry in the waste data register referred to in section 70, the regional environment centre shall be notified of:
 - 1) the professional collection and transport of waste; and
 - 2) the party selling the waste or acting as the dealer if the waste is intended for recovery or disposal outside Finnish territory. (452/2004)
- (2) The notification shall contain adequate information on the operations and the economic operator. It must be submitted at least 60 days before starting operations. A notification must also be made for the purposes of supervising the operations in a manner prescribed further by decree. (91/2000)
- (3) The regional environment centre shall be notified without delay of any significant change in the operations referred to in the notification or of termination of operations. (63/1995)

Section 49a *Conditions for acceptance in the waste data register* (91/2000)

- (1) An operation can be entered in the waste data register if it can be shown in the description attached to the notification or by other means that
 - 1) operations are carried out in accordance with this Act and provisions issued under it, and in a skilled manner;
 - 2) machinery and equipment used in the operations are of high technical quality, taking into account any environmental effects or hazard, or harm to health or the environment;

3) the economic operator has a sufficiently sound financial standing considering the extent or nature of the operations and the provisions regulating them, or is able to provide adequate security to ensure proper waste management.

Section 50 - *Regulations issued on entry in the waste data register (91/2000)*

- (1) The regional environment centre shall make a decision concerning notification for entry in the waste data register. The decision may include necessary provisions to ensure compliance with the obligations under section 49a and to supervise operations. If necessary, the provisions can restrict the operations to include only a certain type of waste or the amount of waste that can be stored.

Section 50a - *Changing and cancelling a decision on transboundary movements of waste or entry in the waste data register (91/2000)*

- (1) A decision concerning transboundary movements of waste or entry in the waste data register can be changed on the initiative of the authority that issued the decision if the conditions have significantly changed or if it turns out that the damage or harm caused by the operations is considerably greater than originally estimated or if the conditions affecting the decision are later found to be very different from what was required when the decision was issued. The decision can also be changed if this is necessary in order to ratify an international agreement binding on Finland. A matter concerning amendment of the decision must be processed as applicable in the same manner as the issue of the decision.

- (2) Acceptance for entry can be cancelled if any of the significant conditions for entry are no longer fulfilled or if the provisions have been violated, causing material hazard or harm to health or the environment.

Section 50b - Notification for entry and approval in the producer data register (452/2004)

- (1) Producers referred to in section 18b above must submit a notification to the Pirkanmaa Regional Environment Centre for entry in the producer data register. Similarly, producer corporations must submit a notification for approval in the producer data register, in which case producers within the corporation do not need to submit a separate notification. The Pirkanmaa Regional Environment Centre must also be notified of any essential changes in operations, discontinuation of operations and changes in the membership or contractual partners of producer corporations.
- (2) The notification must contain sufficient information on the producer, the operations, and the reuse, recovery and other waste management of the discarded products on the basis of which the appropriateness of the arrangements can be assessed. Producers of electrical and electronic equipment shall submit information on the guarantee referred to in section 18m(2). The notification submitted by producer corporations must also give the necessary information on agreements and rules on the basis of which it can be assessed whether the operations are in compliance with the requirements laid down in section 18g(2-3) of the Act. Further provisions on the content of the notification shall be given by Government decree.
- (3) Whosoever in his tax return submitted in compliance with section 22 of the Excise Taxation Act

(1469/1994) declares beverage containers as part of a functioning return system referred to in section 3(1)(2) of the Act on excise duty on certain beverage containers, must submit a notification of the beverage container return system to the Pirkanmaa Regional Environment Centre for approval in the producer data register. Provisions of subsections 1 and 2 above shall apply to the notification, as applicable. (1040/2004)

Section 50c - *Entry and approval in the producer data register* (452/2004)

- (1) The Pirkanmaa Regional Environment Centre shall enter the producer in the producer data register. A producer of electrical and electronic equipment may not be entered in the register unless information is provided on the guarantee referred in section 18m(2).
- (2) A producer corporation may be approved in the producer data register if it can be shown in the information attached to the notification or by other means that:
 - 1) operations are carried out in accordance with this Act and provisions issued under it;
 - 2) the objectives concerning reuse and recovery and other obligations that have been issued in and under this Act are taken into account in the reuse, recovery and other waste management of the products and the waste resulting from them;
 - 3) the producer corporation has, considering the extent or nature of the operations, a sufficiently sound financial standing for ensuring proper waste management or is able to provide an adequate guarantee if required.
- (3) A decision shall be made on the basis of the notification concerning the approval of a producer corporation in the producer data register. In

connection with the entry or approval in the data register, the environment centre may impose obligations necessary for compliance with the provisions issued in and under this Act and for supervision of the operations.

- (4) The provisions laid down in subsections 1-3 above on the approval of producers or producer corporations in the producer data register shall also apply to the approval of the functioning return system referred to in section 3(1)(2) of the Act on excise duty of certain beverage containers, as applicable. (1040/2004)

Chapter 9 - Collection of information, inspection and supervision

Section 51 - Duty to be well informed and keep a record

- (1) Producers and manufacturers or importers of products shall be sufficiently well informed about the waste resulting from their production or product, its impact on health and the environment, ways of reducing its quantity and harmfulness, waste management, and possible ways to develop the production process or product so as to reduce the quantity and harmfulness of the waste.
- (2) Waste holders shall be sufficiently well informed about the quantity, type, quality and origin, about properties of significance for waste management, and about impact on health and the environment, of the waste in their possession.
- (3) Holders of environmental permits, producers of hazardous wastes excluding households, professional transporters of hazardous waste and waste sellers and dealers as referred to in section 49(1)(2) shall keep a record of the quantity, type, quality and origin of all waste arising from their operations, collected, stored or kept in intermediate store,

transported, recovered or disposed of, or sold or dealt in, and when delivering waste elsewhere, also of the place of origin and delivery place and date, and of the manner of transport and recovery or disposal. The duty to keep a record shall also apply to the producers referred to in section 18b in the case of information referred to in section 18f. (452/2004)

- (4) The supervisory or permit authorities in individual cases and the Ministry of the Environment in general can issue regulations and guidelines on compliance with the duty to be well informed and keep a record.

Section 52 - *The authorities' right to obtain information*
(605/1997)

- (1) The supervisory authorities, the Ministry of the Environment, the Finnish Environment Institute and municipalities shall have the right, on request, to obtain from a waste holder or other party organizing waste management or required to clean a littered area any information needed to supervise provisions and regulations issued in and under this Act or to carry out their duties. The supervisory authorities, the Ministry of the Environment and the Finnish Environment Institute shall also have the right, on request, to obtain from producers and manufacturers or importers of a product any information needed to implement provisions and regulations issued in and under this Act, concerning the production and materials used in it, the products manufactured or imported, and any resulting wastes and waste management. The Pirkanmaa Regional Environment Centre and the Ministry of the Environment shall also have the right, on request, to obtain from producers and producer corporations any information needed to implement provisions issued in and under this Act, concerning the manufacture, import and

reuse of the products, and the reuse, recovery and other waste management of products discarded as waste and components thereof. (452/2004)

- (2) The supervisory authorities, the Ministry of the Environment and the Finnish Environment Institute shall also have the right to obtain any information and documents needed for their activities from another authority.

Section 53 - *International exchange of information*
(605/1997)

- (1) The supervisory authorities, the Ministry of the Environment and the Finnish Environment Institute may provide a foreign institution, an international organization or a cooperating state referred to in an international agreement binding on Finland with the information required in the agreement.

Section 54 - *Right of inspection*

- (1) To supervise compliance with provisions or regulations issued in and under this Act, the supervisory authorities or persons appointed by them shall be empowered to carry out inspections on sites other than private homes, and for the purposes of this inspection to obtain the necessary information, see the necessary documents, make the necessary measurements or tests, and take any reasonably sized samples needed for these tests. Before action is taken, the holder of the site concerned shall be given an opportunity to express his views, unless the aim of the inspection requires otherwise.
- (2) The supervisory authorities can decide that the holder of the site inspected shall pay the reasonable costs of said measurements or tests. The holder of the inspected site shall be notified of the measurement and test results.

Section 55 has been repealed. (91/2000)

Section 56 - Executive assistance

- (1) The police and customs authorities shall as necessary provide the supervisory authorities with executive assistance in supervising compliance with provisions and regulations issued in and under this Act.

Chapter 10 - Coercive measures and sanctions

Section 57 - Prohibitions, restrictions and other provisions

- (1) If provisions issued in or under this Act are violated in waste management or some other operation referred to in this Act, the supervisory authority or the Ministry of the Environment can prohibit the violator from continuing or repeating the procedure which is in conflict with said provisions, order said violator of the provisions to fulfil his obligations within a fixed time frame, and order interim measures concerning wastes or products. The costs of the interim measures shall be paid by the violator of the provisions. (605/1997)
- (2) If a product does not meet requirements laid down in or under this Act, the Ministry of the Environment can:
 - 1) require that changes be made to the product in order to meet said requirements, and that the changes be shown to have been made;
 - 2) temporarily or permanently prohibit the manufacture, import, dealing, sale, delivery or use of the product or order the necessary measures to be taken concerning a product already released onto the market by any of the means referred to above; and

- 3) order that the product be disposed of or recovered as waste.
- (3) If the producer or producer corporation has not organized reuse, recovery or other waste management based on the principle of producer responsibility in accordance with the provisions and regulations issued in and under this Act, the Pirkanmaa Regional Environment Centre may order that the said operation shall be made to comply with the requirements of the law, or the Centre may cancel its decision concerning the approval of the producer corporation in the producer data register. (452/2004)

Section 58 - Conditional fine and threat of performance and suspension

- (1) The Ministry of the Environment, the regional environment centre or the municipal environmental protection committee can reinforce compliance with on a provision issued in or under this Act, the Pirkanmaa Regional Environment Centre can reinforce compliance with the provisions on producer responsibility, and the Finnish Environment Institute can reinforce a prohibition based on the Waste Shipment Regulation, with threat of a conditional fine or threat of the neglected measure otherwise being performed at the defaulter's expense, or threat of suspension or prohibition of operations. (452/2004)
- (2) In a case concerning a conditional fine and threat of performance and suspension, the provisions of the Conditional Fines Act (1113/1990) shall otherwise apply.

Section 59 - *Institution of proceedings* (91/2000)

- (1) Proceedings may be instituted in a matter concerning an order referred to in sections 21 and 57 above, within a regional environment centre or municipal environmental protection committee by:
- 1) whosoever may have an interest or right involved;
 - 2) a registered association or foundation whose aim is to promote environmental, health or nature protection or improve the amenity of the environment, and in whose operating area the environmental effects concerned occur.

Section 60 - *Waste violation* (747/2007)

- (1) Whosoever deliberately or through gross negligence
- 1) violates a prohibition referred to in, or a prohibition, provision, regulation or order issued under, section 5 (1) (1, 3 or 4, section 6 (6 or 8) section 7(4), section 17(1), section 18c(4)(2), section 18g(4), section 18n, section 19, section 50, section 57 or section 73a;
 - 2) fails to fulfil a duty referred to in sections 7-9, section 12, section 14, section 15(1), sections 18c-18m or section 51 (3 or 4); or
 - 3) imports into the country, exports from the country or ships waste through the territory of Finland in violation of this Act, provisions issued under it, a regulation or order concerning an individual case, or the Waste Shipment Regulation; shall be sentenced to a fine for a *waste violation*, unless more severe punishment for the act is provided elsewhere in law.
- (2) Whosoever deliberately or through gross negligence violates a provision issued under section 13(1) or neglects a duty referred to in section 11, section

20(1 or 2), section 21, section 49 or section 50b, shall also be sentenced for a waste violation.

Section 61 - *Reference provision* (712/1995)

- (1) The provisions of chapter 48, sections 1-4, of the Penal Code shall apply to the punishment for degradation of the environment in violation of the provisions of section 60(1) of this Act.

Section 62 - *Petty fines* (554/1999)

- (1) Petty fines as a result of minor breaches of the prohibition on littering as referred to in section 19 are prescribed in chapter 2a, section 9(3) of the Penal Code and in the decree issued under the same section 9.

Section 63 has been repealed. (661/1999)

Section 64 has been repealed. (893/2001)

Section 65 - *Sale of moveable assets subject to threat of performance* (605/1997)

- (1) If implementation of a threat of performance concerning moveable assets has been ordered and the assets have cash value, the Ministry of the Environment, the municipal environmental protection committee and the regional environment centre shall be empowered to have said assets utilized or sold in order to cover the costs of the performance. Any surplus shall be reimbursed to the owner.

Chapter 11 - Appeal and implementation of decisions

Section 66 - *Appeal* (91/2000)

- (1) Decisions issued under this Act can be appealed as prescribed in the Administrative Judicial Procedure Act (586/1996). However, appeals concerning decisions on the municipal waste management regulations referred to in section 17 and the tariff referred to in section 30 must be submitted as prescribed in the Local Government Act (365/1995).
- (2) Decisions issued under this Act can be appealed by a party and a registered association or foundation as referred to in section 59.
- (3) An appeal may be made against a decision of an administrative court in a matter concerning the payment of the waste charge referred to in section 33, including material appeals concerning the waste charge as laid down in section 8 of the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961), only if the Supreme Administrative Court grants leave of appeal. (729/2005)

Section 67 - *Implementation* (729/2005)

- (1) Decisions taken under the Waste Shipment Regulation and under sections 21, 31, 50, 57 and 58, and for special reasons under section 50a, of this Act may include a provision that the decision must be observed notwithstanding appeal, unless the appellate authority orders otherwise. An appeal may only be submitted to the Supreme Administrative Court in connection with the matter of substance in the case of an administrative court decision which solely concerns implementation and under which implementation of the decision being appealed against is prohibited or suspended.

Chapter 12 - Miscellaneous provisions

Section 68 - Waste guidance

- (1) The municipality shall handle the advisory services, information and communications necessary for implementation of this Act and any provisions or regulations issued thereunder.
- (2) If waste management is organized in accordance with the principle of producer responsibility referred to in chapter 3a, producers, producer corporations and other economic operators must ensure that there are the necessary advisory, information and communications services, as provided by Government decree, where necessary in collaboration with the municipality. (452/2004)

Section 69 - Approval of research laboratory

- (1) The tests on the properties of a product or waste and investigations of impact on health and the environment called for by provisions or regulations issued in or under this Act can be ordered to be carried out by a laboratory approved by the authorities.

Section 70 - Waste and producer data registers (452/2004)

- (1) The supervisory authorities shall keep a waste data register and a producer data register of notifications made to them in accordance with this Act, and of decisions made thereupon.

Section 71 - *Submitting confidential information*
(1040/2004)

- (1) Notwithstanding the secrecy provisions in the Act on the Openness of Government Activities (621/1999), information acquired in carrying out duties under this Act relating to the economic status or business or professional secret of an individual or a corporation, or the private affairs of an individual, may be disclosed to supervisory authorities, the Ministry of the Environment, the Finnish Environment Institute or the Pirkanmaa Regional Environment Centre for the purpose of carrying out duties under this Act, or to a prosecuting, police or customs authority for purposes of criminal investigation. Furthermore, information that should otherwise be kept secret may be disclosed to the customs authority for the purpose of supervising the implementation of the Waste Tax Act (495/1996) and the Act on excise duty on certain beverage containers.

Section 72 - *Fees for the processing of notifications*
(91/2000)

- (1) A fee can be charged for processing notifications and for relevant inspections referred to in chapter 8 above, and for processing notifications submitted to government authorities under a Government decree based on section 5 or section 18 and monitoring data submitted regularly to government authorities and for relevant inspections. The size of the fee is determined according to the Act on the Charge Criteria of the State (150/1992).

Section 73 - *Collection of costs, charges and fees*
(1413/1994)

- (1) The municipal waste charge, the costs referred to in article 33 of the Waste Shipment Regulation, the costs referred to in section 54(2) of this Act and the fees referred to in section 72 of this Act can be collected without a separate judgement or decision in the order provided for in the Act on the Execution of Taxes, Charges and Fees (367/1961).

Section 73a - *Prohibition on the incineration of waste in Finland's water courses, territorial waters and exclusive economic zone* (1063/2004)

- (1) Incineration of waste in Finland's water courses, territorial waters and exclusive economic zone is prohibited.
- (2) The Act on the Prevention of Pollution from Ships (300/1979), however, contains provisions on the incineration aboard ships of waste arising in the normal course of their operations.

Section 74 - *Further provisions*

- (1) Provisions on the following may be laid down by Government decree: (747/2007)
 - 1) classification of a substance or object as waste and classification of waste as hazardous waste, and specification of the recovery and disposal operations;
 - 2) the packaging and labelling of waste and the submission of information about waste for the organization of waste management;
 - 3) the general quality requirements to be observed in organizing waste management;

- 4) the duties of the Environment Administration in implementing provisions or regulations issued in or under this Act; (63/1995)
- 5) exemptions from the application of this Act in the Defence Forces if vital national defence interests so require, and the supervisory authorities in the Defence Forces designated under this Act;
- 6) the Advisory Board for Waste Affairs;
- 7) the duty of government agencies to provide the authorities referred to in sections 36-38 with opinions, and other functions of expert agencies or institutions under this Act;
- 8) the waste management work referred to in section 35;
- 9) the application of provisions concerning notification of operations to the waste data register, and the waste data register; (747/2007)
- 10) the application of provisions referred to in chapter 9 concerning the keeping of records and inspections; (1413/1994)
- 11) any other matter prescribed in or justified by the Waste Shipment Regulation and related to implementation; and (1413/1994)
- 12) any other matter comparable with paragraphs 1-11 necessary for the implementation and application of this Act. (1413/1994)

Section 75 - *Powers of the Ministry of the Environment*

- (1) The Ministry of the Environment can:
 - 1) confirm a list of the most common wastes and hazardous wastes;
 - 2) issue regulations on the content and compilation of the regional waste management plans referred to in chapter 7, on the information to be submitted for the plans, and on action needed to prevent movements of waste contrary to these plans; (63/1995)

- 3) issue or approve standards needed for the application of this Act and the provisions and regulations issued under it;
- 4) issue further regulations on the application of any decree or Government decision issued under this Act or grant exemptions from them in cases provided for by decree or Government decision; and
- 5) issue instructions on the implementation and application of this Act and provisions and regulations issued under it.

Chapter 13 - Entry into force and transitional provisions

Section 76 - Entry into force

- (1) This Act enters into force on a date laid down by decree. (*Act 1072/1993 entered into force on January 1, 1994, in accordance with Decree 1389/1993*)
- (2) This Act repeals the Waste Management Act of August 31, 1978 (673/1978) as later amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 77 - Application of previous provisions

- (1) Matters pending when this Act enters into force shall be dealt with in accordance with the provisions effective until the Act enters into force, unless otherwise provided under this Act or by the Government.
- (2) The provisions in force until this Act takes effect shall apply to littering and soil contamination which occurred before this Act enters into force, and to a landfill or other waste disposal facility which has ceased operation before this Act enters into force. The regional environment centre shall, however, order the cleaning of contaminated sites.

In addition, sections 57, 58 and 66 of this Act shall apply as relevant to regulations issued to ensure compliance with duties based on the provisions referred to above. The provisions applicable to crimes are laid down in section 3 of the Decree on the Enforcement of the Penal Code. (63/1995)

- (3) The provisions of sections 25 and 26 of this Act shall also apply to the littering and soil contamination referred to in subsection 2 above.

Section 78 - *Transitional provisions*

- (1) Obligations provided in section 49 and chapter 7 of this Act shall be met no later than two years after this Act enters into force.
- (2) The Government regulations issued under section 22, and municipal waste management regulations issued under section 24 of the Waste Management Act, shall remain in force until otherwise laid down or prescribed under this Act, though, in the case of municipal waste management regulations, not after December 31, 1995. (1413/1994)
- (3) Waste management plans approved and hazardous waste disposal permits granted under the Waste Management Act shall continue to be complied with for three years from the entry into force of this Act or, if the operations require a waste permit referred to in this Act, until the waste permit is granted. If operations based on a waste management plan or a hazardous waste disposal permit or other operations carried on before this Act enters into force require a waste permit as referred to in this Act, an application for said permit shall be submitted no later than three years from the entry into force of this Act and operations shall be brought up to the standards required by this Act within a deadline to

be set in the permit, unless otherwise provided under this Act or by the Government.

- (4) A waste management plan or a hazardous waste disposal permit can be amended by application or on the authorities' initiative, observing the provisions of sections 46 and 47 of this Act as applicable. Authority to act in a matter concerning waste management plans shall rest with the regional environment centre if the provincial state office has approved the plan, and otherwise with the municipal environmental protection committee. Authority to act in a matter concerning hazardous waste disposal permits shall rest with the regional environment centre. (63/1995)
- (5) Without prejudice to section 15(1) of this Act, waste may be delivered to a facility that has a waste management plan approved under the Waste Management Act or for which a hazardous waste disposal permit has been obtained under said Act, the plan or permit being in force under subsections 3 or 4 of this section, or to a public waste disposal site referred to in the Waste Management Act, unless delivery has been expressly forbidden. Accordingly, the duty to organize waste management shall pass on to the consignee mentioned above.
- (6) If a property has been excluded from the waste transport scheme under section 14 of the Waste Management Act, the waste holder shall subscribe to a waste transport scheme referred to in this Act if the municipality so decides.

ENTRY INTO FORCE AND APPLICATION OF AMENDMENT ACTS:

1413/1994:

This Act enters into force on 1 January 1995.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

In the case of a transboundary movement of waste on which notification has been made and a decision issued prior to the entry into force of this Act, the applicable provisions of this Act shall be complied with.

1419/1994:

This Act enters into force on 1 January 1995.

63/1995:

This Act enters into force on 1 March 1995.

219/1995:

298/1995:

This Act enters into force on 1 May 1995.

Any delayed payments existing upon this Act's entry into force shall remain subject to the provisions valid at the time the Act entered into force. The provisions of this Act may, however, be applied if this would lead to a more lenient consequence for default than under the previous Act.

712/1995:

This Act enters into force on 1 September 1995.

1015/1996:

This Act enters into force on 1 January 1997.

605/1997:

This Act enters into force on 1 September 1997.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

147/1999:

This Act enters into force on 1 January 2000.

554/1999:

This Act enters into force on 1 October 1999.

661/1999:

This Act enters into force on 1 December 1999.

91/2000:

Separate provisions shall be issued regarding the entry into force of this Act. (*Pursuant to Act 113/2000, Act 91/2000 entered into force on 1 March 2000.*)

893/2001:

This Act enters into force on 1 January 2002.

452/2004:

This Act enters into force on 1 September 2004.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

This Act shall apply to the electrical and electronic equipment referred to in section 18b(1)(5) of the Act from the dates to be laid down by Government decree.

The Government Decision on the recovery and disposal of discarded tyres (1246/1995), the Government Decision on packaging and packaging waste (962/1997) and the Government Decision on the collection and recovery of waste paper (883/1998), all issued by virtue of the Waste Act, shall remain in force, insofar as they are not in conflict with this Act, until they are replaced by Government decrees issued under this Act.

The producers referred to in section 18b and the producer corporations referred to in section 18g of this Act shall provide the Pirkanmaa Regional Environment Centre with the notification for entry or approval in the producer

data register as referred to in section 50b of this Act within six months after the entry into force of this Act. The deadline in the case of electrical and electronic equipment producers and producer corporations shall be laid down by Government decree.

Exemptions from the need to subscribe to a waste transport scheme granted under section 11(2) of the Waste Act, and decisions on excluding properties from a waste transport scheme made under section 14 of the Waste Management Act (673/1978) and repealed by the Waste Act, shall cease to be valid from 1 January 2006.

1040/2004:

This Act enters into force on 1 January 2005.

1063/2004:

This Act enters into force on 1 February 2005.

729/2005:

This Act enters into force on 1 October 2005.

When an appeal is made against a decision that was issued by an administrative authority before the entry into force of this Act, the provisions in effect at the entry into force of this Act will apply.

815/2005:

This Act enters into force on 1 November 2005.

411/2007:

This Act enters into force on 1 June 2007.

Municipalities that, before the entry into force of this Act, organized the transport of household waste and of waste of a comparable nature, composition and quantity generated in industrial, service or other activities, in the form of a municipal waste transport scheme in a

manner referred to in section 10(1) using private undertakings, may continue to organize the transport of waste generated in industrial, service or other business activities with the undertakings in question until the expiry of the contracts made, though for no longer than five years from the entry into force of this Act. When a municipality acts in this manner, the obligations covering the organization of waste transport, recovery and disposal laid down in sections 8 and 12 of the Waste Act will not apply to the waste producers and other holders during that period.

747/2007:

This Act enters into force on 12 July 2007.

The provisions in effect at the entry into force of this Act apply to waste shipments that have been approved by the Finnish Environment Institute or of which it has been notified before the entry into force of this Act and of which the competent authority of destination has given acknowledgement.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.