

**NB: Unofficial translation; legally binding texts are those in Finnish and Swedish**

**Ministry of the Environment, Finland**

## **WASTE ACT**

(1072/1993; amendments up to 893/2001 included)

### Chapter 1 - **General provisions**

#### Section 1 - *Purpose of the Act*

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 Protection 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; and

- 12) *supervisory authority* means the provincial government and municipal environmental protection committee and any other authority insofar as supervisory duties have been decreed or prescribed for said authority in or under this Act. (1015/1996)
- (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*

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 re-usable, 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*

Waste management shall be organized as follows:

- 1) unless otherwise provided under section 18(1)(5) the waste holder shall organize waste management in order to improve waste recovery or some other organization of waste management, or prevent or combat the hazard or harm arising from waste;
- 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*

Waste holders shall take care to organize the transport of waste.

#### Section 9 - *Waste transport*

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) Either as an independent operation or employing another corporation or private undertaking, municipalities shall organize the transport of household waste and waste of a comparable nature, composition and quantity from industrial, service or other operations, other than hazardous waste (*municipal waste transport scheme*). Municipalities can also accept other waste for their transport scheme under a contract made with a waste holder. (605/1997)
- (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.

#### Section 11 - *Subscribing to a waste transport scheme*

- (1) Waste holders shall subscribe to a waste transport scheme in their area.
- (2) Municipalities can, however, decide that there is no need to subscribe to a waste transport scheme if the quantity of waste is exceptionally small and the waste holder organizes waste management independently.

#### Section 12 - *Waste recovery and disposal*

Waste holders shall organize the recovery and disposal of waste.

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

- (1) Municipalities shall organize the recovery or disposal of household waste and waste of comparable nature, composition and quantity arising from industrial, service or other operations, other than hazardous waste. Municipalities shall also organize the recovery or disposal of hazardous waste from

households, as well as from agriculture and forestry unless the quantity of such waste is excessive. Municipalities can also organize the recovery or disposal of other waste under a contract made with a waste holder. Municipalities can also order that waste be delivered for municipally organized disposal. (605/1997)

- (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*

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;
  - 5) the duty of the manufacturer, importer, placer on the market, dealer, seller, deliverer, packager or user of a product or a legally competent corporation formed by them (*producer corporation*) to partly or entirely organize waste management, or to answer for the costs arising from it, and the right or duty of the waste producer, the property holder or other waste holder to deliver the waste to the waste management system so organized or otherwise take part in it; and (605/1997)
  - 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 4 - **Littering (91/2000)**

### Section 19 - *Prohibition on littering*

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 provincial government 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

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

### Chapter 5 - **Cost Liability and Finance**

#### Section 27 - *Cost liability of waste holder*

The waste holder or the previous holder shall be liable for costs arising from waste unless otherwise provided under section 18(1)(5).

#### 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 transport frequency. Further grounds which may be taken into account are the loading and carriage conditions on the property and in the transport area, the use of 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 encourages reduction of the quantity and harmfulness of waste and recovery of waste.
- (2) If the waste charge based on the tariff can be considered unreasonably high or low, it can be set contrary to the tariff.
- (3) In individual cases, the grounds for the waste 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*

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*

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)

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, having so agreed with the relevant municipality as necessary, carry out the work or measure, have it carried out under the State budget as waste management work or otherwise contribute to the costs referred to above.

Chapter 6 - **Authorities**

Section 36 - Central authorities

- (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 shall supervise compliance with the provisions and regulations issued in and under this Act concerning the import and export of wastes and the transit of waste through Finnish territory (*transboundary movements of wastes*). (63/1995)

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

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 the province concerned, 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)
- (2) *Subsection 2 has been repealed. (91/2000)*

Section 39 - *Other authorities*

- (1) Transboundary movements of waste and compliance with provisions and regulations issued in and under this Act which concern the import and export of products referred to in section 5(1) shall also be supervised by the Customs.
- (2) In issuing a general 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.
- (3) The Ministry of the Environment can prescribe that the part of the national waste plan which concerns movements of wastes shall be binding.

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

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, the organization and supervision of waste management, and development targets.

Chapter 8 - **Approval procedures**

Sections 42-44

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

Section 45 - *Movements of waste* (63/1995)

- (1) The provisions of Council Regulation 259/1993/EEC on the supervision and control of shipments of waste within, into and out of the European Community, hereinafter the Waste Shipment Regulation, and other provisions laid down or prescribed under said Regulation, shall apply to movements of waste and approval thereof. This notwithstanding, the provisions and regulations laid down or prescribed in or under this Act in accordance with the Waste Shipment Regulation shall apply to movements of waste taking place exclusively within Finnish territory.

- (2) The Finnish Environment Institute is in Finland the competent authority referred to in the Waste shipment Regulation for transboundary movements of waste.
- (3) The Finnish Environment Institute can issue general directives on transboundary movements of waste.

#### Sections 46-48

*Sections 46-48 have been repealed. (91/2000)*

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

- (1) For the purpose of entry in the waste data register as referred to in section 70, the regional environment centre shall be notified of:
  - 1) the commercial collection and transport of waste;
  - 2) the party selling the waste or acting as the dealer; and
  - 3) the producer corporation. (91/2000)
- (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)

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 professional manner;

2) machinery and equipment used in the operations are of high technical quality, also considering 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)*

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 be made to 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 risk or harm to health or the environment.

## 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, commercial 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. (91/2000)

- (4) The supervisory or permit authorities in individual cases and the Ministry of the Environment in general can issue regulations and directives 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. (91/2000)
- (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)

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

*Section 55 has been repealed. (91/2000)*

Section 56 - *Executive assistance*

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.

*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 a prohibition or order based on a provision issued in or under this Act, or the Finnish Environment Institute can reinforce a prohibition based on the Waste Shipment Regulation with threat of conditional fine or threat of the neglected measure otherwise being performed at the defaulter's expense, or threat of suspension or prohibition of operations. (605/1997)
- (2) In a case concerning 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)

Proceedings may be instituted in a matter concerning a provision or order referred to in sections 21 and 57 above with 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* (91/2000)

- (1) Whosoever deliberately, or from gross negligence
  - 1) violates a prohibition referred to in, or a prohibition, provision, regulation, or order issued under section 5(1)(1), section 5(1)(3) or section 5(1)(4), section 6(1)(6) or 6(1)(8), section 7(4), section 17(1), section 18 or section 19, section 22(1), section 40(3), section 50, section 55(2) or section 55(3), section 57 or section 73a;
  - 2) fails to fulfil a duty referred to in sections 7-9, section 12, section 14, section 15(1), section 22(2), section 22(3), section 51(3) or section 51(4); or
  - 3) carries out a transboundary movement of waste as referred to in article 26(1) of the Waste Shipment Regulationshall be sentenced to a fine for a *waste violation*, unless more severe punishment is provided elsewhere in law.
- (2) Whosoever deliberately, or from gross negligence, violates any provision issued under section 13(1) or neglects his duty as referred to in section 11(1),

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

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

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)

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

*Section 63 has been repealed. (661/1999)*

Section 64

*Section 64 has been repealed. (893/2001)*

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

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.

#### Section 67 - *Implementation* (91/2000)

Decisions taken under the Waste Shipment Regulation and sections 21, 31, 50, 57 and 58 and, for special reasons, section 50a of this Act can provide that the decision must be observed notwithstanding appeal, unless the appellate authority orders otherwise.

### 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, under section 18(1)(5), waste management is prescribed to be the duty of the manufacturer, importer, placer on the market, dealer, seller, deliverer, packager or user of a product or a producer corporation, they, too, and as required any other parties with waste management duties, must handle the advisory services, information and communications required for implementation of a Government decision as prescribed by Government decision, where necessary in collaboration with the municipality. (605/1997)

Section 69 - *Approval of research laboratory*

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 data register (91/2000)*

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

Section 71 - *Submitting confidential information (661/1999)*

Notwithstanding the secrecy obligation prescribed in the Act on the Openness of Government Activities (621/1999), information acquired in carrying out duties under this Act relating to the financial standing or business or trade secret of an individual or corporation, or the personal affairs of an individual, may be revealed to a supervisory authority, the Ministry of the Environment, the Finnish Environment Institute, and to a prosecuting, police or customs authority for the purposes of criminal investigation.

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

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)

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 on Finnish water courses and territorial waters* (1419/1994)

- (1) Incineration of waste on Finnish water courses and territorial waters 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*

The following can be provided for by decree:

- 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 consent to transboundary movements of waste and notification of operations to the waste data register, and the waste data register;

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*

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 organized waste transport 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.

The Waste Act (3.12.1993/1072) came into force on 1 January 1994, in accordance with Decree 1389/1993.

The Act on Amending the Waste Act (29.12.1994/1413) came into force on 1 January 1995.

The Act on Amending the Waste Act (29.12.1994/1419) came into force on 1 January 1995.

The Act on Amending the Waste Act (24.1.1995/63) came into force on 1 March 1995.

The Act on Amending section 33 of the Waste Act (3.3.1995/298) came into force on 1 May 1995.

The provisions in force at the time of this Act's entry into force shall be applied to any payment overdue at the time of this Act's entry into force. This Act may, however, be applied

if a less stringent sanction would result than under the previous Act.

The Act Amending the Waste Act (21.4.1995/712) came into force on 1 September 1995.

The Act Amending the Waste Act (5.12.1996/1015) came into force on 1 January 1997.

The Act Amending the Waste Act (19.6.1997/605) came into force on 1 September 1997.

The Act Amending the Waste Act (5.2.1999/147) came into force on 1 January 2000.

The Act Amending the Waste Act (30.4.1999/554) came into force on 1 October 1999.

The Act Amending the Waste Act (21.5.1999/661) came into force on 1 December 1999.

The Act Amending the Waste Act (4.2.2000/91) came into force on 1 March 2000, in accordance with Act 113/2000.

The Act Amending the Waste Act (26.10.2001/893) came into force on 1 January 2002.

Council Directive 75/442/EEC as amended by Council Directive 91/156/EEC, Council Directive 91/689/EEC and Council Regulation (EEC) No 259/93.