



No. 744

CHEMICALS ACT

August 14, 1989

Chapter 1 General Provisions

Section 1 Aim of the Act

The aim of this Act is to prevent and avert harm to health and the environment caused by chemicals.

The further purpose of sections 16, 17, 20 and 27 is to prevent the risk of fire and explosion caused by chemicals, and that of sections 31-35 to prevent damage to property thereby. (18.12.1992/1412)

The meaning of 'chemicals' in this Act is defined in section 10.

Section 2 (18.12.1992/1412) Scope of application

This Act shall apply to chemicals and their manufacture, import, placing on the market, distribution, packaging, sale and other assignment, storage, possession and keeping, technical and other use, export, testing, advertising and other comparable handling.

Section 44 also applies to products and materials which contain a chemical or which are treated with a chemical.

This Act does not, however, apply to:

- 1) the carriage of chemicals by road, rail, air, sea or mail; or
- 2) chemicals in transit through Finnish territory when they are not stored or otherwise handled in Finland.

More detailed provisions on the scope of application of this Act will be enacted by decree.

Section 3 Relation to other legislation

The provisions of the Water Act (264/61), the Act on the Prevention of Marine Pollution (298/79) and the Air Pollution Control Act (67/82) shall apply to restrictions on chemicals released into the environment and treatment of such discharge. The Waste Management Act (673/78) contains further provisions on the handling of chemical wastes and other waste management.

The Product Safety Act (914/86) and the Foodstuffs Act (526/41), and subsequent regulations based on them, contain further provisions on consumer protection.

The Occupational Safety Act (299/58) contains further provisions on the protection of employees.

Chapter 2 Supervisory Authorities

Section 4 Ministries as supervisory authorities

The supreme management and control of supervision of compliance with this Act, and subsequent rules and regulations based on it, shall rest with:

- 1) the Ministry of Social Affairs and Health in preventing and averting harm to health caused by chemicals; and
- 2) the Ministry of the Environment in preventing and averting damage to the environment caused by chemicals.

The Ministry of Trade and Industry shall, however, bear the supreme responsibility for the management and control of supervision of the technical handling and storage of chemicals dangerous for health and the environment.

Section 5 Supervisory authorities in the central administration

The supreme supervision of compliance with this Act, and rules and regulations based on it, shall rest with:

- 1) the National Product Control Agency for Welfare and Health in preventing and averting harm to health caused by chemicals; and
- 2) the Finnish Environment Institute in preventing and averting damage to the environment caused by chemicals. (17.2.1995/220)

The Safety Technology Authority shall, however, bear the supreme responsibility for supervising compliance with rules and regulations issued on the technical handling and storage of chemicals dangerous for health and the environment. (21.8.1995/1073)

Section 6 Regional supervisory authorities

The provincial government and the regional environment centre, within their respective areas of competence, shall direct and supervise the activities of the local authorities in complying with the provisions of this Act. (17.2.1995/220)

Section 7 Local supervisory authorities

On the municipal level, the local board shall supervise compliance with this Act, and rules and regulations based on it, unless the charge is delegated to a committee (municipal supervisory authority for chemicals) under the municipal regulations. The charge may also be delegated to a municipal federation.

Section 8

Special supervisory authorities

The National Board of Labour Protection shall help to supervise compliance with the provisions of this Act as provided below.

In addition, the labour protection authorities, together with the other supervisory authorities defined in the Act, shall supervise the classification, labelling and safety data sheets concerning chemicals used at work, the provision of other information, and compliance with restrictions and prohibitions on chemicals. Provisions on the supervisory procedures used by the labour protection authorities are given in the Act on the Supervision of Labour Protection and the Appeals Procedure in Labour Protection Matters (131/73). (18.12.1992/1412)

The National Board of Customs shall also supervise compliance with the provisions on the import and export of chemicals, as provided in more detail by decree. (18.12.1992/1412)

Provisions on the supervisory authorities in the defence forces may be enacted by decree. (18.12.1992/1412)

Section 9

Power to issue a decree

More detailed provisions on the tasks of and cooperation between the supervisory authorities will be enacted by decree.

Chapter 3

Definitions

Section 10

Chemicals

For the purpose of this Act 'chemicals' refers to chemical elements and their chemical compounds as they occur naturally or as produced industrially (*substances*) and mixtures of two or more substances (*preparations*).

Section 11

Chemicals dangerous for health

For the purpose of this Act 'chemicals dangerous for health' refers to chemicals which, if introduced into the body even in small doses, may harm human health because of their chemical properties.

'Chemicals dangerous for the environment' refers to chemicals which may cause harm to living nature if released into the environment even in small doses. (18.12.1992/1412)

'Flammable and explosive chemicals' refers to chemicals that may cause a fire or an explosion owing to their physicochemical properties. (18.12.1992/1412)

After consulting the Ministry of the Environment, the Ministry of Trade and Industry and the Ministry of Labour, the

Ministry of Social Affairs and Health shall approve a list of the most common dangerous chemicals. (18.12.1992/1412)

(Section 12 repealed December 12, 1992)

Section 13

Industrial handling and storage of chemicals

For the purpose of this Act 'industrial handling of chemicals' refers to the manufacture, technical use, such as an operation in which a chemical is used in a chemical process as a raw material or additive or in which a chemical is produced as an intermediate, or any other comparable handling.

Industrial handling and storage of chemicals shall be divided according to the type of operation and the amount of chemicals concerned, taking into consideration the dangerous character of the chemicals and the handling conditions, into large-scale, medium-scale and small-scale industrial handling and storage.

Section 14 (18.12.1992/1412)

Establishment

For the purpose of this Act 'establishment' refers to any party that manufactures, imports, places on the market, exports, stores, packs, distributes, supplies, possesses, keeps, uses or otherwise handles a chemical in a manner referred to in this Act.

Chapter 4

General Duties of an Establishment

Section 15

Duty to exercise caution

Sufficient care and caution shall be exercised in the manufacture, import and other handling of chemicals referred to in this Act in order to prevent harm to health and the environment, taking into consideration the amount and dangerous character of the chemical.

Should careless or incautious handling of a chemical as referred to in this Act contaminate structures or the environment, the establishment or the party who caused the contamination shall ensure that the structures and the environment are cleaned so that they no longer endanger health or the environment.

Section 16 (18.12.1992/1412)

Duty to obtain information

Manufacturers, importers and distributors of a chemical, and other establishments responsible for placing a chemical on the market or for use, shall obtain such information on the physical and chemical properties of the chemical they manu-

facture, import or place on the market or for use and on its effects on health and the environment as is reasonably available and adequate to meet the requirements set for them by virtue of this Act.

Section 17 (18.12.1992/1412)

Packaging and duty to provide information

The manufacturer, importer or distributor of a chemical, or any other establishment that is responsible for placing a chemical on the market or for use, shall ensure that:

- 1) the packaging in which the chemical is supplied is durable and safe; and
- 2) the packaging in which the chemical is supplied carries the information, warning labels and instructions for use required for safety and identification.

If the chemical is not supplied in the packaging referred to above in paragraph 1, the establishment responsible for placing the chemical on the market or for use shall ensure that the recipient receives the information, warnings and instructions referred to in paragraph 1 in some other way.

The manufacturer, importer or distributor of a chemical, or any other establishment that is responsible for placing a chemical on the market or for use, shall compile a safety data sheet on a chemical intended for professional use if:

- 1) the chemical has been classified as one dangerous for health or the environment, or as a flammable or explosive chemical; or
- 2) the properties of the chemical are otherwise such that its handling, use or storage may endanger health or the environment or cause a risk of fire or explosion.

The manufacturer, importer or distributor of a chemical, or any other establishment responsible for placing the chemical on the market or for use, shall provide the recipient with a safety data sheet if the chemical is intended for industrial or other professional use.

(Section 18 repealed December 18, 1992)

Section 18a (17.2.1995/220)

Existing substances

The manufacturer or importer of a chemical shall provide information on existing substances in accordance with the provisions of Council Regulation (EEC) No. 793/93 on the evaluation and control of the risks of existing substances. The competent authorities referred to in Article 13 of the Council Regulation are, in Finland, the Finnish Environment Institute and the National Product Control Agency for Welfare and Health. More detailed provisions on the tasks of and cooperation between the supervisory authorities will be enacted by decree.

Section 19 (18.12.1992/1412)

Power to issue a decree and issuance of regulations

More detailed provisions on the classification and packaging of a chemical, on the duty to provide information and on the advertising of a dangerous chemical shall be enacted by decree.

The Ministry of Social Affairs and Health shall issue detailed regulations on the warning labels, packaging and classification of chemicals, and the Ministry of the Environment shall, if necessary, issue regulations on the enforcement of the Council Regulation referred to in section 18a above and of the European Communities provisions issued pursuant to this Regulation. (2.8.1994/720)

The Ministry of Labour shall issue more detailed regulations on the safety data sheet.

Chapter 5

Notification of a New Substance

Section 20

Notification duty

The manufacturer or a representative designated by the manufacturer (*notifier*) shall notify the National Product Control Agency for Welfare and Health of any new substance. Notification shall also be made of any new substance contained in a preparation. (8.12.1994/1147)

A substance shall be considered new if it has not been in use before this Act enters into force. The Ministry of Social Affairs and Health shall issue more detailed regulations on the substances subject to the notification duty. The Ministry may then order that a substance shall not be subject to the notification duty if, taking into consideration the use of the substance abroad, this can be deemed justified.

The notification shall provide information on the new substance and its properties and use.

Section 21 (3.8.1992/766)

Restrictions on release

A new substance or a preparation containing a new substance shall not be placed on the market before a time enacted by decree has passed from making the notification referred to in section 20. (18.12.1992/1412)

If the National Product Control Agency for Welfare and Health requests the notifier to supplement an incomplete notification, the period stipulated in paragraph 1 shall begin when the completed notification has arrived at the National Product Control Agency for Welfare and Health. (8.12.1994/1147)

Section 22 (8.12.1994/1147)
Amended notification

Notifiers shall submit an amended notification to the National Product Control Agency for Welfare and Health if they receive new information on a substance referred to in section 20 or on its effects on health and the environment, or if there is an essential change in the intended use of said substance or a preparation containing said substance, or in the amounts manufactured and imported.

Section 23 (8.12.1994/1147)
Additional data

In addition to the data required in the notification, the National Product Control Agency for Welfare and Health may, as enacted in more detail by decree, require the notifier to submit more data on the substance and its properties and effects and to carry out new investigations on these aspects if this is considered essential in order to assess the risk of the substance.

Section 24
Power to issue a decree

More detailed provisions on the notification of new substances will be enacted by decree. The decree may grant exceptions to the notification duty and provide that the Ministry of Social Affairs and Health shall issue more detailed regulations on notification.

Chapter 6
Advance Approval of a Chemical Preservative

Section 25
Duty to obtain approval

The manufacturer or importer shall obtain the approval of the Finnish Environment Institute (*advance approval*) for a chemical which is intended to be used:

- 1) for wood treatment to protect wood from deterioration or damage caused by harmful organisms (*wood preservative*); or
- 2) in a cooling and circulating water system to prevent the formation of slime and clogging caused by growth of harmful micro-organisms or for the protection of chemical and mechanical pulp from deterioration or damage caused by harmful organisms (*slimicide*).
(17.2.1995/220)

A wood preservative or slimicide (*chemical preservative*) shall not be manufactured, imported, released for sale or used without advance approval.

An approved chemical preservative shall only be used for the approved purposes, following the approved instructions for use.

Section 26
Notification duty (17.2.1995/220)

If a wood preservative is intended for use as a paint, it may be manufactured and imported without advance approval. The manufacturer or importer of said wood preservative shall submit a notification to the Finnish Environment Institute 45 days before the chemical is to be released for sale or taken into use.

A chemical preservative may be manufactured and released without advance approval if the chemical is intended only for export. The Finnish Environment Institute shall be notified of such manufacture.

Correspondingly, tests with a chemical preservative may be made without advance approval in order to determine its properties, effects and utility. The Finnish Environment Institute shall be notified of such tests, unless the matter concerns a laboratory test or other corresponding minor test.

Section 27
Conditions for advance approval

A chemical shall be approved for use as a chemical preservative if it is suitable for the intended use and if, when used according to the instructions, the chemical or the material treated with it will not cause obvious harm to health or the environment.

The Finnish Environment Institute shall, when approving a chemical preservative, approve the intended use and instructions for use. The necessary conditions and instructions may be appended to the approval. The approval may also be granted for a stipulated period. (17.2.1995/220)

Section 28
Revocation of advance approval (17.2.1995/220)

The Finnish Environment Institute may revoke an advance approval or change the conditions of it if, following approval, it is shown that the chemical preservative no longer fulfils the conditions set out in section 27, paragraph 1, or the conditions appended to the approval.

Section 29
Handling the notification

The Finnish Environment Institute may, after receiving the notification referred to in section 26, paragraphs 1 or 3, issue the regulations and instructions concerning the chemical preservative which are necessary to prevent harm to health and the environment. (17.2.1995/220)

The provisions in section 28 on revocation of advance approval shall correspondingly apply to the prohibition or restriction of use of the wood preservative referred to in section 26, paragraph 1.

Section 30
Power to issue a decree

More detailed provisions on the advance approval and use of chemical preservatives shall be enacted by decree. The decree may grant exceptions from the duty to obtain approval for and make notification of chemical preservatives and provide that the Ministry of the Environment may issue more detailed regulations thereon.

Chapter 7
Industrial Handling, Storage and Supply of
Chemicals Dangerous for Health and the
Environment

Industrial handling and storage

Section 31
General requirements

In the industrial handling and storage of chemicals the establishment shall observe such care and caution as can reasonably be expected, taking into consideration the amount, dangerous character and handling conditions of the chemical.

When siting facilities for the industrial handling or storage of chemicals, due consideration shall be given to the risk of accidents to people, the environment and property.

When planning and building facilities, stores, buildings and equipment, due consideration shall be given to structural and other technical requirements for the prevention of accidents.

When using facilities and stores, due care shall be taken in the maintenance of structures and equipment in order to avoid changes in them during use which might increase the risk of accidents to people, the environment or property.

Section 32
Permit requirement and notification duty

Large-scale and medium-scale industrial handling of chemicals dangerous for health and the environment shall be allowed only with a permit from the Safety Technology Authority. (21.8.1995/1073)

Large-scale storage of chemicals dangerous for health and the environment shall be allowed only with a permit from the Safety Technology Authority, and medium-scale storage only after the Safety Technology Authority has been notified. (21.8.1995/1073)

Small-scale industrial handling and storage of chemicals dangerous for health and the environment shall be allowed only after the relevant municipal supervisory authority for chemicals has been notified before starting the operations. Exceptions to the notification procedure may be enacted by decree. (18.12.1992/1412)

The establishment shall notify the appropriate supervisory authority of any essential changes in the operations

referred to in paragraphs 1, 2 and 3. If an extension or a change concerning large-scale industrial handling or storage or medium-scale industrial handling is essential for safety, a permit is required. Similarly, a medium-scale store must be inspected before any extension or change is implemented. (18.12.1992/1412)

Section 33
Conditions for granting a permit and processing
notifications

The permit referred to in section 32 may be granted only if the requirements referred to in section 31 have been met. The conditions necessary for fulfilment of these requirements may be appended to the permit. After the Safety Technology Authority has received the notification referred to in section 32, paragraphs 2 and 4, it may issue any regulations necessary for the operations concerned to make them fulfil the requirements referred to in section 31. (21.8.1995/1073)

The Safety Technology Authority may revoke a permit granted for industrial handling or storage, either for a specified period or totally if the operations do not comply with the requirements referred to in section 31 or stipulated in the permit conditions, or if the operations otherwise essentially violate the provisions of this Act or rules or regulations issued by virtue of it. (21.8.1995/1073)

Similarly, the municipal supervisory authority for chemicals may issue regulations referred to in paragraph 1 after it has received the notification referred to in section 32, paragraphs 3 and 4. (18.12.1992/1412)

Section 33a (10.6.1994/472)
Environmental impact assessment

An environmental impact assessment report must be presented in order to obtain a permit in accordance with paragraph 32 of this Act for a project referred to in the Act on Environmental Impact Assessment Procedure (468/94). Insofar as this report contains the information on environmental impact necessary for applying the provisions of this Act, no new report on such impact need be presented.

The decision must reveal how the assessment done in accordance with the Act on Environmental Impact Assessment Procedure has been taken into account.

(Section 34 repealed December 18, 1992)

Section 35
Power to issue a decree

More detailed provisions on the industrial handling and storage of chemicals dangerous for health and the environment, determination of the permit requirement and notification duty referred to in section 32, and the permit and notification procedure and inspections connected with these procedures shall be enacted by decree.

Establishments must provide accounts on the safety of industrial handling and storage, as enacted in more detail by decree. (18.12.1992/1412)

Establishments must, to the necessary extent, provide information on safety measures and give instructions on action to be taken in case of an accident entailing serious danger, as enacted in more detail by decree. (18.12.1992/1412)

The Ministry of Trade and Industry may be granted by decree the right to issue more detailed regulations on the industrial handling and storage of chemicals. (21.8.1995/1073)

The following may also be enacted by decree:

- 1) exceptions to the permit requirement and notification duty provided in section 32;
- 2) the special duty of an establishment engaged in the operations referred to in section 32 to employ a suitably qualified supervisor for the industrial handling and storage of chemicals;
- 3) the duty of an establishment engaged in the operations referred to in section 32 to keep records on its operations;
- 4) the reports to be made on accidents in industrial handling and storage; and
- 5) warning labels of stores, containers and equipment containing chemicals dangerous for health and the environment. (18.12.1992/1412)

Section 36 (21.8.1995/1073) **Harmonizing instructions**

The Safety Technology Authority may issue technical and safety instructions concerning industrial handling and storage of chemicals in order to harmonize provisions of this Act and the rules and regulations issued under it.

(Sections 37-40 repealed December 18, 1992/1412)

Section 41 (18.12.1992/1412) **Power to issue a decree**

Provisions on the following may be enacted by decree:

- 1) the release for retail sale of dangerous chemicals;
- 2) conditions for the release of chemicals dangerous for health from a pharmacy;
- 3) the right of the Ministry of Social Affairs and Health to regulate the retail sale of chemicals dangerous for health and narcotic chemicals; and
- 4) the duty of the recipient of chemicals dangerous for health to give the supplier the necessary information regarding the recipient, user and intended use of the chemical.

Supply of chemicals for export

Section 42 (18.12.1992/1412) **Notification procedure**

Whosoever exports any chemical to which this Act applies shall provide information on the chemical subject to notification in accordance with the provisions of Council Regulation (EEC) No. 2455/92 concerning the export and import of certain dangerous chemicals. In Finland, the competent authority referred to in Article 3 of the Council Regulation is the Finnish Environment Institute. If necessary, the Ministry of the Environment shall issue more detailed regulations on the enforcement of the aforementioned Council Regulation and the European Communities provisions issued under it. (17.2.1995/220)

Whosoever supplies for export a chemical which is not subject to notification under paragraph 1 and the handling of which has been terminated in order to protect health or the environment, or the handling of which is prohibited or strictly regulated, shall notify the Finnish Environment Institute of the export of the chemical. The chemicals covered by this notification procedure shall be specified by decree. (17.2.1995/220)

More detailed provisions on the notification procedure and the notification duty and on exceptions to them will be enacted by decree. The Ministry of the Environment may issue more detailed regulations on the supply of chemicals for export.

Chapter 8 **Prohibitions and Restrictions**

Section 43 (18.12.1992/1412) **Prohibitions on the handling of chemicals**

If a chemical or its use is shown to cause, or there is justifiable reason to believe that it causes, substantial harm to human health or the environment, the Council of State may prohibit the manufacture, import, placing on the market or other supply, export, use and other comparable handling of the chemical and regulate the restrictions and conditions concerning said operations.

If prevention of the harm referred to in paragraph 1 requires immediate measures, provisional regulations on the necessary prohibitions and restrictions may be issued by the National Product Control Agency for Welfare and Health in respect of health risks, and the Finnish Environment Institute in respect of environmental risks. In such cases the matter shall be submitted to the Council of State for a decision without delay. (17.2.1995/220)

Section 44 (18.12.1992/1412)
Prohibition on the handling of a product and materials

The Council of State may, in issuing the prohibition or restriction referred to in section 43, prohibit the manufacture, import, placing on the market or other supply, export, use and other comparable handling of products or materials which contain, or have been treated with, the chemical in question and issue restrictions and conditions on such operations.

Section 44a (18.12.1992/1412)
Enforcement tasks

The Council of State may, in issuing the prohibition or restriction referred to in section 43, paragraph 1, or in section 44, at the same time assign tasks related to the enforcement of its decision to the supervisory authorities of the Chemicals Act.

Section 45 (18.12.1992/1412)
Prohibitions and restrictions by the supervisory authorities

If this Act or rules or regulations issued under it are violated in the manufacture, import, placing on the market or other supply, storage, distribution, use or other handling of chemicals referred to in this Act, the competent supervisory authority may prohibit the establishment from continuing or repeating the operations in violation of the rules and regulations, and order the said establishment otherwise to meet the obligations set out in the Act.

In cases referred to above in paragraph 1, the National Product Control Agency for Welfare and Health, in order to prevent health risks, and the Finnish Environment Institute, in order to prevent environmental risks, may issue regulations on the placing of the chemical on the market, on the return procedure or on the notification of an existing risk, or may require that the chemical be rendered harmless, as appropriate. (17.2.1995/220)

If a local supervisory authority of the Chemicals Act considers it necessary, in a case referred to in paragraph 1, to take measures referred to in paragraph 2, the supervisory authority must make a proposal to this effect to the National Product Control Agency for Welfare and Health with respect to health risks and to the Finnish Environment Institute with respect to environmental risks. (17.2.1995/220)

Section 46
Provisional measures concerning chemicals

The competent supervisory authority shall have the right to stipulate provisional measures to be observed in respect of a chemical if, under this Act, the establishment or some other party does not have the right to manufacture, import, store,

supply, use or handle the chemical in other ways referred to in this Act and does not supply the chemical to someone who has this right, or if they do not supply the chemical for export. The establishment shall bear the costs of the provisional measures.

Chapter 9
Supervision

Section 47
Right to be informed and inspection right

The supervisory authority shall have the right to obtain the information necessary for supervision of compliance with this Act and rules and regulations under it from the establishment, the owner of the chemical or other person subject to the obligations of this Act and rules and regulations issued under it.

The supervisory authority shall have the right to carry out inspections, other than in dwellings, necessary for the supervision of compliance with this Act and rules and regulations issued under it.

Section 48
Right to receive samples and carry out tests

If the supervisory authority does not otherwise obtain information concerning a chemical, said authority shall have the right to receive, free of charge, a sample of the chemical sufficiently large to enable determination of the dangerous character of the chemical. The establishment shall bear the reasonable costs of such tests of the quality, composition or other property of the chemical.

Before beginning the tests the establishment shall be given an opportunity to express an opinion. The establishment shall be informed of the test results.

Section 48a (18.12.1992/1412)
Submitting information on a chemical

For the purpose of enforcing the international agreements approved by Finland, an establishment responsible for placing a chemical on the market shall submit information on the chemicals placed on the market to a separately designated body, as enacted in more detail by decree. This information can be used in giving instructions on medical treatment and preventive instructions needed for the health risks caused by the chemicals.

The manufacturer, importer or distributor of a chemical, or any other establishment responsible for placing the chemical on the market or for use in Finland, shall provide information on the chemical referred to in section 17, paragraph 3, to the National Board of Labour Protection using a safety data sheet.

More detailed provisions on the use of a safety data sheet for submitting information shall be enacted by decree. Detailed regulations on how to submit information shall be given in decisions issued by the Ministry of Labour.

Section 49
Obtaining information from another authority

Authorities charged with the supervision of chemicals under this Act or other provisions shall have the right to obtain the information necessary for supervision from other such authorities and to use samples acquired by such other authorities for the necessary tests.

The authority receiving the information shall be subject to the same confidentiality duty as provided under section 59 for the authority supplying such information.

Section 49a (18.12.1992/1412)
International exchange of information

The supervisory authorities may give the information required in international agreements approved by Finland to foreign bodies, international organizations and states participating in cooperation, as defined in such agreements. In giving personal data abroad, the provisions of the Personal Data File Act (471/87) shall be complied with.

Section 50
Executive assistance

The police and, in respect of the import and export of chemicals, the Customs shall provide executive assistance for the supervision of compliance with, and implementation of, this Act and rules and regulations issued under it.

Chapter 10
Coercive Means and Sanctions

Section 51
Conditional fine and threat of performance at the defaulter's expense

The supervisory authority may enforce a prohibition or order issued by it under this Act with the conditional imposition of a fine or with the threat of performance at the defaulter's expense.

The order for payment of a conditionally imposed fine shall be issued by the provincial government. The Safety Technology Authority shall, however, issue the order for payment of a conditional fine imposed by it. (21.8.1995/1073)

The cost of performance at the defaulter's expense shall be paid in advance from State funds or, should the performance be based on the decision of a municipal authority, from municipal funds. The costs may be collected from the defaulter without separate court judgement or decision, in accordance with the Act on the Execution of Taxes and Fees (367/61).

Section 52
Penalties

Whosoever

- 1) manufactures, imports, exports, stores, supplies, possesses, keeps, uses or tests chemicals, or engages in other operations referred to in this Act in violation of this Act or rules or regulations under it;
- 2) fails to apply for the advance approval referred to in section 25, to apply for the permit referred to in section 32, to make the notification referred to in sections 20, 26 or 32, to compile and provide the safety data sheet referred to in section 17, paragraph 3, or to provide the information referred to in section 18a;
- 3) violates a prohibition or restriction issued under section 43, or violates orders issued by supervisory authorities under section 33; or
- 4) neglects the notification duty laid down in section 42, paragraph 2 or the duty to provide information prescribed in Article 4 of Council Regulation (EEC) No. 2455/92 concerning the export and import of certain dangerous chemicals, or violates the provisions of Article 7 on the packaging and labelling of chemicals or the decision of the country of destination referred to in Article 5 and Appendix II of the Regulation, shall, unless a more severe punishment is prescribed elsewhere in the law, be sentenced to a fine or to no more than six months' imprisonment for a chemical violation. (2.8.1994/720)

If the act referred to in paragraph 1 has been committed deliberately or through gross negligence or if the act has caused considerable detriment to health or the environment, the offender shall, unless more severe punishment is provided for elsewhere in the law, be sentenced to a fine or to imprisonment for at most two years for a *chemical offence*.

The penalty for violation of the confidentiality duty laid down in section 59 shall be imposed according to section 1 or 2 of chapter 38 of the Penal Code, unless the act is subject to punishment according to chapter 40, section 5 of the Penal Code or a more severe punishment is provided elsewhere in the law. (21.4.1995/706)

The possibility exists that whosoever violates a prohibition enforced by the conditional imposition of a fine under this Act may not be sentenced to punishment for one and the same act. (21.4.1995/706)

Section 52a (21.4.1995/706)
Reference provision concerning the penalties

The penalty for damaging the environment in violation of this Act is provided in chapter 48, sections 1-4 of the Penal Code.

Section 53 Forfeiture

Chemicals dangerous for health or the environment, which have been manufactured, imported, exported, stored, supplied, possessed, kept, or otherwise used in violation of this Act or rules and regulations issued under it, may be forfeited to the State in full or in part. If forfeiture of a chemical is not possible, the value of the chemical may correspondingly be forfeited in full or in part.

The provisions of chapter 2, section 16 of the Penal Code shall otherwise apply to forfeiture of the economic gain resulting from the offences referred to above in section 52 and to forfeiture of an object or other property used in the commission of such offences.

Section 54 (18.12.1992/1412) Notification of a court decision

When an establishment as referred to in section 32 has been sentenced under section 52, the court shall inform the authority which has issued the permit or received the notification of the sentence as soon as the sentence becomes legally final.

Chapter 11 Appeal and Execution of the Decision

Section 55 Appeal

A decision of a municipal authority based on this Act shall be subject to ordinary appeal to the provincial court as stipulated in the Administrative Appeals Act (154/50).

A provisional prohibition or restriction issued by the National Product Control Agency for Welfare and Health or the Finnish Environment Institute under section 43, paragraph 2, shall not be subject to appeal. A decision by a supervisory authority on the conditional imposition of a fine under section 51 shall not be subject to separate appeal. (17.2.1995/220)

Section 56 (18.12.1992/1412) Enforcement

A decision made under section 28 or 29, section 33, paragraph 2, section 42, 45 or 46, section 66, paragraph 1, or section 68, paragraph 3, may stipulate that the decision must be observed notwithstanding appeal, unless the appellate authority orders otherwise.

Chapter 12 Miscellaneous Provisions

Section 57 (8.12.1994/1147) Testing laboratories

Tests for the authorities regarding the physical and chemical properties of chemicals and tests regarding their health and environmental effects, as stipulated in this Act and rules and regulations issued under it, may only be carried out by a laboratory approved as an authorized testing laboratory by the National Product Control Agency for Welfare and Health or by some other laboratory in compliance with the principles of good laboratory practice. The personnel shall be competent and the premises and equipment of the laboratory shall be suitable for the purpose.

The National Product Control Agency for Welfare and Health may attach conditions, restrictions and guidelines to the approval of the laboratory.

The authorized testing laboratory shall inform the National Product Control Agency for Welfare and Health of essential changes in its operations.

The National Product Control Agency for Welfare and Health may revoke its approval of the testing laboratory if the laboratory no longer fulfils the approval conditions or if it does not follow the conditions, restrictions and guidelines laid down for its operations.

Section 57a (18.12.1992/1412) Protection of laboratory animals

Laboratory animals shall not be subject to unnecessary suffering when the properties of chemicals are studied and tested. In addition, the numbers of laboratory animals shall be kept as low as needed in order to provide reliable test results.

Provisions on the protection of laboratory animals are given in the Act on Prevention of Cruelty to Animals (91/71).

Section 58 Chemicals register

Supervisory authorities shall keep a register (chemicals register) of notifications, permit applications and approval applications made according to this Act and of their own decisions thereon. Other information necessary for the supervision of compliance with this Act and rules and regulations under it may be recorded in the chemicals register.

Further provisions on the chemicals register and its use will be enacted by decree.

Section 59 Confidentiality

Whosoever, in supervision of compliance with this Act, or in the performance of research work or some other support-



ive work, has obtained information regarding a person's financial standing, business or professional secrets or private personal circumstances, shall not, without the consent of the person in question, reveal such information to a third party or use it for his private benefit.

What is provided in paragraph 1 shall not prevent the provision of information under section 49 nor the provision of information to the prosecuting or police authorities for criminal investigation purposes.

Section 60 **Charges**

The bases for charges and the sums to be collected on products and services provided by the authorities are determined in accordance with the Act on the Basis for the Assessment of Payment for State Services and Products (150/92) separately for each administrative sector, by decision of the relevant ministry. (18.12.1992/1412)

Collection of the charge may be waived in full or in part if the charge would be unreasonable in view of the insignificant use of the chemical or for some other reason.

Section 61 (3.8.1992/757) **State subsidy to local authorities**

Unless otherwise provided by law, the Act on Planning and State Subsidies in Social Welfare and Health Care (733/92) shall apply to activities organized by a local authority under the present Act.

Section 6, paragraph 1, sub-paragraphs 1 and 2 of the Act on Planning and State Subsidies in Social Welfare and Health Care shall not apply to activities under this Act.

(Section 61a repealed August 3, 1992)

Section 62 **General power to issue a decree**

More detailed provisions on the implementation of this Act will be enacted by decree.

A decree enacted under this Act may provide that the competent ministry may issue more detailed regulations on the implementation of this Act and on the application of a decree enacted on the basis of this Act.

Chapter 13 **Entry into Force and Transitional Provisions**

Section 63 **Entry into force**

This Act comes into force on September 1, 1990.
Obligations concerning chemicals dangerous for the environ-

ment as referred to in sections 17, 32, 33 and 35 of this Act, shall come into force on a date stipulated by decree. (28.6.1993/558)

Measures needed to enforce this Act can be taken before it comes into effect.

This Act repeals the Poisons Act (309/69) of May 16, 1969, and later amendments. Decisions of the Ministry of Social Affairs and Health issued under the Poisons Decree (492/80) concerning the poison register and the labelling and classification of poisons shall remain in force until otherwise provided or ordered under this Act.

Section 64 **Application of provisions concerning poisons and poisonous substances and preparations**

Provisions issued before this Act comes into force on poisons or on poisonous substances and preparations shall, after this Act comes into force, continue to apply to chemicals dangerous for health as referred to in this Act.

The provisions of this Act on chemicals dangerous for health shall, when this Act comes into force, also apply to poisons and poisonous substances and preparations referred to in provisions issued before this Act comes into force.

Section 65 (28.6.1993/558) **Supply of the safety data sheet**

A manufacturer, importer or distributor of a chemical, or any other establishment responsible for the placing of the chemical on the market or for use, shall draw up the safety data sheet referred to in section 17 on a chemical classified as dangerous for the environment or on a chemical posing a risk to the environment, not later than a date stipulated by decree.

Section 66 **Advance approval of a chemical preservative**

Chemicals declared wood preserving poisons under the Poisons Act may be supplied and used without advance approval or the notification referred to in section 26, paragraph 1. The provisions of this Act on chemical preservatives shall otherwise apply to wood preserving poisons. The Finnish Environment Institute may, however, require that such chemical preservative be submitted for renewed approval. (17.2.1995/220)

Whosoever manufactures or imports a chemical preservative other than that requiring approval referred to in paragraph 1, shall apply for advance approval within one year of the entry of this Act into force. The same shall apply to the notification of chemical preservatives referred to in section 26. Such chemical preservatives may still be manufactured, imported, supplied and used until a decision has been made on the application or notification.

(Section 67 repealed December 18, 1992)

Section 68 (21.8.1995/1073)

Permit and notification of industrial handling and storage

Whosoever has the right under the Poisons Act to manufacture a poison or the right to manufacture, make technical use of, store or handle a flammable liquid as referred to in the Flammable Liquids Decree (921/76), or whose operations have been approved by the fire authorities following the inspection referred to in said Decree, need not apply for the permit for industrial handling and storage or make the notification referred to in section 32, paragraphs 1 and 2.

The Safety Technology Authority may issue conditions and restrictions on the industrial handling and storage referred to in paragraph 1 if this is deemed to constitute a significant risk to health or the environment.

Section 68a (18.12.1992/1412)

Permit and notification of the industrial handling and storage of a chemical dangerous for the environment

The permit for the industrial handling and storage of a chemical dangerous for the environment, or the notification referred to in section 32, paragraphs 1 and 2, of this Act, are not needed if the party in question:

- 1) has the permit referred to in the Decree on the Industrial Handling and Storage of Dangerous Chemicals (682/90) for the industrial handling or storage of chemicals or has made the notification referred to in said Decree on the industrial handling or storage of chemicals; (28.6.1993/558)
- 2) has the applicable right referred to in the Poisons Act, to manufacture a poison;
- 3) has the right to manufacture, make technical use of, store or handle a flammable liquid as referred to in the *Flammable Liquids Decree*; or
- 4) has had his operations inspected and approved by the fire authorities, as stipulated in the *Flammable Liquids Decree*.

An establishment that has no permit or approval, as referred to in paragraph 1, for the operations in question, or that has not made the notification referred to in paragraph 1 on the operations, shall make a notification on any industrial handling or storage referred to in section 32, paragraphs 1 and 2, that started before this Act comes into force, to the Technical Inspection Centre or its district office not later than a date stipulated by decree. (28.6.1993/558)

The Safety Technology Authority may issue conditions and restrictions on the industrial handling and storage referred to in paragraphs 1 and 2 if this is deemed to constitute a significant risk to the environment. (21.8.1995/1073)

Section 68b (18.12.1992/1412)

Notification on small-scale industrial handling and storage

The notification on small-scale industrial handling and storage referred to above in section 32, paragraph 3 need not be made if the party in question:

- 1) has the applicable right referred to in the Poisons Act, to manufacture a poison;
- 2) has the right to manufacture, make technical use of, store or handle a flammable liquid as referred to in the *Flammable Liquids Decree*;
- 3) has had its operations inspected and approved by the fire authorities, as stipulated by the *Flammable Liquids Decree*; (28.6.1993/558)
- 4) has made the notification referred to in section 36, as it appeared in the Act (744/89) issued on August 14, 1989; or (28.6.1993/558)
- 5) has made the notification referred to in the Decree on the Industrial Handling and Storage of Dangerous Chemicals on small-scale industrial handling or storage of a flammable liquid or a flammable gas to the municipal fire chief. (28.6.1993/558)

An establishment that has no permit or approval, as referred to in paragraph 1, for the operations in question, or that has not made the notification on the operations, shall make a notification on any industrial handling or storage referred to in section 32, paragraph 3, that started before this Act comes into force, to the municipal supervisory authority for chemicals not later than a date stipulated by decree. (28.6.1993/558)

The municipal supervisory authority for chemicals may issue conditions and restrictions on the small-scale industrial handling and storage referred to in paragraphs 1 and 2 if this is deemed to constitute a significant risk to health or the environment.

(Section 69 repealed December 18, 1992)

Section 70

Procedure in matters pending

Any action taken under the Poisons Act and still pending before the National Agency for Welfare and Health, the Technical Inspection Centre, a provincial government or a local health committee when the present Act comes into force shall be considered and decided on the basis of the provisions of the *Poisons Act*.