

Issued in Helsinki on 25 April 2008

Act

amending the Waste Act

In accordance with the decision of Parliament, this Act

amends subsection 1(5) and subsection 2 of section 18b, subsection 2 of section 18c, sections 18e and 18n, subsection 2 of section 50b, subsections 2-3 of section 57, subsection 1 of section 58, and sections 60 and 65 of the Waste Act (1072/1993) issued on 3 December 1993,

such as subsection 1(5) and subsection 2 of section 18b, subsection 2 of section 18c, sections 18e and 18n, subsection 2 of section 50b, subsection 3 of section 57, subsection 1 of section 58 are in Act 747/2007, and such as section 60 is in Act 605/1997, and section 65 is in Act 605/1997, and

adds a new paragraph 6 to 18b(1) such as it is in Act 452/2004, a new subsection 6 to section 18h such as it is in the mentioned Act, a new section 18o is added to the Act, a new subsection 4 is added to section 50b such as it is in the mentioned Act and in Act 1040/2004, and a new subsection 5 to section 50c such as it is in the mentioned Acts 452/2004 and 1040/2004, as follows:

Section 3a

Producer liability

Section 18b

Products and producers covered by producer liability // responsibility??

Producer liability shall apply to the following products and producers:

5) electric and electronic equipment and their producers; manufacturers and importers of electric and electronic equipment and sellers that sell equipment under their own brand are regarded as producers; producer liability shall not, however, apply to equipment that is specifically designed for military purposes or that is otherwise connected with the protection of the essential interests of the state;

6) batteries and accumulators and their producers; those who place on the market, as a professional activity, batteries or accumulators including batteries and accumulators contained in electric and electronic equipment, in vehicles or in other products are regarded as producers; producer liability does not, however, apply to batteries and accumulators which are intended to be used in:

a) electric and electronic equipment, arms, munitions and military equipment connected with the protection of the essential security interests of the state, except for those products which are not intended for specifically military purposes; or

b) electric and electronic equipment designed to be sent into space.

More detailed provisions on which products and which producers come under the definitions in paragraph 1 will be laid down by Government decree.

Section 18c

Producer liability

Producer liability shall cover products which the producer itself has placed on the market and to such a proportion of all similar products placed on the market as is considered reasonable in relation with the number of the market share of the products, irrespective of the date on which the products were placed on the market.

Section 18d

Waste collection and reception of products subject to producer liability

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

More detailed provisions on the requirements set on collection and reception of discarded products referred to in paragraph 1 shall be laid down by Government decree.

Section 18e

Product labelling and information

Producers of vehicles referred to in Section 18b above shall ensure that the products or their components are appropriately labelled and marked to enable identification of components containing hazardous substances. Electric and electronic equipment shall have labelling indicating the producer, the date on which the appliance was put on the market and the symbol of separate collection.

Producers of vehicles and electric and electronic equipment shall also ensure that the sellers of the products and, when necessary, other operators are provided with the necessary information and instructions on the products, their reuse, their disassembly and the recyclability of the components thereof, and the location of hazardous substances and components in the products.

Producers of batteries and accumulators shall ensure that batteries and accumulators are labelled with the symbol of separate collection and, when necessary, the symbols of the heavy metals contained in

the batteries and accumulators. Portable batteries and accumulators and car batteries and accumulators shall additionally have markings indicating the power of the battery or accumulator.

Further provisions on the labelling of the products referred to in paragraph 1-3, on product information and on information on their disassembly will be laid down by Government decree.

Section 18h

Obligations of certain other operators

Sellers or other suppliers of portable batteries and accumulators shall accept discarded portable batteries and accumulators from end users. Suppliers shall also ensure that the end users are informed of the possibility of disposing of their discarded portable batteries and accumulators at the point of sale. Reception of waste shall be free of charge for the end users and shall not convey an obligation to purchase new batteries or accumulators. Reception of waste shall be arranged similarly where suppliers of car batteries and accumulators intended for private vehicles accept these discarded batteries and accumulators.

Section 18n

Enabling provision to allow for enforcement of EU instruments relating to producer liability

A Government decree on implementing the European Community provisions on producer liability may also cover the following:

- 1) technical requirements related to waste collection, labelling, sorting, storage, preservation, transport, distribution, reuse, recovery, handling and other waste management of the discarded products referred to in this chapter; showing waste management costs in the price of a product, and exceptions to product labelling obligations;
- 2) application of the provisions on producer liability in cases where the products are acquired from foreign countries or are exported by means of electronic or other distance sales or in cases where discarded products are exported.

Section 18o

Special provisions on batteries and accumulators

The producer liability referred to in section 18c(1) for arranging for the waste management of discarded products and for the costs thereof applies to discarded batteries and accumulators collected as waste in accordance with section 18h(6) starting from the time of acceptance of the waste at the point of sale and arranging it into appropriate batches for transport.

Producers of industrial batteries and accumulators and of batteries and accumulators intended for other than private vehicles may agree with the end users of such batteries or accumulators on distribution of the cost of waste management differing from that referred to in section 18c(1).

Producers of batteries and accumulators, electric and electronic equipment and vehicles shall ensure through appropriate joint action that no double payments arise for the producers of another product group in the implementation of section 18 c(1) in cases where waste collection and other waste management of the mentioned products is jointly organised.

Section 50b

Notification for the producer data register

The notification must contain adequate information and reports on the producer and the operations as well as on the reuse of discarded products, on their recovery and on other waste management, to enable assessment of the appropriateness of the arrangements in place. Producers of electric and electronic equipment shall submit a report on the guarantee set by the producer under section 18m(2) of the Waste Act. The notification given by producer corporations must additionally contain the necessary information on the relevant contracts and rules from which to judge whether the operations comply with the criterion laid down in Section 18g(2-3).

More detailed provisions on the contents of the notification referred to in paragraph 1 will be laid down by Government decree. More detailed provisions on the procedure for the filing of the notification may also be laid down by Government decree.

Section 50c

Entry and approval in the producer data register

More detailed provisions on the procedures of entry and approval into the producer data register and on the obligations to be included in the decision referred to in paragraph 3 may be laid down by Government decree.

57 §

Prohibition, restrictions and other provisions

If a product or its markings do not fulfil the requirements of this Act or the provisions laid down pursuant to this Act, the Ministry of the Environment may, or where electric and electronic equipment or battery or accumulator is concerned, the Safety Technology Authority may:

- 1) order such changes to be made to the product or its markings that they fulfil the aforementioned requirements and to prove that the changes have been made;
- 2) temporarily or permanently prohibit the manufacture, import, supply, sales, delivery or use of the product, or order necessary action to be taken in regard with product which has already been put on the market in aforementioned ways;
- 3) order that the product be disposed of or recovered as waste.

Where a producer, a producer corporation or an administrator of a beverage package waste collection system has not arranged for reuse, recovery or other waste management based on the principle of producer liability in a manner provided by this Act or provisions given pursuant to this Act, the Pirkanmaa Regional Environment Centre may order them to amend the operations to comply with the prevailing legislation or reverse its decision concerning the approval into the producer registry.

58 §

Conditional fines, threat of performance at the defaulter's expense and threat of interruption

The Ministry of the Environment, the regional environment centre or the municipal environment authority may reinforce a prohibition or an order based on a provision issued in or under this Act, with a conditional fine or threat of having the neglected measure otherwise performed at the defaulter's expense, or with threat of suspension or prohibition; or the Pirkanmaa Regional Environment Centre may do that to enforce a prohibition or an order based on the provisions of producer liability principle; or the Finnish Environment Institute may do that to enforce a prohibition or an order based on the Regulation on shipments of waste; or the Safety Technology Authority may do that to enforce a prohibition or an order based on Section 57(2).

Section 60

Waste violation

Whoever deliberately, or from gross negligence

- 1) violates a prohibition referred to in, or a prohibition or provision issued under section 5(1)(1), 5(1)(3) or 5(1)(4), section 6(6) or 6(8), section 7(4), section 17(1), section 18, section 18c(4)(2), section 18d(2), section 18g(4), section 18n, section 19 or 50, section 50b(4), section 57 or section 73a or pursuant to these;
- 2) fails to fulfil a duty referred to in sections 7-9, section 12, section 14, section 15(1), sections 18c-18m, section 18o, section 51(3) or section 51(4);

3) imports waste into Finland, exports waste from Finland, carries out a transboundary movement of waste through the Finnish territory in violation of this Act, of a provision pursuant to this Act, of a provision issued in a particular case or in contravention of the Regulation relating to waste transport,

shall be sentenced to a fine for a *waste violation*, unless more severe punishment is provided elsewhere in law.

Whoever deliberately, or from gross negligence, violates any provision issued under section 13(1) or neglects his duty as referred to in section 11, section 20(1), section 20(2), section 21, section 49, section 50b(1), section 50b(2) or section 50b(3) shall also be sentenced for a waste violation.

65 §

Sale of movable assets subject to threat of performance

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 authority, the regional environment centre and the Safety Technology Authority 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.

This Act enters into force on 1 May 2008.

This Act shall apply to batteries and accumulators referred to in section 18b(1) (6) of the Act from the dates to be laid down by Government decree.

Measures necessary for the implementation of this Act may be undertaken prior to its entry into force.

Government proposal 176/2007

YmVM 2/2008

EV 27/2008

Directive [2006/66/EY](#) (32006L066) of the European Parliament and of the Council; OJ L 266, 26.9.2006, p. 1

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