

No. 379
ACT ON THE OIL POLLUTION
COMPENSATION FUND
May 24, 1974

Section 1 (6.9.1985/741)

There shall be an Oil Pollution Compensation Fund outside the State budget for the compensation of oil pollution and the cost of combating it as referred to in the Act on Combating Oil Pollution on Land (378/74) and the Act on the Prevention of Pollution from Ships (300/79). The Fund shall be administered by the Ministry of the Environment. The Oil Pollution Compensation Fund board of management referred to below shall decide on compensations to be paid out of the Fund.

Section 2

An oil pollution protection charge of FIM 2.20 per full tonne of oil imported into and transported through Finland shall be deposited in the Fund. A double charge shall be collected if the oil is transported in a tanker vessel not fitted with a double bottom over the entire cargo hold. (22.12.1989/1287)

Oil as referred to in this Act means all liquid products covered by customs tariff titles 27.07, 27.09 and 27.10. (22.12.1989/1287)

Whosoever declares the oil for customs clearance shall be responsible for paying the oil pollution protection charge on imported oil. (7.5.1982/335)

The holder of the goods shall be liable for paying the oil pollution protection charge on oil transported through Finland. Whosoever declares transit oil for customs clearance on behalf of the holder of the goods shall bear the same liability. (7.5.1982/355)

The relevant parts of the legal provisions on customs duties shall apply regarding determination of the oil pollution protection charge and its payment, appeal, and in other respects. Whenever it is unclear whether the charge should be doubled, the customs authority shall obtain an opinion from the relevant navigation district before deciding the matter. The National Board of Navigation shall issue more detailed regulations on when a tanker vessel can be considered to have the double bottom referred to in paragraph 1.

Section 3 (22.12.1989/1287)

Collection of the oil pollution protection charge shall end at the close of the calendar month following that in which the capital in the Oil Pollution Compensation Fund reaches the sum of twenty million Finnish marks. Collection shall commence at the end of the calendar month following that in which the capital in the Fund falls below the sum of ten million Finnish marks.

Section 4

If the assets in the Oil Pollution Compensation Fund are insufficient to make the compensations payable out of the Fund, the necessary monies can be transferred to the Fund via the State budget. When sufficient assets have accumulated via the Fund, the monies provided by the State shall be repaid into the treasury.

Section 5 (6.9.1985/741)

Compensation shall be granted out of the Oil Pollution Compensation Fund to parties who have suffered oil pollution and to cover the costs and losses laid down as coverable in section 5, paragraph 4, section 7, paragraph 3, and section 8, paragraph 3, of the Act on Combating Oil Pollution on Land, and section 12, paragraph 4, section 18, paragraph 3, section 19, paragraph 3, and section 19a, paragraph 2, of the Act on the Prevention of Pollution from Ships. What is provided above in this paragraph shall also apply to oil pollution occurring in the territory of the Province of Åland.

Local authorities shall be paid full compensation for the cost of acquiring oil-combating equipment and maintaining combat readiness, depending on the oil-combating utilization rate according to a ratified oil-combating plan. Local authorities shall, however, only be paid compensation when the sum to be covered at any one time exceeds FIM 1,000. The maximum sum covered for the acquisition of oil-combating equipment is FIM 500,000, unless the Oil Pollution Compensation Fund board of management has approved the purchase in advance. (22.12.1989/1287)

In cases referred to in paragraph 1, in which the State is entitled to compensation from the Oil Pollution Compensation Fund, said compensation shall be paid on the same conditions as to local authorities. The State can also be granted compensation to cover the costs of acquiring the oil-combating equipment and materials referred to in section 15, paragraph 1, of the Act on the Prevention of Pollution from Ships.

Compensation can be granted out of the Oil Pollution Compensation Fund to cover the costs which derive or have derived from restoring nature and the environment to its condition before the oil pollution occurred, and the costs of acquiring the precautionary reception facilities referred to in section 16 of the Act on the Prevention of Pollution from Ships.

Compensation shall not be paid to the party causing the pollution or in possession of the oil causing the pollution or threat of pollution at the moment of its occurrence, or on whose orders the oil was being transported when the pollution incident occurred.

Section 6

When applications for compensation are being processed, attention must be paid to the immediate nuisance and pollution suffered by the applicant, and to considerations of

harm to nature and environmental protection, outdoor recreation and other such aspects, insofar as this is considered necessary because of closeness to housing, actual use of the area or some other special cause. Similarly, the additional costs accruing from the combating operations to those involved in the response measures shall also be taken into account.

Section 7

The right of a party receiving compensation from the Oil Pollution Compensation Fund to compensation from the party responsible for the pollution shall pass to the State in respect of such compensation as has been paid.

Such monies as are collected by the State under paragraph 1 shall be returned to the Oil Pollution Compensation Fund, with any paid compensation remaining being borne by the Fund.

If special cause exists, the Oil Pollution Compensation Fund board of management is entitled not to collect compensation. (6.9.1985/741)

Section 8 (6.9.1985/741)

State authorities, central organizations of local authorities, nature and environmental protection organizations and the oil industry shall be represented on the board of management of the Oil Pollution Compensation Fund as provided in more detail by decree.

Section 9

The water and environment district office shall set up an inspection committee to prepare a report on an oil pollution incident if any of the parties involved so requests and the pollution is not clearly minor in nature or easily dealt with otherwise. An inspection committee shall also be set up if the Oil Pollution Compensation Fund board of management so requests. (6.9.1985/741)

The National Board of Waters and the Environment shall appoint an expert to oversee oil pollution inspections at the office of each water and environment district.

Section 10 (6.9.1985/741)

The costs of the Oil Pollution Compensation Fund board of management and of the inspection committees shall be borne by the Oil Pollution Compensation Fund.

Section 11 (6.9.1985/741)

An Oil Pollution Compensation Fund board of management decision on compensation as referred to in this Act may

not be appealed, with the exception of a decision taken under section 5, paragraph 1.

Section 11a (6.9.1985/741)

In compensation matters, the provincial government of Åland may represent local authorities.

Section 11b (24.8.1990/799)

The penalties for illegal evasion of the oil pollution protection charge and for attempted evasion are provided in chapter 29, sections 1-3, of the Penal Code.

Section 12

More detailed regulations on the enforcement of this Act shall be laid down by decree.

Section 13

This Act comes into force on January 1, 1975. It repeals chapter 3 of the Act on Combating Oil Pollution from Ships of September 22, 1972 (668/72).

The provisions of this Act shall also be applied in the case of oil pollution regarding which a compensation suit has been or could have been raised under provisions repealed by this Act.

The assets of the fund for oil pollution compensation shall be transferred to the Oil Pollution Compensation Fund.

If inspection committees have been set up under the Act on Combating Oil Pollution from Ships, they shall complete their work and make their report to the oil pollution committees set up under this Act.

Provisions on entry into force of amendments to the law:

1. Act No. 335 of 7.5.1982 came into force on June 1, 1982.
2. Act No. 934 of 14.12.1984 came into force on January 1, 1985.
3. Act No. 741 of 6.9.1985 came into force on November 1, 1985. Nonetheless, compensations payable to local authorities out of the Oil Pollution Compensation Fund shall be made on the former basis if the application for compensation was made before January 1, 1986. The compensations to the State referred to in section 5, paragraph 3, of this Act shall be granted to cover costs arising after July 1, 1984.
4. Act No. 1287 of 22.12.1989 came into force on January 1, 1990, though the advance approval referred to in section 5, paragraph 2, above shall only be necessary for a purchase of oil fighting equipment costing over FIM 500,000 if the local authority has put in the order after this Act comes into force.
5. Act No. 799 of 24.8.1990 came into force on January 1, 1991.