

No. 185
DECREE ON THE PREVENTION OF
MARINE POLLUTION
March 6, 1981

Definitions

Section 1

In applying the Act on the Prevention of Marine Pollution (298/79) and this Decree, disposal of wastes or any other matter into the sea shall also include the incineration of wastes or any other matter which is governed by the Addendum to Annex I to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter.

Section 2

The other high-level radioactive matter referred to in section 5, paragraph 1, of the Act on the Prevention of Marine Pollution shall mean such high-level radioactive matter as the International Atomic Energy Agency (IAEA) has, in accordance with sub-paragraph 6 of Annex 1 to the Convention referred to in section 1, defined as unsuitable for dumping into the sea on the grounds of public health, or for biological or other reasons.

The Ministry of the Environment may, in its decision, provide information, figures included, on high-level radioactive wastes and other high-level radioactive matter as referred to in paragraph 1.

Grant of Permits

Section 3

An application for a permit which, according to the Act on the Prevention of Marine Pollution, must be considered by the Council of State shall be made in writing.

An application for the permit referred to in paragraph 1 above, with its annexes, shall be submitted to the Ministry of the Environment or, if it concerns an application for a permit concerning the disposal into the sea of dredged spoils, to the Ministry of Agriculture and Forestry not later than three months before the date of the intended disposal into the sea of the wastes or other matter.

More detailed provisions on the inspection of an incineration system for an incineration facility to be used at sea will be issued by the Ministry of the Environment. This Ministry also issues the certificate of approval for the incineration system. Provisions on inspection of the incineration system and on the charge for certificates of inspection and approval will be issued separately.

Section 4

Applications for permits to be considered by the Council of State or the water court which specifically concern the disposal into the sea of the dredged spoils referred to in subparagraph 2 of Article 9 of the Convention on the Protection of the Marine Environment of the Baltic Sea Area shall be accompanied by the following information:

- 1) amount, nature and composition of dredged spoils to be disposed of into the sea;
- 2) content of the hazardous substances listed in Annex I and of the noxious substances and materials listed in Annex II to the Convention referred to in the preamble to this section;
- 3) the site of disposal, such as its coordination points, the depth of the sea at the place of disposal and the distance between the place of disposal and the coast, and the location of the place relative to areas of special significance, such as recreation areas, and fish spawning and nursery areas;
- 4) hydrographic, chemical and biological characteristics of the water, annual averages and seasonal fluctuations considered;
- 5) method of disposal;
- 6) date of disposal and an estimate of its recurrence; and
- 7) other information relevant to consideration of the application, such as earlier disposals of wastes at the site, if any, and their effects, and possible ways of treating or disposing of the dredged spoils on land and of reducing their harmful effects before disposal into the sea.

Section 5

In addition to what is required by sections 3 and 4, an application to the Council of State for a permit concerning the disposal of wastes or other matter in the area of application of an international agreement on the protection of the sea which is binding on Finland shall be accompanied by such information as is required in the agreement.

Section 6

When considering an application for a permit, the Ministry of the Environment or the Ministry of Agriculture and Forestry shall seek an opinion from the competent authorities and from such research institutes and organizations as need be consulted.

If the consideration of applications calls for negotiations with an international commission or organization or a foreign state, the Ministry concerned shall, as regards such negotiations, refer the matter to the Ministry for Foreign Affairs.

Records

Section 7

The appropriate Ministry and the Ministry of Agriculture and Forestry shall keep records of the nature and quantity of wastes disposed of into the sea under authorization of the Council of State or a water court, respectively, and of the site, time and method of any disposal.

Section 8

The Ministry of the Environment shall, in cooperation with the Ministry of Agriculture and Forestry, be responsible for notifying the appropriate international commission or organization about permits and the information related to them in compliance with the procedures and deadlines established by the commission or organization.

Supervision of Protection of the Sea

Section 9

The Police, Frontier Guard, the National Board of Customs, the National Water Administration Board, the Roads and Waterways Administration, the National Board of Aviation, the National Board of Navigation and the Institute of Marine Research shall have the obligation, each within its field of competence, to share in supervising observance of the provisions of the Act on the Prevention of Marine Pollution and of this Decree, and the rules issued under them, and to give official assistance in this context.

Said supervision shall also include reports to the Ministry of the Environment of any incident or occurrence at sea which might lead to the assumption that a discharge or disposal of wastes in violation of the provisions of the Act on the Prevention of Marine Pollution and of this Decree, and of the rules issued under them, has taken or is taking place.

Section 10

Unless this leads to unreasonable difficulties, assistance shall also be given, upon their request, to the authorities of a foreign state in the case of supervision of the disposal of wastes or other matter into the sea.

Special Provisions

Section 11

The Ministry of the Environment shall issue more detailed provisions on the application of this Decree, if necessary, after consulting the Ministry for Foreign Affairs, the Ministry of Agriculture and Forestry or the Ministry of Trade and Industry, depending on the nature of the question.

Section 12

More detailed provisions on cooperation between authorities in supervising protection of the sea will be issued by the Council of State if necessary.

Section 13

This Decree comes into force on April 1, 1981.