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## **Pressure Equipment Act**

(869/1999; amendments up to 1160/2003 included)

### Chapter 1 - **General Provisions**

#### Section 1

This Act applies to pressure equipment.

This Act applies, as separately provided, to:

- (1) pressure equipment at nuclear facilities;
- (2) pressure equipment in the sphere of operations of the defence administration;
- (3) pressure equipment on ships;
- (4) pressure equipment forming part of aircraft and their operating equipment.

This Act only applies to pressure receptacles and tanks referred to in the Act on Transport of Dangerous Goods (719/1994) insofar as their placement and operations are concerned.

#### Section 2

For the purposes of this Act:

- (1) *pressure equipment* means vessels, piping and other technical assemblies which are overpressurized or in which overpressure may build up, and technical assemblies intended to protect pressure equipment;
- (2) *CE marking* means marking on which provisions are contained in the Act on Affixing CE Marking on Certain Products (1376/1994);
- (3) *the Ministry* means the Ministry of Trade and Industry;
- (4) *the Supervisory Authority* means the Safety Technology Authority;
- (5) *inspection body* means an organization that has been declared qualified and

that has a right to carry out the tasks of an inspection body as laid down in this Act.

## Chapter 2 - **Ensuring the safety of pressure equipment**

### Section 3

Pressure equipment must be constructed, placed, maintained, operated and inspected so that it does not endanger anybody's health, safety or property.

### Section 4

The conformity of pressure equipment with requirements laid down in section 3 is verified with inspections carried out by inspection bodies or through other procedure, as laid down in greater detail by decree or ministerial decision.

Provisions on pressure equipment that are associated with a small pressure-related hazards and that do not therefore need to have their conformity verified in accordance with subsection 1 may be given by ministerial decision.

Conformity verification measures carried out by a foreign inspection body will be approved, if so required under the provisions of European Community legislation.

### Section 5

The Ministry shall designate and recognize and the Supervisory Authority shall authorize an inspection body for carrying out the tasks referred to in section 4(1), as laid down in greater detail by decree.

The designation, recognition and authorization of an inspection body is conditional on the inspection body being operationally and financially independent, on it having liability insurance and on it having a sufficient number of skilled personnel and the necessary systems, equipment and facilities. Further provisions on the requirements for the designation, recognition and authorization of an inspection body and the documents to be appended to the application verifying that the requirements are met will be given by decree.

The designation, recognition and authorization may be for a specific period. An inspection body may be made subject to requirements, restrictions and other conditions concerning its operations. The inspection body must give notification of any changes in its operations that have an impact on the requirements for the designation, recognition or authorization of the inspection body.

The Supervisory Authority shall supervise the operations of the inspection bodies it has authorized and shall, at specific intervals, ensure that the requirements laid down are met. Correspondingly, the Ministry, assisted by the Supervisory Authority, shall supervise the operations of the inspection bodies it has designated and recognized. If an inspection body fails to meet the requirements that have been laid down or acts in violation of the provisions, the Ministry or the Supervisory Authority must withdraw the designation, recognition or authorization they have given.

## Section 6

Anybody placing pressure equipment on the market, must be able to verify that the pressure equipment and its design and manufacture are in compliance with the requirements laid down in section 3.

The provisions in subsection 1 also apply to anybody who:

- (1) exports pressure equipment if under the provisions of European Community legislation the exporter must have the verification referred to in subsection 1;
- (2) manufactures pressure equipment for his/her own use or for transfer to another party;
- (3) installs or repairs pressure equipment;
- (4) intends to put into service pressure equipment the conformity of which has not been verified.

Provisions on the CE marking connected with the verification referred to in subsection 1 may be given by ministerial decision.

## Section 7

The Ministry may issue a decision under which an inspection must be requested for the placement of certain pressure equipment.

## Section 8

Pressure equipment that may cause a significant hazard must be registered, as laid down by ministerial decision.

Pressure equipment to be registered must be subjected to an inspection at specific intervals (*periodic inspection*) and, if necessary, to a modification inspection so as to ensure that, when properly operated, the pressure equipment does not endanger anybody's health, safety or property. A ministerial decision may contain provisions under which pressure equipment other than that which is to be registered must also be subjected to inspections.

A ministerial decision may also contain provisions on entering information in the register for supervisory purposes and on measures carried out in lieu of periodic inspections.

## Section 9

The equipment, sets of equipment and equipment systems necessary for the safe operation of pressure equipment must be inspected as laid down by ministerial decision.

## Section 10

The owner and holder of pressure equipment must:

- (1) see to it that the pressure equipment is placed, operated, inspected and supervised in accordance with all appropriate provisions;
- (2) see to it that the pressure equipment is safe after being put into service, if necessary, by carrying out a risk assessment and by taking precautions against hazardous situations;
- (3) designate a person for supervising the operations of the pressure equipment to be registered; the person concerned must possess the necessary qualifications and have expertise on the construction, operation and maintenance of the pressure equipment that is deemed to be sufficient;
- (4) see to it that the operations supervisor is able to maintain and operate the pressure equipment in such a manner that it does not cause any hazard to people or property;

- (5) see to it that the Supervisory Authority is provided with information concerning the pressure equipment that is to be registered.

The qualifications referred to in subsection 1(3) above must be demonstrated with a qualification certificate or other proof, as laid down by ministerial decision. Further provisions on the granting of qualification certificates and the training and work experience required for granting the qualification certificates will be given by decree, as necessary. Further provisions on the training and work experience requirements concerning the demonstration of qualifications with proof other than a qualification certificate and on the tasks of the operations supervisor may be given by ministerial decision.

### Chapter 3 - **Supervision**

#### Section 11

The Supervisory Authority shall supervise compliance with this Act. Separate provisions shall be given on supervision concerning the protection of employees.

#### Section 12

In order to supervise compliance with this Act the Supervisory Authority has the right to:

- (1) access to the places in which pressure equipment and its parts and materials are manufactured, stored, sold, installed, repaired, operated and inspected;
- (2) obtain the necessary samples and test components from the owners, holders and manufacturers of pressure equipment, its parts and materials, from those engaged in their installation, repair, import, sales and storage, and from the relevant inspection body.

The Supervisory Authority must provide compensation for the samples and test components referred to in subsection 1(2), at market price if it is not established that the pressure equipment is in violation of this Act.

### Section 13

The police must, when necessary, provide the Supervisory Authority with executive assistance so that compliance with this Act can be monitored and the Act can be put into effect. The same applies to a customs authority if the pressure equipment is imported from outside the European Economic Area.

### Section 14

Notwithstanding the secrecy provisions covering the granting of access to information, the Supervisory Authority has, for the purposes of monitoring compliance with this Act, the right to obtain:

- (1) from a customs authority, the name of the pressure equipment importer and information about the type, amount and time of import of the pressure equipment when the imports are from outside the European Economic Area;
- (2) from the occupational safety and health authority and the rescue authority, information about pressure equipment damage; (469/2003)
- (3) information from owners, holders and manufacturers of pressure equipment, their parts and materials, from those engaged in their installation, repair, import, sales and storage, and from the relevant inspection body.

### Section 15

If, during the supervision, it is established that the pressure equipment or its placement or operation are not in compliance with the requirements laid down in section 3, the Supervisory Authority has a right to:

- (1) temporarily or permanently prohibit the manufacture, marketing, sale and other transfer and operation of such pressure equipment;
- (2) request that the pressure equipment be modified or changes made in its manufacture, placement or operation so that the requirements are met, and to request that the meeting of the requirements be verified;
- (3) if the prohibitions, modifications and changes referred to in paragraphs 1 and 2 cannot be considered sufficient, order the pressure equipment to be made unusable for pressurized operation or, if this is not considered appropriate, issue orders on what other measures should be taken concerning the pressure equipment;

- (4) oblige the manufacturer, importer or seller of the pressure equipment to give public notification of the hazards related to the pressure equipment and give such a notification at the expense of the manufacturer, importer or seller;
- (5) oblige the operator to pay compensation for the cost arising from the testing and examination if the Supervisory Authority makes use of any of the rights referred to in paragraphs 1 - 4.

If required under the provisions of European Community legislation, the provisions in subsection 1 also apply to pressure equipment that is exported.

## Section 16

If the Supervisory Authority concludes that pressure equipment bearing the CE marking and used for the designed purpose may endanger human health or cause danger to property, the Supervisory Authority must take the necessary measures referred to in section 15 in order to withdraw such pressure equipment from the market, to prohibit it from being placed on the market or put into service, or to restrict its free movement. The Supervisory Authority must notify the Commission of the European Communities of its measures and the reasons for them without delay.

If pressure equipment bearing the CE marking does not conform with the requirements, the Supervisory Authority must take action against the party that has issued the CE marking and notify the Commission of the European Communities and other states belonging to the European Economic Area of its measures.

## Section 17

In the case of an unduly affixed CE marking, the manufacturer of the pressure equipment or his/her authorized representative established within the European Economic Area will be obliged to make the pressure equipment conform with the provisions concerning the marking.

If the obligation referred to in subsection 1 is not complied with, the Supervisory Authority must take the necessary action referred to in section 16.

## Section 18

If the Supervisory Authority concludes that the operations supervisor is unsuitable for his/her task, the Supervisory Authority may order the owner or the holder of the pressure equipment to designate a new operations supervisor. Before issuing the order, the Supervisory Authority must give the operations supervisor, the owner or the holder an opportunity to be heard.

## Section 19

If damage to the pressure equipment or a sudden release of pressure results in personal injury or substantial damage to property, the owner or the holder of the pressure equipment must notify the Supervisory Authority of the event without delay. If the pressure equipment is damaged during testing carried out in connection with the manufacture of the equipment, the manufacturer of the pressure equipment is obliged to give the notification.

The Supervisory Authority must investigate an event resulting in damage if the Supervisory Authority considers this necessary for establishing the cause of the accident or for preventing accidents. The owner and the holder of the pressure equipment must assist the Supervisory Authority in the investigation.

## Chapter 4 - **Coercive measures and sanctions**

### Section 20

The Supervisory Authority may reinforce the prohibition or order it has issued under this Act with the conditional imposition of a fine or a threat of the measure being otherwise put into effect at the defaulter's expense, as laid down in the Act on Conditional Imposition of a Fine (1113/1990).

The costs of the measures put into effect at the defaulter's expense will be paid for in advance from State funds.

The costs referred to in subsection 2 above and the expenses referred to in section 15 may be recovered from the party concerned without judgement or decision, in the order laid down in the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/1961).

## Section 21

Anybody who deliberately or through gross negligence:

- (1) neglects the obligations laid down in sections 3, 4 or 6 - 10, or section 19(1), or
- (2) fails to observe a prohibition or an order issued under sections 15 - 18,

will be fined for *violating the provisions covering pressure equipment*, unless more severe punishment is provided for the act elsewhere in the law.

Anybody violating a prohibition or an order imposed under this Act and reinforced with the conditional imposition of a fine, may have his/her sentence for the same act waived.

## Section 22 (893/2001)

*Section 22 has been repealed.*

## Chapter 5 - **Miscellaneous provisions**

### Section 23

Notwithstanding the secrecy provisions covering the granting of access to information, the Supervisory Authority and the inspection bodies may provide other authorities with information falling within the scope of business and professional secrets they have been granted access to when carrying out tasks referred to in this Act, and inspection bodies engaged in inspection activities referred to in this Act, international organizations and states participating in the cooperation with information necessary for the cooperation between inspection bodies and the Supervisory Authority.

### Section 24

The administrative decisions made by the Ministry and the Supervisory Authority under this Act may be appealed against as laid down in the Administrative Judicial Procedure Act (586/1996). Despite such an appeal, the decision must be complied with, unless the appellate authority orders otherwise.

If the inspection body refuses an inspection or assessment certificate, reasons must be given for the decision and the party whom the decision concerns must be notified of the decision without delay. In the same context, the inspection body must also state how the applicant can bring the case to the inspection body for review as part of a rectification procedure. The rectification procedure shall be in accordance with the procedure decided on in greater detail in connection with the designation, recognition or authorization of the inspection body. The decision issued by the inspection body as part of the rectification procedure refusing the inspection or assessment certificate may be appealed against to an Administrative Court, as laid down in the Administrative Judicial Procedure Act.

#### Section 24a (387/2002)

As support to the Ministry and the Supervisory Authority, there shall be an advisory committee for development and monitoring of the provisions of this Act. Further provisions on the advisory committee will be given by Government decree.

#### Section 25

Further provisions on the application and implementation of this Act will be given by decree and ministerial decision.

Provisions on the right of the Supervisory Authority to grant exemptions in individual cases for special reasons will be given by ministerial decision.

When necessary, the Supervisory Authority shall issue technical and administrative guidelines harmonizing the application of this Act.

### Chapter 6 - **Entry into force**

#### Section 26

This Act enters into force on 29 November 1999.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

## Section 27

This Act repeals the Pressure Vessels Act (98/1973) of 2 February 1973 and its subsequent amendments.

The Aerosol Dispensers Decree (1433/1993) of 22 December 1993, issued under the Pressure Vessels Act and the Act on Explosive Substances (263/1953) shall, however, remain in force.

Provisions issued in and under the Pressure Vessels Act on the design, manufacture and putting into service of pressure vessels, inspections related to them, and inspection bodies, other than section 21c of the Pressure Vessels Decree (549/1973) may be applied until 29 May 2002. Insofar as pressure equipment in the sphere of operations of the defence administration or pressure equipment on ships or pressure equipment forming part of aircraft and their operating equipment are concerned, the provisions referred to above may, however, be applied until 31 December 2005. (1160/2003)

Any references to the Pressure Vessels Act elsewhere in the law are considered to be references to the Pressure Equipment Act.

## Section 28

The decisions issued by the Supervisory Authority under the Pressure Vessels Act and the certificates of the inspection bodies and notified inspection bodies and comparable documents shall remain in force as such unless their validity has been restricted or unless the Ministry or the Supervisory Authority restricts their validity.

## Section 29

Pressure equipment approved for use before the entry into force of this Act may still be used even though it did not meet the requirements laid down in this Act. The Supervisory Authority may, however, impose restrictions on the use of such pressure equipment if it is considered necessary for the prevention of personal injury and property damage.