

NB: Unofficial translation, legally binding only in Finnish and Swedish
Ministry of the Environment, Finland

Act on Oil Pollution Response (1673/2009)

Chapter 1 **General provisions**

Section 1 *Purpose of the Act*

The purpose of this Act is:

- 1) to ensure due preparedness to respond to oil spills on land and to oil and chemical spills from ships;
- 2) to ensure fast and efficient response to potential spills; and
- 3) to ensure that the impacts of spills are remedied in such a way that any harm caused to people, property or the environment is as minimal as possible.

The Act aims to clarify the division of responsibilities between authorities and other relevant entities concerning the prevention of and response to oil spills and chemical spills from ships.

Section 2 *Scope of application*

This Act shall apply to the prevention of and response to oil spills on land and to oil and chemical spills from ships sailing in Finnish waters or in Finland's exclusive economic zone, and to the remediation of the impacts of such spills. In addition, provisions on providing and requesting international executive assistance are laid down in this Act.

Furthermore, provisions of international conventions on the prevention of and response to marine pollution shall apply to the prevention of and response to oil and chemical spills from ships, where such conventions are binding on Finland.

The provisions of the Rescue Act (*Pelastuslaki* 468/2003) shall apply to the prevention of and response to environmental damage on land caused by dangerous substances other than oil.

Section 3 *Definitions*

For the purposes of this Act:

- 1) ‘*oil*’ means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products, as well as oily mixtures and waste;
- 2) ‘*other noxious substance*’ means any substance other than oil which, if introduced into the marine environment, is likely to cause pollution;
- 3) ‘*ship*’ means a sea-going vessel or craft as defined in Chapter 1, section 2(14), of the Act on Environmental Protection in Maritime Transport (*Merenkulun ympäristönsuojelulaki* 1672/2009);
- 4) ‘*land-based oil spill*’ means a spill occurring on land that causes damage or harm to humans or the environment because the oil has seeped into the ground or water, and that results in befouling, degradation or contamination of the soil, waters, vegetation, fauna, equipment or structures;
- 5) ‘*oil spill from a ship*’ means an incident or a series of incidents originating from a ship which leads, or may lead to the discharge of oil, or which endangers or may endanger the current state of the water body, the marine environment or the coastal environment, or interests related thereto, and which requires urgent action;
- 6) ‘*oil spill*’ means land-based oil spills and oil spills from ships;
- 7) ‘*chemical spill from a ship*’ means an incident or a series of incidents originating from a ship which leads or may lead to the discharge of a noxious substance other than oil, or which endangers or may endanger the current state of the marine environment or the coastal environment, or interests related thereto, and which requires urgent action;
- 8) ‘*recovery*’ means a response to an oil spill undertaken in order to clean up and restore the soil, groundwater and shoreline contaminated by oil, after the necessary response action has been taken in order to limit the damage and recover the oil; and
- 9) ‘*VTS authority*’ means the unit of the Finnish Transport Agency that provides vessel traffic services in accordance with the Vessel Traffic Service Act (*Alusliikennepalvelulaki* 623/2005).

Chapter 2

Authorities and their duties

Section 4

Duties of the Ministry of the Environment

The Ministry of the Environment is responsible for general guidance and monitoring concerning prevention of and response to oil spills and chemical spills from ships, and for the development of oil and chemical spill prevention and response.

Section 5

Duties of the Finnish Environment Institute

The Finnish Environment Institute is responsible for the nationwide organisation and development of the prevention of and response to oil spills and chemical spills from ships, and for the organisation and development of vocational post-graduate and supplementary education

in the field. It is also responsible for attaining and maintaining adequate national preparedness for oil and chemical spills from ships.

The Finnish Environment Institute is responsible for the prevention of and response to oil spills from ships and shall appoint the head of oil spill response if an oil spill has occurred or is at risk of occurring in Finnish waters, either in the high seas or within Finland's exclusive economic zone.

If an oil spill from a ship has occurred or there is a risk of occurrence within the area of more than one rescue service, or if the spill or risk thereof is so great that the rescue service in charge of that territory cannot be reasonably expected to handle alone the prevention and response operations, or if the prevention and response operations last for a long period of time, or if other special circumstances so dictate, the Finnish Environment Institute may assume responsibility for prevention and response and appoint the head of oil spill response.

The Finnish Environment Institute is responsible for prevention and response and shall appoint the head of chemical spill response if a chemical spill from a ship has occurred, or there is a risk thereof, in Finnish waters or in Finland's exclusive economic zone.

Section 6

Duties of the Centre for Economic Development, Transport and the Environment

The centre for economic development, transport and the environment directs and monitors the organisation of oil spill prevention and response in its territory, and approves the oil spill prevention and response plans of the rescue services operating in its territory. Where necessary, it also provides expert assistance to other accident response authorities and, as far as possible, other assistance in the prevention of and response to oil spills and chemical spills from ships.

Section 7

Duties of regional rescue services concerning oil spill prevention and response

Regional rescue services are responsible for the prevention of and response to land-based oil spills and oil spills from ships within their area. They also supervise preparedness for oil spill prevention and response in their area, as provided for below.

Regional rescue services must, upon request, participate in the prevention of and response to chemical spills from ships, unless performing such tasks would significantly hinder their performance of any other important statutory task.

Section 8

Authorities participating in the prevention of and response to oil and chemical spills from ships

The Finnish Transport Safety Agency, the Finnish Defence Forces and the Border Guard shall participate in the prevention of and response to oil and chemical spills from ships, as provided in more detail in this Act or in other legislation. The Border Guard shall, however, participate only in the prevention of and response to incidents occurring at sea.

Once they have detected or obtained knowledge of an oil or chemical spill from a ship, the authorities referred to in paragraph 1 above participating in the prevention and response operations must take urgent action to respond as necessitated by their level of preparedness,

unless performing such tasks would significantly hinder their performance of any other important statutory task.

Section 9

Duties of municipalities concerning oil spill prevention and response

Municipalities are responsible for recovery in their respective areas. Where necessary, municipal authorities and institutions must participate in oil spill prevention and response actions.

Section 10

Accident response authorities

For the purposes of this Act, the accident response authorities are:

- 1) the Finnish Environment Institute, and the head of oil spill response appointed by it, for the prevention of and response to oil and chemical spills from ships;
- 2) the Finnish Transport Safety Agency, the Finnish Defence Forces and the Border Guard, once they have taken action to prevent or respond to oil or chemical spills from ships;
- 3) the centre for economic development, transport and the environment for the prevention of and response to oil spills;
- 4) rescue authorities of the regional rescue services, and other heads of rescue operations, referred to in Section 44(1) of the Rescue Act for the management of the prevention and response operations;
- 5) municipalities for recovery operations.

Provisions on criminal liability for acts in office shall be applied to persons managing the prevention and response operations. Provisions on liability for damages are laid down in the Tort Liability Act (*Vahingonkorvauslaki* 412/1974).

Section 11

Authorities providing executive assistance

Upon request and as far as possible, state authorities are obliged to provide executive assistance to the accident response authorities. The same obligation applies to the Finnish State Pilotage Enterprise, referred to in the Act on the Finnish State Pilotage Enterprise (*Laki Luotsausliikelaitoksesta* 938/2003 [1008/2010]).

Chapter 3

Oil spill prevention and response plans

Section 12

Oil spill prevention and response plans of the regional rescue services

Regional rescue services must have a plan in place for the prevention of and response to land-based oil spills. They must also have a plan for the prevention of and response to oil spills from ships, if this is necessary considering the local conditions. These plans must be drawn up into one uniform prevention and response plan. The centre for economic development, transport and the environment shall approve the oil spill prevention and response plan, once it has been adopted by the regional rescue services.

The oil spill prevention and response plans must include information on the different oil spill response authorities and their duties, a statement on the level of preparedness and on the organisation of the prevention and response operations, and information on the oil spill prevention and response equipment.

Further provisions on the contents of oil spill prevention and response plans and on the drafting, approval and review of such plans shall be issued by government decree.

Section 13

Prevention and response cooperation plan for oil and chemical spills from ships

Under the auspices of the centre for economic development, transport and the environment, the authorities responsible for the prevention of and response to oil and chemical spills from ships must draw up a cooperation plan for oil and chemical spill prevention and response. The plan is subject to approval by the Ministry of the Environment.

The prevention and response cooperation plan for oil and chemical spills from ships must include information on the different oil spill response authorities and their duties, a statement on the level of prevention and response service and the organisation of the prevention and response operations, and information on the oil spill prevention and response equipment.

Further provisions on the contents of the cooperation plan, the processing of the plan, the territorial division followed in the planning, and the centre for economic development, transport and the environment responsible for drafting the plan shall be issued by government decree.

Chapter 4

Obligations of the party storing oil and obligations of the port operator

Section 14

Basic preparedness to undertake preventive and response measures at oil storage units

Anyone storing 100,000 litres or more of oil, but less than a million litres, in the same storage area is obliged to keep an absorption substance or other similar substance suitable for oil spill response in the storage area, in the amount necessitated by local conditions, as well as the necessary response equipment. The person in charge of storage must ensure the availability of staff who are familiar with the use of such substances and equipment. If the storage area is so

situated that if an oil leak occurs, oil could enter a water body, it is obligatory to have an oil containment boom in the storage area sufficient for halting the spread of oil into the water body.

The person in charge of storage referred to in paragraph 1 above must ensure that the facility's staff are familiar with the oil spill alarm system and are aware of those sites that have been approved by the relevant authority as collection and disposal sites for oily waste.

Concerning distribution substations, provisions on the required level of preparedness to undertake preventive and response measures are laid down in the act on the safe handling of dangerous chemicals and explosives (*Laki vaarallisten kemikaalien ja räjähteiden käsittelyn turvallisuudesta* 390/2005).

Section 15

Preparedness to undertake preventive and response measures at large oil storage facilities

Where the storage facility is situated somewhere other than on the coast and holds a million litres or more of oil, the person in charge of storage must draw up a contingency plan for responding to any oil spill on site. In drawing up the plan, the person in charge of storage shall consult the regional rescue services. The person in charge must also acquire the necessary equipment for preventing and containing any oil spills and must ensure the availability of staff familiar with the use of the equipment. The plan for the organisation of prevention and response must be submitted, without delay, to the centre for economic development, transport and the environment, and to the regional rescue services.

Further provisions on the plan referred to in paragraph 1 and on the necessary prevention and response equipment shall be issued by government decree.

Section 16

Preparedness to undertake preventive and response measures at ports and facilities

Port operators of merchant shipping ports and other operators of facilities in a coastal area storing a million litres or more of oil or other noxious substances must draw up a contingency plan for responding to any oil spill or chemical spill from a ship in the area. When the plan is being prepared, the regional rescue services must be consulted. The port operator and facility operator must also acquire the necessary equipment for preventing and containing oil spills and chemical spills from ships. The respective operators must also ensure that staff are available who have been trained to use such prevention and response equipment. The plan for the organisation of prevention and response must be submitted, without delay, to the centre for economic development, transport and the environment, as well as to the regional rescue services.

Further provisions on the plan referred to in paragraph 1 and on the necessary prevention and response equipment shall be issued by government decree. When issuing such provisions, attention shall be paid to the amount of traffic in the port, especially the number of tankers frequenting the port, and to other factors contributing to the risk of an oil spill or a chemical spill from a ship.

Chapter 5

Response to oil spills and chemical spills from ships

Section 17

Spill notification and first response

Provisions on the master's duty to report an oil or chemical spill from a ship and to take any immediate measures that may be reasonably expected from him or her are laid down in Chapter 11, sections 1 and 2, of the Act on Environmental Protection in Maritime Transport.

Whosoever has possession of the oil that has caused the incident or risk thereof, must inform the emergency response centre of the incident and must take any response action that may be reasonably expected of him or her in such circumstances.

Provisions on the general obligation to provide notification and take action when an incident caused by oil or another noxious substance has occurred, or the risk thereof, are laid down in Section 28 of the Rescue Act.

Section 18

Necessary measures after receiving a spill notification

The emergency response centre, maritime rescue co-ordination centre, maritime rescue sub-centre or VTS centre that receives notification of an oil spill or a chemical spill from a ship, or a risk thereof, must immediately convey any information on a land-based oil spill to the relevant regional rescue services, and any information on an oil or chemical spill from a ship to the Finnish Environment Institute and the regional rescue services.

Section 19

Organising prevention and response

The accident response authorities must respond quickly and take any and all measures necessary for preventing and limiting damage from the incident, unless the costs or harm resulting from such measures are obviously disproportionate to the economic and other interests at risk from the incident. These prevention and response measures must be carried out in a manner that does not unnecessarily impede the restoration of nature and the environment to their condition prior to the incident.

Where necessary and upon request of the accident response authority, the Finnish Environment Institute is obliged to make its prevention and response equipment, and the required personnel, available to the head of response operations.

The Finnish Environment Institute shall make the required personnel, equipment and supplies available to the head of response operations, when, in accordance with section 5, he or she is responsible for the response to an oil or chemical spill from a ship, or has assumed responsibility for the task. In such an event, upon the request of the head of response operations, the regional rescue services must make its prevention and response equipment and supplies, as well as the staff needed to use them, available to the head of response operations, even where such equipment, supplies and staff are needed outside the rescue service region in question.

Section 20

Obligation to participate in prevention and response operations

If an oil spill or a chemical spill from a ship, or the risk thereof, or if the possibility that the damage will spread, is so great that the staff or equipment available to the accident response authority is not sufficient for effective response to the incident or prevention of damage, the accident response authority has the right to order a port operator, facility operator, person in charge of oil storage or anyone else in possession of prevention and response equipment, or anyone who has staff familiar with the use of such equipment, to make such equipment or staff available to the accident response authority, unless this would cause unreasonable harm to the person so requested.

Section 21

Management of prevention and response operations

In the event of an oil spill, the prevention and response operations shall be managed by the rescue authority of the rescue service region where the oil spill or risk incident first occurred, unless otherwise provided in paragraph 2 or unless otherwise agreed. Until the moment when the rescue authority assumes the management of the prevention and response operations, such operations may be managed by other heads of rescue operations, as stipulated in section 44(1) of the Rescue Act.

Concerning oil spills from ships, when the Finnish Environment Institute is, in accordance with section 5, responsible for the prevention and response operations, or has assumed responsibility for them, prevention and response operations shall be managed by the head of response operations appointed by the Finnish Environment Institute. Concerning chemical spills from ships, prevention and response operations shall be managed by the head of response operations appointed by the Finnish Environment Institute. However, a person employed by the regional rescue services or by another accident response authority who arrives at the place of the incident may manage the prevention and response operations referred to in this paragraph, until the time that the person appointed by the Finnish Environment Institute to head the response operations assumes management responsibility.

Recovery operations shall be managed by the authority designated by the municipality in question. The centre for economic development, transport and the environment shall direct and coordinate recovery operations, if such operations extend into the territories of several municipalities.

Section 22

Cooperation in prevention and response operations

If authorities from more than one sphere of authority participate in the prevention of and response to oil spills or chemical spills from ships, the head of response operations shall act as a general manager and ensure that, at all times, he or she has an overall picture of the situation, while assuming responsibility for assigning tasks to different spheres of authority, and for coordinating operations. Different units shall function under the command of their own managers in such a manner that their operations, as a whole, contribute to the effective response to the incident.

If authorities from more than one sphere of authority participate in the prevention of and response to oil or chemical spills from ships, the head of response operations may form a

management team, composed of representatives of various authorities, to assist him or her. The group may be extended to include representatives of associations or other institutions who volunteer to participate in the prevention and response operations. Furthermore, the head of the response operations may invite experts to assist him or her.

Section 23

Powers of the accident response authority

Where necessary for preventing and responding to oil spills or chemical spills from ships, and for limiting the consequences of such spills, the accident response authority shall be entitled to:

- 1) temporarily commandeer any equipment and supplies suitable for accident prevention and response, any necessary communications and transport equipment, machines and tools, as well as premises and space needed for loading, unloading or temporary storage;
- 2) disembark and move about in another person's area;
- 3) order earth and water construction measures to be undertaken in another person's area;
- 4) limit waterborne traffic; and
- 5) take other measures necessary for preventing and responding to oil spills and chemical spills from ships.

Section 24

Transfer of management responsibility and termination of prevention and response operations

The head of response operations shall announce when he or she assumes management responsibility. Further, the head of response operations shall decide when management responsibility is to be transferred to the relevant municipal authority responsible for recovery operations.

After consulting the centre for economic development, transport and the environment, the head of response operations shall decide when the response to the oil spill or chemical spill from the ship in question no longer requires measures by the accident response authorities.

Section 25

Measures concerning the ship and its cargo

If a ship sinks or runs aground in Finnish waters or in Finland's exclusive economic zone, becomes a party to a collision in said area, or is subject to a leakage or machine malfunction, or otherwise ends up in a state in which the risk of an oil spill or leakage of any other noxious substance is apparent, the Finnish Environment Institute may order the commencement of such rescue or other measures directed at the ship and its cargo that are considered necessary to preventing or limiting the pollution of water. Before taking such measures, the Finnish Environment Institute must consult the Finnish Transport Safety Agency on the incident. Furthermore, the Finnish Environment Institute must consult the owner of the ship, the rescue company that has received the assignment, and the representatives of the insurers, if such consultations can be conducted without causing an unnecessary delay.

In order to prevent harmful consequences, the master of the ship that caused the water pollution or risk thereof must provide the authorities with any and all assistance required considering the circumstances.

Section 26

Requests for and provision of international executive assistance

Based on an international convention or a request received from a foreign state, the Finnish Environment Institute shall decide on the provision of assistance to a foreign state in a matter relating to the prevention of and response to oil and chemical spills from ships. Where necessary in order to prevent or respond to an oil or chemical spill from a ship, the Finnish Environment Institute shall decide to request assistance from foreign states.

When receiving assistance, as defined in paragraph 1, the Finnish Environment Institute shall assist the foreign prevention and response units in matters concerning any permits, declarations and other issues related to their entry into and exit from the country, in accordance with separate provisions concerning the conditions for allowing entry into the country, or the provisions of international conventions binding on Finland.

Chapter 6

Supervision, administrative enforcement and appeal

Section 27

Supervision

Centres for economic development, transport and the environment shall supervise the drafting of the prevention and response plans referred to in sections 12, 15 and 16, the acquisition of equipment in accordance with the plans, and the availability of staff needed to use the prevention and response equipment. Regional rescue services shall hold inspections to ensure that the operators referred to in sections 14–16 have the equipment available and meet the level of preparedness specified in their plans, and shall inform the relevant centre for economic development, transport and the environment of any shortcomings detected.

Section 28

Administrative enforcement

Centres for economic development, transport and the environment may order any person or entity that neglects the duties laid down in section 12 or sections 14–16, or is non-compliant with the provisions or stipulations issued under these sections, to fulfil his or her duties within a specified time. An order issued by an authority may be reinforced by notice of a conditional fine or of measures to be taken at the expense of the defaulting party.

The provisions of the act on conditional fines (*Uhkasakkolaki* 1113/1990) shall apply to matters involving notice of a conditional fine or notice of enforced compliance.

Section 29
Appeal

Decisions issued by authorities under this Act may be appealed as laid down in the Administrative Judicial Procedure Act (*Hallintolainkäyttölaki* 586/1996). The same applies to filing an appeal on a decision issued by a regional rescue services concerning the approval of an oil spill prevention and response plan.

Filing an appeal does not prevent the enforcement of a decision referred to in section 28, unless otherwise ordered by the appellate authority.

Section 30
Limitations on the right of appeal

A decision issued by an accident response authority is not subject to appeal, if the decision concerns:

- 1) the appointment of the head of response operations, as stipulated in section 5(2–4);
- 2) making equipment and/or staff available for use by the accident response authority, as stipulated in section 20;
- 3) measures necessary for responding to the spill and limiting its consequences, referred to in section 23;
- 4) the transfer of the management responsibility and the termination of prevention and response operations, referred to in section 24;
- 5) measures laid down in section 25(1) concerning a ship or its cargo;
- 6) the provision of and requests for international executive assistance, referred to in section 26;
or
- 7) the use of chemical agents, referred to in section 40.

Chapter 7
Authorities' right to receive information and obligation of secrecy

Section 31
Accident response authority's right to receive information

Where information is necessary for planning preventive and response operations, the accident response authorities responsible for the prevention of and response to oil spills and chemical spills from ships are entitled, at no cost and notwithstanding any provisions on confidentiality, to receive information from other authorities participating in the prevention and response operations concerning their level of preparedness, and to receive preparedness, identification and contact information concerning staff.

Where information is necessary for responding to oil spills and chemical spills from ships, and an emergency is pending, the accident response authorities responsible for preventing and

responding to oil spills and chemical spills from ships are entitled, at no cost and notwithstanding any provisions on confidentiality, to receive the following information;

- 1) from the Emergency Response Information System, information concerning the emergency call and the possible emergency;
- 2) from the Port Authorities Information System, information concerning vessel and freight traffic;
- 3) from the fishing authorities, information on the owners and operators of ships and activities of ships;
- 4) from the Small Craft Register kept by the local register offices and the registration authority of Åland, information on boats and their owners and operators;
- 5) from the Register of Ships kept by the Finnish Transport Safety Agency and the Civil Service Department of Åland, and from other registers kept by the Finnish Transport Safety Agency, information on ships and their owners and operators;
- 6) from the Vessel Traffic Service of the Finnish Transport Agency, information concerning vessel traffic and VTS traffic images and AIS data; and from the Finnish Defence Forces, information concerning the surveillance of the sea;
- 7) from the database kept by Customs, information concerning vessel and freight traffic;
- 8) from the Maritime Search and Rescue Register kept by the Border Guard, information concerning the emergency call and the possible emergency; and
- 9) from the Land Information System kept by the National Land Survey of Finland, information on owners and occupiers of real estate, as well as information concerning the environmental division of real property.

Where information is necessary for responding to land-based oil spills and an emergency is pending, the accident response authorities responsible for preventing and responding to such oil spills are entitled to receive, at no cost and notwithstanding any provisions on confidentiality, the following information;

- 1) from the Emergency Response Information System, information concerning the emergency call and the possible emergency;
- 2) from the database kept by Customs, information concerning vessel and freight traffic;
- 3) from the register kept by the Finnish Safety Technology Authority, which register is defined in the Act on the Safe Handling of Dangerous Chemicals and Explosives (Laki vaarallisten kemikaalien ja räjähteiden käsittelyn turvallisuudesta 390/2005), information concerning the nature of operations of companies and the amounts of dangerous chemicals and explosives;
- 4) from the Land Information System kept by the National Land Survey of Finland, information on owners and occupiers of real estate, as well as information concerning the environmental division of real property.

Information may be conveyed by using a technical user interface or other means of electronic communication.

Section 32

Accident response authority's right to receive information from companies and institutions

Concerning oil spills and chemical spills from ships, when an emergency is pending, the relevant accident response authorities are entitled to receive the following information necessary for preventing and responding to oil spills and chemical spills from ships:

- 1) from oil depots and distributors of oil or other noxious substances, information concerning the products used by the company, and the storage of such products;
- 2) from shipping companies, boating or yachting organisations, and companies providing travel, freight, port, shipyard, or rescue services, information on the crew, passengers and cargo of a ship;
- 3) from industrial and business enterprises, information concerning communication and transport equipment, and machines and tools, and premises and space needed for loading, unloading or temporary storage; and
- 4) from other similar entities possessing information necessary for preventing or responding to oil spills and chemical spills from ships and for avoiding personal injuries.

Section 33

Receiving information from the register of measures

Notwithstanding any provisions on secrecy, the Finnish Environment Institute and the centres for economic development, transport and the environment are entitled to receive data on oil spill prevention and response from the register of measures referred to in section 69 [91] of the Rescue Act. Where necessary, said information may be conveyed by using a technical user interface.

Section 34

Obligation of secrecy

Provisions of the Act on the Openness of Government Activities (*Laki viranomaisten toiminnan julkisuudesta* 621/1999) shall apply to the obligation of secrecy of persons employed by accident response authorities responsible for preventing and responding to oil spills and chemical spills from ships, persons employed by authorities providing executive assistance, and to any other persons participating in prevention or response operations.

The accident response authorities' secrecy obligation shall not, however, prevent them from disclosing information that needs to be disclosed in order to protect lives or human health or in order to avoid considerable damage to the environment or property.

Chapter 8 Miscellaneous

Section 35

Payment of prevention and response expenses

The accident response authority responsible for responding to the oil spill or chemical spill from the ship in question is entitled to receive compensation from the party responsible for the incident, as well as from the insurer of said party, for the response expenses, in accordance with the Act on Compensation for Environmental Damage (*Laki ympäristövahinkojen korvaamisesta* 737/1994), the Maritime Act (*Merilaki* 674/1994), the Motor Liability Insurance Act (*Liikennevakuutuslaki* 279/1959), the Rail Traffic Liability Act (*Raideliikennevastuulaki* 113/1999), or other legislation.

Provisions on the accident response authority's right to receive compensation from the oil pollution fund for the costs and expenses of prevention and response shall be laid down separately. Such provisions of international conventions that are binding on Finland shall apply to the accident response authority's right to receive compensation from the International Oil Pollution Compensation Funds.

However, the regional rescue services, the Finnish Environment Institute or the municipality responsible for responding to the oil spill shall pay the expenses of prevention and response until the compensation, referred to in paragraphs 1 or 2, is received. Correspondingly, the Finnish Environment Institute shall pay the prevention and response expenses for chemical spills from ships.

Section 36

Compensation for participating in the response operations

The regional rescue services, the Finnish Environment Institute or the municipality responsible for the response to the oil spill in question shall pay reasonable remuneration to any person who:

- 1) has been ordered, in accordance with section 20, to assist in the response operations; or
- 2) has participated as a volunteer in the oil spill response operations and whose role has been approved by the accident response authority.

From the funds of the abovementioned accident response authorities, full compensation shall be paid to those participating in response operations, for any additional expenses incurred due to the work, as well as for the value, or the decrease in value, of supplies, devices, equipment and other similar utility items that have been worn out or damaged during the course of the response operations. The accident response authority shall also pay compensation for property taken into use in accordance with sections 20 and 23 above, as well as for any damage caused to third parties in carrying out prevention and response activities, as stipulated in the Tort Liability Act.

In accordance with the principles set forth in paragraphs 1 and 2 above, remuneration for assistance provided in the response to chemical spills from ships, as well as compensation for any damage caused to third parties in carrying out prevention and response activities, shall be paid from the funds of the Finnish Environment Institute.

The compensation and remuneration referred to in this section shall be sought from the relevant accident response authority in writing and within three (3) months of the date when the grounds for compensation arose or, in situations referred to in section 23, when the injured party became aware of the damage. Compensation shall be paid on the condition that the damage, incurred in the form of worn out or damaged clothing, equipment or tools, has been reported to the head of response operations without delay.

Where a person has received compensation from the accident response authority, his or her right to receive compensation from the party responsible for the incident shall be transferred to the accident response authority to the extent of the compensation that was paid.

Section 37

Compensation for accidental injury when engaged in prevention and response operations

Compensation shall be paid from State funds for accidental injury or occupational illness that has occurred when responding to oil spills or chemical spills from ships. The amount of compensation shall be determined on the same grounds as compensation for occupational injury and illnesses, insofar as the injured party is not entitled to equal, or higher, compensation in accordance with other legislation. Compensation shall be paid to:

- 1) whosoever has been ordered, in accordance with section 20, to assist in prevention and response operations; or
- 2) whosoever has participated as a volunteer in the response to oil spills or chemical spills from ships, and whose role has been approved by the accident response authority.

Any matter concerning the payment of compensation from State funds in accordance with this section shall be processed by the State Treasury.

Where a person has received compensation from the State, his or her right to receive compensation from the party responsible for the incident shall be transferred to the State to the extent of the compensation that was paid.

Section 38

Compensation for damage sustained in rescue operations

If, in the circumstances referred to in section 25, a ship, its cargo, or other property on board has sustained more damage than would normally be expected when carrying out rescue operations, and no one else can be deemed liable for payment of compensation, the State shall pay compensation for the excess damage.

Section 39

Oil spill prevention and response infractions

Whosoever neglects

- 1) the obligation to draw up a plan, as stipulated in section 12;
- 2) the obligation to draw up a plan or to acquire supplies and equipment, as stipulated in sections 14–16; or

3) the notification obligation laid down in section 17(2)

shall be fined for an oil spill prevention and response infraction, unless the offence is of a minor nature or unless a more severe punishment is provided for elsewhere under law.

When a person has breached an obligation that has been prescribed under this Act and a notice of a conditional fine has also been imposed, the court may decide to waive the punishment for the same offence.

Section 40

References to the Criminal Code

Penalties for degrading the environment, in violation of this Act or provisions issued under it, shall be imposed in accordance with Chapter 48, sections 1–4, of the Criminal Code of Finland (*Rikoslaki 39/1889*).

Penalties for breaching the obligation of secrecy set forth in section 34 shall be imposed in accordance with Chapter 38, section 1 or 2, of the Criminal Code, unless the offence is punishable in accordance with Chapter 40, section 5, of the Criminal Code.

Section 41

Use of chemicals in the response to spills

In exceptional circumstances, the Finnish Environment Institute may decide on the use of oil-containing substances, referred to in Chapter 2, section 2(1)(3), of the Act on Environmental Protection in Maritime Transport, or noxious liquid substances (*chemical agents*), referred to in Chapter 4, section 3(1)(3), of the same Act, in the prevention of and response to oil and chemical spills from ships.

Before making the decision, the Finnish Environment Institute must ensure that, when used in responding to the incident in question, the chemical agents or other substances are considerably more effective than other methods of spill response, and that the use of chemical agents neither causes imminent danger of pollution of waters nor any other hazard to human health or to the environment.

Section 42

Entry into force

This Act shall enter into force on 1 January 2010.

This Act repeals the Act on Combating Oil Pollution on Land (*Laki maa-alueilla tapahtuvien öljyvahinkojen torjumisesta 378/1974*) issued on 24 May 1974, as subsequently amended. Provisions concerning the repeal of the Act on the Prevention of Pollution from Ships (*Laki aluksista aiheutuvan ympäristön pilaantumisen ehkäisemisestä 300/1979*) are laid down in the Act on Environmental Protection in Maritime Transport.

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