

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Act on the Verification of the Qualifications of Persons Serving in Building Design or Construction Management Tasks

(812/2023)

By decision of Parliament, the following is enacted:

Section 1

Scope of application

This Act lays down provisions on procedures for providing evidence of the qualifications required for building design and construction management tasks when a certificate of qualifications issued by a body authorised by the Ministry of the Environment is required.

The Act contains provisions on recognising the equivalence of foreign degrees referred to in the Act on the Recognition of Professional Qualifications (1384/2015) when a certificate of qualifications issued by a body authorised by the Ministry of the Environment is required.

Section 2

Authorised body

The Ministry of the Environment may, on application, authorise a company or an entity registered in Finland to issue a natural person with the certificate referred to in the Construction Act (751/2023) stating that the person in question is qualified to work in building design or construction management tasks (*authorised body*).

The authorisation may be more limited in scope than what is proposed related to issuing the certificate in the application. Conditions may be included in the decision to fulfil the requirements of good governance and of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

The authorised body shall have:

- 1) the personnel with the education, training and experience in the field of design or construction management task that the application concerns;

- 2) the technical, administrative and economic prerequisites for performing the task;
- 3) a quality management system to ensure that the criteria for preparing and issuing the certificate are in compliance with good governance and general administrative provisions.

The authorised body shall be independent. The body and the persons employed by it may not be engaged in building design, participate in construction management tasks or participate in the decision-making of an organisation carrying out such activities.

Section 3

Application for designation as a body

The design and construction management tasks referred to in the Construction Act for which the authorisation is applied shall be specified in the application for designation as an authorised body.

The applicant shall provide the information on:

- 1) its independence;
- 2) the personnel required to perform the task and their qualifications;
- 3) its quality management system and decision-making procedure;
- 4) its economic prerequisites;
- 5) valid liability insurance or a similar arrangement.

Section 4

Supervision

The activities of the authorised body are supervised by the Ministry of the Environment.

The body shall submit the following documents to the Ministry of the Environment for supervision each year:

- 1) the annual report of the company or entity in which the activities specified in this Act have been itemised;
- 2) the details of the certificates of qualifications issued during the year with their attachments;
- 3) the details of the fees charged under this Act;
- 4) the plans to develop the activities and the costs related to these.

To supervise the activities, the Ministry of the Environment may, on justifiable grounds, request the body to submit other information.

Section 5

Recognising the equivalence of foreign degrees in construction

The Ministry of the Environment decides on the recognition of professional qualifications acquired abroad for construction sector tasks as laid down in the Act on the Recognition of Professional Qualifications when a certificate of qualifications issued by a body authorised by the Ministry of the Environment is required.

The Ministry of the Environment may authorise an authorised body to issue the certificate of the equivalence of a foreign degree referred to in subsection 1 as part of the issuing of the certificate of qualifications.

Section 6

Liability for acts in office

Provisions on criminal liability for acts in office apply to the officials and experts of an authorised body when they are performing tasks specified in this Act. Provisions on liability for damages are laid down in the Damages Act (412/1974).

Section 7

Warning and suspension of activities

The Ministry of the Environment may issue a written warning and suspend the activities of an authorised body for three months if the shortcoming has not been rectified despite a warning if:

- 1) this Act or provisions issued under it are not complied with in the activities;
- 2) the certificates have not been issued in accordance with good governance;
- 3) the authorised body has violated the conditions specified in the authorisation decision.

Section 8

Revoking the authorisation

The Ministry of the Environment shall revoke the authorisation owing to serious or material violations if

- 1) the authorised body no longer meets the prerequisites for the authorisation;
- 2) the activities of the authorised body have been suspended and the body has not within reasonable time removed the reasons leading to the suspension;
- 3) the authorised body has been declared bankrupt.

Section 9

Certificate

The certificate of qualifications for acting as a designer or site manager in a project in which, under the Construction Act, a certificate of qualifications is required is issued by an authorised body on application.

The certificate shall contain the following information:

- 1) the date of issue of the authorisation decision by the body and the item in question;
- 2) the party that made the decision and the identification details of the decision;
- 3) the name and domicile of the holder of the qualifications;
- 4) the details of the degree and its level;
- 5) the scope and level of the qualifications granted;
- 6) the period of validity of the certificate.

Further details of the degree used as the basis for the evidence of the qualifications and other education and training and itemised details of experience shall also be attached to the certificate.

The certificate can be issued for a maximum of seven years.

Section 10

Register of certificates issued

The authorised body shall keep a register of the certificates it has issued that are still valid.

The authorised body acts as the controller of the register referred to in subsection 1.

The register shall contain the following information:

- 1) the name and domicile of the recipient of the certificate;
- 2) the date on which the certificate was issued and its period of validity;
- 3) the scope and level of the qualifications granted;
- 4) the party that issued the certificate;
- 5) identifiers and period of validity of an incapacity determined by the municipal construction supervision authority under sections 85 and 89 of the Construction Act.

Section 11

Revoking the certificate

The body that issued the certificate may revoke it if the issuing of the certificate was based on materially incorrect information.

Section 12

Fees

The authorised body has the right to charge fees related to the certificate procedure that cover the costs incurred from the activities.

Further provisions on the criteria for the fees are laid down by decree of the Ministry of the Environment.

Section 13

Request for a review

A review may be requested of a decision made by the authorised body referred to in this Act. Provisions on requesting an administrative review are laid down in the Administrative Procedure Act (434/2003).

Provisions on a request for a judicial review to an administrative court of a decision made concerning a request for an administrative review are laid down in the Administrative Judicial Procedure Act (808/2019).

A decision on the suspension of activities or revocation of the authorisation shall be complied with regardless of the request for a review.

Section 14

Period of validity

This Act enters into force on 1 January 2025.

The Ministry of the Environment may approve the qualifications recognised by a public authority, a company or an entity before the entry into force of this Act as qualifications under this Act in whole or in part for a maximum of five years from the entry into force of this Act.

Before the entry into force of this Act, the Ministry of the Environment may make a decision to authorise a body to issue certificates of qualifications in construction referred to in the Construction Act. However, certificates referred to in this Act may not be issued before the entry into force of the Construction Act and this Act.