

**ANNEX IX**

ADDITIONAL QUESTIONNAIRE FOR REPORTS BY MEMBER STATES

PURSUANT TO ARTICLE 51(2)

**REFERENCE YEAR: 2020**

**REPORTING COUNTRY: FINLAND**

Article 24 and Article 50(1)	<p><b>Information on illegal shipments of waste</b></p> <p>Has there been any case?                      Yes                      No <i>(please tick ✓ as appropriate)</i>                      <input checked="" type="checkbox"/>                      <input type="checkbox"/></p> <p>If yes, please complete Table 5. Please provide information on how illegal shipments of waste are prevented, detected and penalised under national legislation:</p> <p>According to the Environmental Protection Act (257/2014) chapter 3, section 21 the Centre for Economic Development, Transport and the Environment steers and promotes the execution of duties referred to in provisions issued in this Act and under it, enforces these provisions and exercises its right to defend public environmental interests in decision-making based on this Act.</p> <p>According to the Waste Act (646/2011) section 22 The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation and is responsible for cooperation with other competent authorities in the supervision of transboundary shipments of waste. Each Centre for Economic Development, Transport and the Environment (15 centres) directs and promotes the management of duties referred to in the Waste Act and in the provisions issued thereunder.</p> <p>According to the Waste Act section 25 the Finnish Environment Institute shall supervise compliance with provisions concerning transboundary shipments of waste. The role of customs is issued in section 117: Customs must, when necessary, stop any transboundary shipment of waste that is in violation of the requirements laid down in the Waste Shipment Regulation or the Waste Act, and must provide notification on the matter to the Finnish Environment Institute, which will decide on further measures.</p> <p>The liability to penalty is regulated both by the Criminal Code of Finland (39/1889, latest amended by 1211/2015) chapter 48, section 1(3) and section 2 and by the Waste Act section 147(18). More over according to the Waste Act sections 131 – 133 the supervisory authority may impose a penalty payment for negligence for certain acts of negligence.</p> <p>According to the Criminal Code of Finland chapter 48, section 1(3) a person who, intentionally or through gross negligence, imports or exports waste or transports waste through the territory of Finland in violation of the Waste Act or a provision or specific</p>
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order based on the Waste Act or Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipment of wastes so that the act is conducive to causing contamination of the environment, other corresponding environmental despoliation or littering or a health hazard, shall be sentenced for impairment of the environment to a fine or to imprisonment for at most two years.

If the offence is committed in violation of an order or a prohibition of an authority, as issued because of an illegal waste shipment and the offence is aggravated also when assessed as a whole, the offender shall be sentenced for aggravated impairment of the environment to imprisonment for at least four months and at most six years according to the Criminal Code chapter 48, section 2.

According to Waste Act section 147 whosoever deliberately or through gross negligence, in a manner other than that described above (Criminal Code of Finland, chapter 48) imports to or exports waste from another country, or transfers waste, via Finnish territory in violation of this the Waste Act or a provision issued thereunder, or an order regarding an individual case, or the Waste Shipment Regulation, shall be fined for violation of the Waste Act, unless a more severe punishment is provided for elsewhere in law.

Article 50(2) <sup>1</sup>	<p><b>Summary information on the outcome of the inspections carried out pursuant to Article 50(2), including:</b></p> <ul style="list-style-type: none"> <li>- number of inspections, including physical checks, of establishments, undertakings, brokers and dealers, related to shipments of waste: Finnish Environment Institute: 1 inspection Centres for Economic Development, Transport and the Environment: 39 inspections municipal authorities: 29 inspections <b>total: 69</b></li> <li>- number of inspections of shipments of waste, including physical checks: Customs and/or Finnish Environment Institute: 37 Harbour/boarder inspections: 0 <b>total: 37</b></li> <li>- number of supposed illegalities concerning establishments, undertakings, brokers, and dealers, related to shipments of waste:  Centres for Economic Development, Transport and the Environment: 1 municipal authorities: 8 <b>total: 9</b></li> <li>- number of supposed illegal shipments ascertained during the inspections:  Customs and/or Finnish Environment Institute: 15 Harbour/boarder inspections: 0 <b>total: 15</b></li> </ul> <p>Additional remarks: Most illegal shipments reported have been minor offences and the exporters have not been prosecuted. In many cases the exporters have been given a chance to correct their procedures.</p>
Article 50(2a) <sup>1</sup>	<p><b>Information on the inspection plan(s)</b></p> <p>Number of inspection plan(s) for the entire geographical territory: 1 <a href="http://www.ymparisto.fi/fi-FI/Asiointi_luvat_ja_ymparistovaikutusten_arviointi/Luvat_ilmoitukset_ja_rekisterointi/Jatteiden_kansainvaliset_siirrot/Jatesiirtojen_valvonta_ja_tarkastukset">http://www.ymparisto.fi/fi-FI/Asiointi_luvat_ja_ymparistovaikutusten_arviointi/Luvat_ilmoitukset_ja_rekisterointi/Jatteiden_kansainvaliset_siirrot/Jatesiirtojen_valvonta_ja_tarkastukset</a></p> <p>The date of adoption of the inspection plan(s) and the period covered by them: adoption: 29.12.2016; period covered: years 2017 - 2019</p> <p>The latest review date of the inspection plan(s): 28.2.2020 (period covered: years 2020 – 2022)</p> <p>The authorities involved in inspections and the cooperation amongst those authorities: Following authorities are involved: The Finnish Environment Institute, customs authorities, the police and local environmental authorities (Centres for Economic Development, Transport and the Environment and municipal authorities).</p>

<sup>1</sup> The link where the information made publicly available via the internet by Member States in accordance with Article 51(2) can be accessed electronically

	<p>According to Waste Act Section 22 The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation and is responsible for cooperation with other competent authorities in the supervision of transboundary shipments of waste.</p> <p>Indicate the persons or bodies to which concerns or irregularities can be reported: The Finnish Environment Institute.</p>

***Note for completion of the tables:***

*D-codes and R-codes are those referred to in Annexes II A and II B to Directive 2006/12/EC.*

*Waste identification codes are those referred to in Annexes III, IIIA, IIIB, IV and IVA to this Regulation.*

Table 5

## INFORMATION ON ILLEGAL SHIPMENTS OF WASTE \* (Article 24 and Article 50(1))

Waste identification (code)	Quantity (kg/litres)	Country of destination (De) and country of dispatch (Di)	Identification of the reason for illegality (possible reference to violated Articles)	Responsible for illegality (please tick ✓ as appropriate)			Measures taken including any penalties imposed
				Notifier	Consignee	Other	
not listed (20 03 01)	25 t	FI => EE	WSR Article 2 (35c); shipment not according to the permit	X			investigation on-going
not listed (17 09 04)	5,5 t	FI => EE	WSR Article 2 (35a); no waste shipment permit	X			investigation on-going
not listed (17 09 04)	18 t	FI => EE	WSR Article 2 (35c); shipment not according to the permit	X			investigation on-going
waste tyres (16 01 03)	290 tyres	FI => CM (stopped in ES)	WSR Article 2 (35a); no waste shipment permit	X			investigation on-going
not listed (16 01 04*)	2 waste vehicles; waste vehicle spare parts	FI => CD (stopped in DE)	WSR Article 2 (35f); export prohibition	X			investigation on-going
not listed (19 12 12)	25 t	FI => EE (stopped in EE)	WSR Article 2 (35c); shipment not according to the permit	X			investigation on-going
not listed (19 12 03)	28 t	FI => NL	WSR Article 2 (35c); shipment not according to the permit	X			investigation on-going
not listed (16 02 14)	28 t	FI => PK (stopped in BE)	WSR Article 2 (35f); export prohibition	X			investigation on-going
not listed (16 01 04*, 20 01 35*)	WEEE, 1 waste vehicle	FI => NG (stopped in BE)	WSR Article 2 (35f); export prohibition	X			investigation on-going
not listed (20 01 35*)	WEEE, waste tyres	FI => CM (stopped in DE)	WSR Article 2 (35f); export prohibition	X			investigation on-going

\* Information on cases which have been closed during the reporting period.

A3020	485 t	EE => FI	WSR Article 2 (35a); no waste shipment permit		X		investigation on-going
		NO => FI / SE	some cases, where “wrong” border crossing point or no transit permit through FI				returned back to NO / instructions