

First report**REPORT**

for the period 28 February 2013 to 31 May 2015, made by the **Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

Prevention of Major Industrial Accidents Convention, 1993, No. 174

ratification of which was registered on 28 February 2013.

Prevention of major industrial accidents convention, 1993 (no. 174)**First report****I**

Act on safety in handling dangerous chemicals and explosives (390/2005)

Government decree on the monitoring of handling and storage of dangerous chemicals (685/2015)

Government decree on the safety requirements of industrial handling and storage of dangerous chemicals (856/2012)

Government decree on the monitoring of manufacture and storage of explosives (819/2015)

Chemicals Act (599/2013),
translation available in English <http://www.finlex.fi/en/laki/kaannokset/2013/20130599>

Occupational Safety and Health Act (738/2002),
translation available in English <http://www.finlex.fi/en/laki/kaannokset/2002/20020738>

Land Use and Building Act (132/1999),
translation available in English <http://www.finlex.fi/en/laki/kaannokset/1999/19990132>

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces, so-called enforcement act (44/2006),
translation available in English <http://www.finlex.fi/en/laki/kaannokset/2006/20060044>

Rescue Act (379/2011),
translation available in English <http://www.finlex.fi/fi/laki/kaannokset/2011/20110379>

Safety Investigations Act (525/2011)
Act on the Transport of Dangerous Goods (719/1994),
translation available in English <http://www.finlex.fi/fi/laki/kaannokset/1994/19940719>

Government decree on the control of major accident hazards liable to affect workers (922/1999)

Decree of the Ministry of the Interior on external rescue plans of sites posing a special hazard (406/2011)

II

Article 1

See response to I.

The essential provisions of the convention are included in the Act on safety in handling dangerous chemicals and explosives, which concerns the industrial handling, storage, transfer and preservation of dangerous chemicals. Its purpose is to prevent and counter damages to persons, the environment and property resulting from the manufacture, use, transfer, storage, preservation and other handling of dangerous chemicals. The act is also applied to explosives, including mining explosives and fireworks. The act also includes provisions on the requirements, certification, installation and maintenance of equipment and pipelines used in functions involving dangerous chemicals and explosives as well as measures required to prevent damage.

However, the Act on safety in handling dangerous chemicals and explosives does not apply to transport outside of the production facility in line with the Act on the Transport of Dangerous Goods nor to temporary, transport-related storage. Nor does the act apply to the manufacture, use and storage of explosives in mines to the extent provided by the Mining Act (621/2011). Radioactive substances and products containing radioactive substances, regulated by the Radiation Act (592/1991), are also excluded from the scope of the act.

In Finland, no facilities or economic sectors have been excluded from the scope of the convention due to the extent of our legislation.

Article 2

Does not concern Finland, since the convention has not been implemented phase by phase.

Article 3

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Article 4

The essential national laws are the Act on safety in handling dangerous chemicals and explosives, Chemicals Act, Occupational Safety and Health Act and Rescue Act. (See I and II article 1)

The Finnish legislation is based on the Directive of the European Parliament and of the Council on control of major-accident hazards involving dangerous substances (KOM(2010)781 Final), i.e. the implementing acts of the Seveso III directive. The Prevention of Major Industrial Accidents Convention no. 174 of the ILO has been implemented in Finland in accordance with national legislation, in turn based on EU regulations.

Article 4 of the convention calls for the drafting of a national policy to protect workers, the public and the environment from major accidents. The purpose of the national policy is to protect workers, the public and the environment against major accidents, and it is to be implemented through preventive and protective measures for major hazard installations.

In Finland, the Advisory Committee on Safety Technology has drafted a major accident prevention policy related to the use of dangerous chemicals. The committee includes representatives of all authorities and social partners as well as organisations involved with the industry.

Article 5

Extensive industrial operations require a permit from the Finnish Safety and Chemicals Agency (Tukes). In addition to monitoring, Tukes participates in national and international cooperation and drafting legislation. The monitoring of minor industrial operations falls under the authority of rescue authorities, to whom operators must report on their operations. The rescue authorities submit the data from the reports to Tukes.

Tukes regularly inspects production facilities within its scope of authority. Environmental, rescue and occupational safety and health authorities can participate in Tukes inspections.

In Finland, the identification of installations posing a danger of major accidents is based on the provisions of the Government decree on the industrial handling and storage of dangerous chemicals (59/1999) and its appendices on how the magnitude of operations is estimated based on the sum of ratios determined by the amount and danger level of chemicals. This sum is calculated separately for chemicals that pose a danger to human health, the environment and flammable and explosive chemicals, as further defined in the decree. The Government decree on the industrial handling and storage of dangerous chemicals includes provisions on the regular inspections of industrial facilities involved in the extensive handling and storage of dangerous chemicals. The facilities are inspected at intervals, depending on whether they are liable to produce a safety report or an operating principle document, which in turn depends on the amount of the dangerous chemical that the facility handles. Tukes is in charge of monitoring extensive industrial operations, and, in addition to monitoring, Tukes participates in national and international cooperation and drafting legislation. Environmental, rescue and occupational safety and health authorities cooperate in inspections.

Authorities also cooperate in e.g. the Advisory Committee on Safety Technology of the Ministry of Employment and the Economy.

The Advisory Committee on Safety Technology is a cooperation body established by the Government, which assists the Ministry of Employment and the Economy in processing technical safety matters within the meaning of the Pressure Equipment Act and Act on safety in handling dangerous chemicals and explosives.

The tasks of the advisory committee are as follows, in line with the decree on establishing the committee (540/1993):

1. to define general policies concerning technical safety
2. to promote the enforcement of technical safety and cooperation between authorities
3. to monitor and promote international cooperation on safety regulations
4. to follow development and research in technical safety
5. to draft proposals and initiatives to develop research, education, training and communication in the field of technical safety
6. to draft provisions and rules on technical safety
7. to issue statements and serve as an expert body
8. to make other initiatives on technical safety, and
9. to make other preparations requested by the Ministry of Employment and the Economy

Article 6

The Act on the Openness of Government Activities, Rescue Act and the confidentiality provisions of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces correspond to the regulation in this article.

Article 7

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Article 8

The act on safety in handling dangerous chemicals and explosives includes the obligation to apply for a permit for the extensive industrial handling of a dangerous chemical or to report to rescue authorities on minor industrial handling and to report the shut-down or interruption for longer than one year of the operations of a production facility or part thereof.

Article 9

Section 30 of the act on safety in handling dangerous chemicals and explosives defines measures to prevent major accidents resulting from dangerous chemicals. According to this section, operators are to draft a document detailing operating principles to prevent major accidents. If the danger of a major accident is significant, the operator must draft a safety report indicating operating principles to prevent and limit major accidents and information on the organisation necessary to carry out these measures as well as on the safety management system.

Section 28 of the act on safety in handling dangerous chemicals and explosives concerns internal rescue plans. Operators in charge of extensive industrial handling and storage of dangerous chemicals must draft a plan, detailing measures to prevent and minimise consequences of potential accidents, repair damage after the accident, and clean the environment. The Government decree on the industrial handling and storage of dangerous chemicals contains more detailed provisions on the contents and drafting of the internal rescue plan, its updates, drills and submissions to authorities.

According to section 27 of the Government decree on the industrial handling and storage of dangerous chemicals, the rescue plan must be reviewed at an interval of at most three years and it must be updated in accordance with changes in the production facility and rescue arrangements, new technical competence and knowledge of the prevention of major accidents. The updated rescue plan must be submitted to authorities. Its functioning is to be verified through drills at intervals of at most three years.

Emergency plans and procedures are described in accordance with the act on safety in handling dangerous chemicals and explosives. In addition to the act on safety in handling dangerous chemicals and explosives, measures to limit consequences of major accidents are outlined in e.g. the Occupational Safety and Health Act. For example, the Occupational Safety and Health Act requires that in drafting a safety and health action plan in line with the Occupational Safety and Health Act, the employer considers the danger of a major accident at the workplace. Negotiations with workers and their representatives are conducted based on e.g. the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces.

Article 10

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Article 11

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Article 12

The safety report is submitted to Tukes before the commencement of operations. Tukes will evaluate whether the measures are sufficient and can request further information, if necessary. Before its conclusions on the safety report, Tukes may request a statement from the Occupational Safety and Health area of responsibility under the Regional State Administrative Agency, rescue authorities and the Centre for Economic Development, Transport and the Environment.

Article 13

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Article 14

According to section 98 of the act on safety in handling dangerous chemicals and explosives, an operator must immediately report a serious accident in the production facility to the relevant authority, Tukes or rescue authorities. The report must describe the accident situation and provide enforcement authorities the necessary information on the measures taken to prevent long-term effects of the accident and the reoccurrence of similar accidents.

Article 15

According to section 48 of the Rescue Act, the rescue authorities must draft an external rescue plan in cooperation with the operator for the area where the production facility posing a danger of a major accident is located, in case there is an accident at the facility. In drafting the plan, the potentially exposed public is consulted, and sufficient cooperation must be ensured with local and neighbouring authorities.

Article 16

Section 27 of the Rescue Act defines the contents of rescue operations. The rescue authorities warn the public in situations of danger and accidents and secure the necessary alarm systems. The rescue authorities and the facility operator must communicate the danger of a major accident to the public and the rescue authorities must maintain the information necessary for public safety available to the public at least at the rescue department and on their website. As regards the prevention of transboundary effects of industrial accidents, the convention on the effects of industrial accidents (sopS 26/2000) is in force.

Article 17

This article concerns the authorities' action plan that is to ensure that the production facility posing a danger of a major accident is located separately from business and residential areas and public institutions and that the measures planned for the facility are in line with the general principles of the convention. The Land Use and Building Act is the most essential law in this respect.

Land use planning is based on the system, which includes the national land use objectives, regional plan, local master plan and local detailed plan. The national land use objectives require paying particular attention to prevention and elimination of risks to human health. In addition, the national

land use objectives include requirements for land use, which take into account the safe distance that has to be maintained to eg. avoid possible adverse health effects as well as requirements for the distance that has to be maintained between facilities, that can cause major industrial accidents, and residential areas. According to Land Use and Building Act (132/1999) section 24 paragraph 2, these requirements have to be taken into account in planning land use. Land Use and Building Act section 39 para. 2 and section 54 para. 2, and 3 also require that a safe and healthy living environment should be available for everybody.

Article 18

This article calls for authorities to have competent personnel that has access to professional and technical assistance, if necessary, to assess the compatibility of national legislation and the convention. Experts who inspect production facilities that pose a danger of a major accident need to have a Master's degree in technology, natural science or engineering as they apply for their position. Before the inspector starts conducting inspections alone, they will be accompanied by a more experienced inspector and prepare inspection reports. The inspector will participate in relevant training (training in operational inspections) arranged by Tukes or some other organisation, prepare permit decisions and notifications and assess safety reports with the guidance of an experienced inspector.

According to the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces, the employer and its representative, the occupational safety and health delegate and other workers have the right to be present at workplace inspections by the Safety and Health Authorities and receive information on the inspection and related follow-up measures.

Article 19

As regards limiting operations of a production facility, according to the act on safety in handling dangerous chemicals and explosives, enforcement authorities must prohibit the operation of the facility or part thereof or revoke its permit altogether or in part, if serious deficiencies have been detected in the operator's measures to prevent or limit accidents. The prohibition can be further backed by administrative coercive measures, such as a conditional fine, a reinforced binding decision, usage ban or threat of action, used to eliminate shortcomings detected in occupational safety and health at the workplace.

According to the Rescue Act, the rescue authorities have the right to interrupt operations that pose a threat of danger.

Article 20

Section 17 of the Occupational Safety and Health Act provides for cooperation between employers and employees. Employers and employees shall cooperate in maintaining and improving safety in workplaces. The employer shall in good time give the employees necessary information on any factors that affect safety and health in the workplace and other circumstances that have an effect on the working conditions as well as on any assessments and other analyses and plans concerning them. The employer shall also ensure that these matters are duly and in good time discussed between the employer and the employees or their representatives. In addition, section 44 of the act stipulates that if substances that may cause a major accident are handled or stored in the workplace, the employees shall be given necessary training and instructions for controlling the hazard and on the procedure to be followed in the case of an accident. When necessary, exercises shall be

arranged. Furthermore, work shall be so arranged that the risk of fire, explosion, drowning or other accident is as low as possible.

The Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces and the Government decree on the control of major accident hazards liable to affect workers also contain provisions on cooperation between the employer and employees.

Section 23 of the Occupational Safety and Health Act concerns an employee's right to leave off work. According to this section, if the work causes a serious risk to an employee's own or other employees' life or health, the employee has the right to leave off such work. The employer or his or her representative shall be informed of the employee leaving off the work as soon as possible. The right to leave off work continues to exist until the employer has eliminated the risk factors or in some other way ensured that the work can be done safely.

Section 36 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces concerns an occupational safety and health delegate's right to interrupt work that poses direct and serious danger to an employee's life and health. The interruption must be reported immediately to the employer or its representative.

Article 21

According to section 18 of the Occupational Safety and Health Act, employees shall follow the orders and instructions given by the employer within his or her competence. Employees shall also otherwise observe such order and cleanliness as well as care and caution that is necessary for maintaining safety and health necessitated by the work and working conditions. Employees shall also, in accordance with their experience as well as the instruction and guidance provided by the employer and according to their occupational skills, by available means take care of both their own and the other employees' safety and health.

Article 22

According to the act on safety in handling dangerous chemicals and explosives, if the product or explosive within the meaning of the act is not in compliance with the provisions of the act or may, in ordinary or predictable circumstances, endanger a person's safety or cause danger to the environment or property, Tukes shall prohibit the operator from manufacturing it, putting it out on the market, selling it or otherwise handing it over as part of their business operations.

Collection and communication of the information referred to in article is based in Finland on the EU-legislation, namely the regulation no 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals. The regulation requires that the exchange of the information named in the convention shall take place between member states.

Authorities responsible for supervising the compliance with the regulations are defined in the chemicals act (599/2013) sections 7, 9, 13, 15, 23 and 59. The Finnish Environment Institute (SYKE) is the authority that supervises the notification procedure and is responsible for supervising the implementation of the above mentioned regulation. SYKE is also the national authority required by the regulation.

III

Ministry of Employment and the Economy
 Ministry of Social Affairs and Health
 Ministry of the Environment
 Ministry of the Interior
 Finnish Safety and Chemicals Agency
 Regional State Administrative Agency, Occupational Safety and Health
 Rescue Authorities
 The Finnish Environment Institute (SYKE)
 Centres for Economic Development, Transport and the Environment

The essential method is inspections.

IV

Nothing new to report.

V

With the convention, we commit to cooperation in the prevention of major accidents. As regards major accidents, plans and procedures for joint inspections involving several authorities are of the essence. There is no numeric data available in the information system in use, Vera.

The responses in this report are largely based on the Government proposal to the Parliament on the ratification of the Prevention of Major Industrial Accidents Convention and enforcement as law of provisions within the scope of legislation of the convention.

The legislation within the scope of the convention is based on the provisions related to the implementation of the Seveso directive.

Matters related to major accidents are discussed in the Advisory Committee on Safety Technology.

VI

A copy of this report has been sent to the following labour market organisations:

The Confederation of Finnish Industries (EK)
 The Central Organization of Finnish Trade Unions (SAK)
 The Finnish Confederation of Professionals (STTK)
 The Confederation of Unions for Professional and Managerial Staff in Finland (AKAVA)
 The Commission for Local Authority Employers (KT)
 The State Employer's Office (VTML)
 The Federation of Finnish enterprises