

ANNEX IX

ADDITIONAL QUESTIONNAIRE FOR REPORTS BY MEMBER STATES PURSUANT TO ARTICLE 51(2)

REFERENCE YEAR: 2023

REPORTING COUNTRY: FINLAND

Article 24 and Article 50(1)	Information on illegal shipments of waste Has there been any case? Yes No (please tick <i>✓</i> as appropriate) ☒ ☐ If yes, please complete Table 5. Please provide information on how illegal shipments of waste are prevented, detected and penalised under national legislation: According to the Environmental Protection Act (527/2014) section 21 the Centres for Economic Development, Transport and the Environment guide and promote the execution of duties referred to in provisions issued in the Act and under it, enforce the provisions and exercise their right to defend public environmental interests in decision-making based on the Act. 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. The Finnish Environment Institute is also the correspondent specified in the Waste Shipments Regulation. 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. According to the Waste Act section 25 the Finnish Environment Institute supervises compliance with provisions concerning transboundary shipments of waste. The role of Customs is issued in section 117: Customs shall, when necessary, stop a transboundary shipment of waste that does not fulfil the requirements laid down in the Waste Shipments Regulation or the Waste Act and shall notify to the matter to the Finnish Environment Institute for decisions on further measures. The liability to penalty is regulated both by the Criminal Code of Finland (39/1889, latest amended in 2022) chapter 48, section 1(4) and section 2 and by the Waste Act section 147 (21 and 22). According to the Waste Act sections 131 – 133 the supervisory authority may impose a penalty payment for negligence for certain acts of negligence. According to the Criminal Code of Finland chapter 48, section 1(4) a person who,
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	intentionally or through gross negligence, imports waste to Finland, exports waste from Finland or transfers waste through the territory of Finland in violation of the Waste Act or a provision or a case-specific regulation issued under it or the Waste Shipments Regulation so that the act is conducive to causing environmental pollution, other equivalent harmful alteration or littering of the environment or a health hazard, shall be sentenced for degradation of the environment to a fine or to imprisonment for at most two years. Also, an attempt at an intentional offence referred to in subsection 1, paragraphs 4–6 is punishable. If the offence is committed in violation of an order or a prohibition of an authority and the offence is aggravated when assessed as a whole, the perpetrator shall be sentenced for aggravated degradation 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 anyone who deliberately or through gross negligence, in a manner other than that described above (Criminal Code of Finland, chapter 48) imports waste, exports waste or ships waste via Finnish territory in violation of section 109 or section 110 or of a provision or a regulation concerning an individual case laid down under the Waste Act or of the ban on waste mixing laid down in Article 19, the export prohibition laid down in Article 34, 36, 39 or 40 or the import prohibition laid down in Article 41 or 43 of the Waste Shipments Regulation, shall be sentenced to a fine for violation of the Waste Act, unless a more severe punishment is provided elsewhere by law. According to Waste Act section 147 anyone who deliberately or through gross negligence, in a manner other than that described above (Criminal Code of Finland, chapter 48) neglects the submission of a notification laid down in Article 4, the obligation to notify the competent authority of a route modification laid down in Article 13(2), the obligation to notify the competent authority of changes to the consented quantity or route, routing or date of shipment laid down in Article 17, the obligation to keep documents and information laid down in Article 20 or the taking of steps concerning the protection of the environment laid down in Article 49 of the Waste Shipments Regulation, excluding, however, negligence laid down in section 131, subsection 2, paragraphs 8 and 9; shall be sentenced to a fine for violation of the Waste Act, unless a more severe punishment is provided elsewhere by law.
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Article 50(2) ¹	Summary information on the outcome of the inspections carried out pursuant to Article 50(2), including: - 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: 56 inspections municipal authorities: 16 inspections total: 72 - number of inspections of shipments of waste, including physical checks: Customs and/or Finnish Environment Institute: 26 Harbour inspections: 249 total: 275 - 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: 3 total: 4 - number of supposed illegal shipments ascertained during the inspections: Customs and/or Finnish Environment Institute: 5 Harbour inspections: 0 total: 5 Additional remarks: Some minor offences have not been reported as illegal waste shipments. In many cases the exporters have been given a chance to correct their procedures before continuing the shipment.
Article 50(2a) ¹	Information on the inspection plan(s) Number of inspection plan(s) for the entire geographical territory: 1 <u>Supervision and inspection of transfrontier shipments of waste (ymparisto.fi)</u> The date of adoption of the inspection plan(s) and the period covered by them: adoption: - 29.12.2016; period covered: years 2017 - 2019 - 28.2.2020; period covered: years 2020 – 2022 - 27.3.2023; period covered: years 2023 - 2025 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). According to Waste Act section 22 The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation and is responsible

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

	for cooperation with other competent authorities in the supervision of transboundary shipments of waste. Indicate the persons or bodies to which concerns or irregularities can be reported: The Finnish Environment Institute.
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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 (16 01 04*, 16 01 21*, 16 01 22)	27 tons	FI => NG	WSR Article 2 (35f); export ban for hazardous waste	X			returned to FI from DE; inspected and wastes sent to waste treatment in FI, investigation on-going
B1010, B10150	330 tons	FI => CN	WSR Article 2 (35a)	X		X	investigation on-going
not listed (EU48)	22 tons	FI => EE	WSR Article 2 (35a)	X			investigation ended; no punishment
A1160, not listed	8 tons	FI => TG	WSR Article 2 (35f); export ban for hazardous waste	X			stopped, inspected and wastes sent to waste treatment in DE, investigation on-going
not listed (16 05 07*)	5 tons	SE => FI	WSR Article 2 (35a)	X			responsible: SE authority
GC020, B1180	28 tons	FI => SE	WSR Article 2 (35g)			X	note of negligence
A1160	2 ton	NO => SE	WSR Article 2 (35a)	X			written caution
		NO => FI / SE	cases, where “wrong” border crossing point or no transit permit through / to FI or no waste transport permit				returned back to NO / instructions

* Information on cases which have been closed during the reporting period. **Finland has reported the cases observed during the reporting period.**