

Government proposal to parliament for legislation implementing the EU Waste Shipment Regulation.

MAIN CONTENT OF THE PROPOSAL

The proposal suggests amendments to the Waste Act, the Criminal Code, and the Fertiliser Act.

The purpose of the proposal is to adopt provisions supplementing the revised EU Waste Shipment Regulation. The proposal would amend the provisions concerning the shipment of waste intended for final disposal in the Waste Act. The provisions in the Waste Act that are regulated in the new regulation would be repealed. These include, for example, the provision on the prior approval of waste recovery facilities and the provision concerning the shipment of so-called green waste. The regulation concerning neglect fees and sanctions would be updated. Some of the proposed changes are necessary for the implementation of the Waste Shipment Regulation, while others arise from national needs, such as restricting shipments intended for final disposal. Several technical amendments would also be made to the Waste Act. In addition, references to the new Waste Shipment Regulation in the Criminal Code and the Fertilizer Act would be amended.

The proposed laws are intended to enter into force on 21 May 2026 at the same time as the provisions of the EU Waste Shipment Regulation become applicable.

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EXPLANATORY NOTES

1 Background and preparatory work

1.1 Background

The proposed provisions would implement Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 (hereinafter *Waste Shipment Regulation*).

The regulation is directly applicable in the Member States, but certain articles of the new regulation, which will become applicable on 21 May 2026, require national regulation. The provisions would be applied in parallel with the new Regulation. Supplementary national regulation is required, inter alia, regarding the financial guarantee in accordance with Article 7 of the Waste Shipment Regulation, the conditions for the transfer to final processing laid down in Article 11, the provision of information to the authorities under Article 27, and the penalties under Article 63.

1.2 Preparatory work

Preparation of the EU regulation

On 17 November 2021, the European Commission submitted a proposal for a Regulation of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 (COM(2021) 709 final)¹, which fully replaces the previous Waste Shipment Regulation. The revision of the Waste Shipment Regulation was intended to respond to the call for a revision of the Waste Shipment Regulation made in the context of the European Green Deal (COM(2019) 640 final)² and the Circular Economy Action Plan (COM(2020)98 final)³. The European Parliament and the Council had also called on the Commission to carry out a thorough review of the Waste Shipment Regulation.

The draft Regulation was submitted to Parliament in Government communication (U-letter) [U 84/2021 vp \(eduskunta.fi\)](#) on 27 January 2022. The Government generally welcomed the proposal for a Regulation and supported it. The Committee on the Environment adopted Opinion YmVL 2/2022 vp⁴ on the communication, endorsing the Government's position. In the negotiations on the proposed Waste Shipment Regulation, Finland considered it important that the Regulation be updated and that it aim to take into account the requirements of the circular economy. In the negotiations, Finland supported, among other things, the introduction of a mandatory EU-wide electronic waste shipment system and the requirement that all shipments of waste should be notified to the authorities. The final regulation, taken as a whole, is in line with Finland's position as set out in the Government communication.

¹ eur-lex.europa.eu/legal-content/FI/TXT/HTML/?uri=CELEX:52021PC0709

² [Euroopan vihreän kehityksen ohjelma \(europa.eu\)](#)

³ [COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS A new Circular Economy Action Plan For a cleaner and more competitive Europe](#)

⁴ [YmVL 2/2022 vp \(eduskunta.fi\)](#)

An agreement was reached on 17 November 2023 on the Waste Shipment Regulation. The Regulation was adopted on 11 April 2024 and entered into force on 20 May 2024. The new Waste Shipment Regulation will be applied in phases. In accordance with Article 86 of the Regulation, application in the Member States is to take place, for the most part, on 21 May 2026, with the exception of certain articles which became applicable after the entry into force of the Regulation and certain articles which have a different date of entry into force. Due to the transitional periods for the new Regulation, Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 2006 on shipments of waste (hereinafter the *preceding Waste Shipment Regulation*) applies in the EU. It will apply in certain respects for a period of three years after the entry into force of the new Regulation.

Drafting of the Government Proposal

The proposal has been prepared by the Ministry of the Environment as an official work. The preparatory work was supported by the Finnish Environment Institute (Syke), which is the competent authority for international shipments of waste.

The draft Government proposal was submitted for consultation through the consultation service between 13 March 2025 and 14 April 2025.

The draft Government proposal is notified to the European Commission in June 2025 in accordance with Article 4 of the Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services.

Information on the preparatory stages of the Government proposal is available in the Government project window <https://valtioneuvosto.fi/hankkeet> under project number YM049:00/2024.

2 The objectives and main content of the EU Waste Shipment Regulation

2.1 Introduction

The general objective of the Waste Shipment Regulation is to increase the level of protection of the environment and health from the effects of inappropriate transboundary shipments of waste. The objectives also include:

- facilitating shipments within the EU of waste intended for recycling and reuse;
- ensuring that EU Member States do not export their waste-related problems to third countries, and
- combating illegal shipments of waste.

The revision of the EU Waste Shipment Regulation responds in part to challenges identified in EU programmes and plans promoting the green transition and circular economy. The European Green Deal and the EU Industrial Strategy have recognised the strategic importance of access to raw materials and its impact on the implementation of the green transition.

Furthermore, the Action Plan on Critical Raw Materials (COM/2020/474 final) emphasises that significant quantities of raw materials leave the EU as waste, rather than being recycled into secondary raw materials that would support the diversification of supply sources for industrial ecosystems within the EU.

With regard to intra-EU waste shipments, the new Waste Shipment Regulation modernises the notification procedure and improves the traceability of green waste shipments. The Regulation will harmonise the application of notification procedures and obligations across Member States, for example regarding pre-approved facilities, financial guarantees, and the classification of the waste to be shipped. The regulation aims to harmonise the provisions with the waste hierarchy (order of priority) and encourages reuse and recycling by prohibiting the export of waste for disposal, unless the export meets certain conditions.

The Regulation introduces an EU-wide electronic data transmission system to be used at least for intra-EU waste shipments. This electronic system will also apply to shipments under Article 18, the so-called green-listed shipments, which currently do not require notification to the authorities.

In the case of waste shipments to countries of the European Organisation for Economic Cooperation and Development (hereinafter the *OECD*), a procedure is introduced to monitor the export of waste to those countries and to mitigate any environmental problems that may result from such export. If it is found that the export will cause significant damage to the environment or people in the country of destination, or that the waste will be further shipped to third countries, the Commission may adopt delegated acts prohibiting the export of this waste to that country.

The Regulation creates a reformed procedure in which non-OECD countries must notify the EU Commission of their willingness to import non-hazardous waste from the EU and demonstrate their ability to deal with them sustainably according to certain criteria. The Commission shall maintain a list of countries to which the export of waste is authorised. Under the new regulation, exports of waste to non-EU countries would only be allowed if the exporter can verify that the waste is handled in an environmentally acceptable manner.

In the case of illegal shipments of waste, the effectiveness of controls will be improved and provisions on penalties will be strengthened. In addition, an EU-level waste shipment monitoring team is set up with the aim of facilitating and improving cooperation and coordination between Member States to prevent and detect illegal shipments. The Regulation enhances cooperation between inspections and investigations at national and EU level, including by allowing the Commission to carry out inspections related to waste shipments.

2.2 National margin

Even though the Waste Shipment Regulation is directly applicable in the Member States, a number of provisions in the regulation leave room for national discretion. Margin of manoeuvre has been allowed, for example, concerning the type of financial guarantee accepted for the waste shipment (Article 7). Article 11 of the Regulation leaves room for manoeuvre to provide for national provisions on the principles of proximity and self-sufficiency when waste is transferred for disposal. Articles 9, 14 and 17 of the Waste Shipment Regulation provide for the amendment and withdrawal of the approval of an international shipment and the decision on prior approval of a recovery facility, but the regulatory framework of the Regulation should be specified at national level. Article 27 of the

Regulation leaves it to national discretion whether the Member State uses its own electronic systems or a central system prepared by the Commission to submit data on waste shipments to the authority and to process the data.

In accordance with Article 63, penalties for infringements of the Regulation should be laid down at national level. According to this Article, Member States shall lay down the rules on penalties applicable to infringements of the provisions of the Regulation and shall take all measures necessary to ensure that they are implemented, without prejudice to the obligations of the Member States under Directive 2008/99/EC. The penalties provided for must be effective, proportionate and dissuasive. According to paragraph 3 of the Article, Member States should be able to impose at least the following penalties, if necessary, in the event of an infringement of the Regulation: a) fines; b) the withdrawal or temporary suspension of the authorisation to carry out activities related to the management and shipment of waste, to the extent that those activities fall within the scope of this Regulation; c) suspension from public procurement procedures for a fixed period. Section 147(2) of the Waste Act contains fined penal provisions for violations of the previous Waste Shipment Regulation. In addition, according to Chapter 48, Section 1(4)(b) of the Criminal Code, anyone who, intentionally or through gross negligence, imports, exports or ships waste through the territory of Finland in violation of the preceding Waste Shipment Decree in such a way that the act is likely to cause environmental pollution, other harmful changes or littering of the environment, or a danger to health, shall be sentenced to pay a fine or to imprisonment for up to two years for pollution of the environment. These provisions should be updated to reflect the new Waste Shipment Regulation.

It is not necessary to adopt national rules for the implementation of points (b) and (c) of paragraph 3 of this Article. The requirement under point (b) concerning the withdrawal of a permit is fulfilled by the provisions of the Waste Act and the Environmental Protection Act. Section 115 of the Waste Act provides for the revocation of an authorised shipment pursuant to the Waste Shipment Regulation. A violation of the Waste Shipment Regulation may also lead to the revocation of the permit for a waste treatment facility pursuant to Section 93 of the Environmental Protection Act. The activities authorised by the permit may also be suspended pursuant to Section 181 of the Environmental Protection Act.

The requirement for exclusion from public procurement procedures laid down in Article 3(c) is also fulfilled under the applicable national legislation. Section 81 of the Public Procurement Act (1397/2016) provides for discretionary exclusion grounds. Under subsection 1(5), the contracting entity may, by decision, exclude a candidate or tenderer who has breached obligations in the field of environmental, social and labour law under Finnish or European Union law, collective agreements or international agreements listed in Annex C to the Act. However, it is a prerequisite that the contracting entity can prove the existence of the infringement. It is stated in the explanatory memorandum to that section (HE 108/2016 vp) that the section would cover environmental offences under chapter 48 of the Criminal Code. Infringements of the Waste Shipment Regulation would therefore constitute judgements handed down by a court.

According to Article 63(2) of the Regulation, Member States shall ensure that, where penalties are imposed for infringements of the Waste Shipment Regulation, the following factors are taken into account, where applicable: (a) the nature, gravity and extent of the infringement; (b) where applicable, whether the infringement was committed intentionally or negligently; (c) the financial capacity of the natural or legal person held responsible; (d) any financial benefit gained by the responsible natural or legal person as a result of the infringement, insofar as it

can be determined; (e) the environmental damage caused by the infringement; (f) any actions taken by the responsible person to mitigate or remedy the damage caused by the infringement; (g) whether the infringement is of a repeated or isolated nature; and (h) any other aggravating or mitigating circumstances relevant to the case. Paragraph 2 of the Article is not expected to require new national regulation. If the violation concerns the violation of certain administrative obligations, the provisions on the neglect fee under the Waste Act (sections 131–133) could become applicable. In accordance with Section 132 of the Waste Act, the nature and extent of the infringement and the economic advantage acquired are to be taken into account when assessing the amount of the neglect fee. In the case of a more serious infringement, the penalty provisions of Section 147 of the Waste Act, which are liable to a fine, may apply. In accordance with Section 136 of the Waste Act, if there is a suspicion of environmentally damaging activities, the supervising authority is obliged to notify the police or, in the case of a customs offence, primarily Customs for the purpose of a preliminary investigation, if there are grounds to suspect an act or omission that may cause environmental degradation within the meaning of Chapter 48 of the Criminal Code. In Chapter 48 of the Waste Act and the Criminal Code, the penal provisions take into account the intentional nature and negligent character of the act. If the Waste Shipment Regulation is violated intentionally or through gross negligence, and the act may cause environmental pollution, Chapter 6 of the Criminal Code contains the necessary provisions, including grounds for mitigating or aggravating the penalty.

Articles 12, 29, 31, 36, 39, 64 and 77 of the Regulation also contain national leeway to regulate certain aspects at national level. As a rule, the provisions of the Waste Act cover the room for manoeuvre provided for in those provisions, and there is no need to adopt new legislation. It is also not necessary to take advantage of all the margin of manoeuvre. Under Article 12 of the Regulation, a Member State may, on certain grounds, raise objections to shipments of waste destined for recovery. One such criterion for the import of waste is that a restriction on shipments for recovery operations other than recycling and preparing for reuse is necessary to protect the waste management network of the Member States if such shipments would result in the disposal of domestically produced waste or in its treatment in a manner that is not consistent with its waste management plans. However, at national level, there has been no need to restrict transfers on the grounds mentioned above or on other grounds provided for in Article 12 of the Regulation.

Article 29 on the classification of waste also leaves room for national discretion, but Sections 5a and 5b of the Waste Act already cover these requirements. According to Article 31 of the Regulation, Member States may conclude bilateral agreements to facilitate the notification procedure for movement within a border area. Finland has such a valid agreement with Sweden, and the possible update of the agreement is under assessment. According to Article 36 of the Regulation, a Member State shall establish an appropriate control and inspection system for the transport of waste carried out within its territory under national jurisdiction. The obligation to draw up a shipment document pursuant to Section 121 of the Waste Act, the obligation to submit information to the register pursuant to Section 121b of the Waste Act and the powers of the supervisory authorities provided for in Chapter 13 of the Waste Act cover the requirements of Article 36.

Under Article 39 of the Regulation, Member States may, in exceptional cases, decide that certain waste is hazardous and should therefore be subject to an export ban. Similarly, the Article makes it possible to classify hazardous waste as non-hazardous and thus to exclude it from the export ban. Article 64 of the Regulation allows the Member States a margin of discretion in organising the enforcement cooperation of the Regulation at national level.

Enforcement cooperation is provided for in Section 22 of the Waste Act. According to Article 77, Member States may designate customs offices of entry and exit. In Finland, this authority is conferred on Customs (Section 117 of the Waste Act).

2.3 Implementing and delegated acts

The Regulation confers powers on the Commission to adopt 15 implementing or delegated acts. The main implementing acts are, for example, an act establishing detailed criteria under Article 11 on what is meant by technically feasible and economically viable conditions for shipments of waste destined for disposal and an act establishing detailed procedural and operational requirements under Article 27 to ensure the functioning of electronic data transmission. The Commission has the possibility to adopt delegated acts, inter alia pursuant to Article 14, concerning amendments to the information to be included in a pre-consent request, as well as for drawing up a list of third countries that are capable of managing waste in an environmentally sound manner and to which the export of so-called green-listed waste and certain other non-hazardous waste is permitted (Article 41). In addition, the Commission may prepare a delegated act on, inter alia, the necessary measures to restrict exports to OECD countries where a risk of harm to the environment has been identified (Article 45).

3 Current situation and its assessment

Waste shipments have been controlled since the 1980s. In 1989, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (SopS 45/1992; ‘the *Basel Convention*’) was adopted to address problems related to shipments of hazardous waste to developing countries. In 1992, the OECD Council adopted a legally binding decision on the control of transboundary movements of wastes destined for recovery operations in OECD countries (hereinafter the *OECD Decision*). In 2006, the European Parliament and the Council adopted Regulation (EC) No 1013/2006 on shipments of waste, which implemented the provisions of both the Basel Convention and the OECD Decision. The new Waste Shipment Regulation replaces the 2006 Regulation. The Regulation lays down in detail the procedure for the approval of exports, imports and transits of waste and the control of shipments. The Waste Shipment Regulation contains, in certain respects, stricter and more detailed provisions than the Basel Convention.

The Regulation lays down the procedures and controls applicable to shipments of waste. Waste to be shipped may be broadly divided into two categories. Hazardous and certain other wastes are subject to the procedure of prior written notification and consent (waste shipment permit). The second category consists of wastes referred to in Article 18, i.e. so-called green-listed waste (‘green waste’), for which no pre-consent procedure is required and no notification to the authorities is necessary for their shipment. Green waste refers to certain types of waste which are non-hazardous and whose shipments for recovery are unlikely to pose a risk to the environment and health, such as metal scrap and waste paper. The Regulation allows EU Member States to grant so-called pre-consent to waste recovery facilities, which allows for a shorter permitting period and longer-term waste shipment permits. The Waste Shipment Regulation also provides for export bans for certain types of waste and certain destinations.

The Waste Shipment Regulation 2006 has been implemented by the Waste Act (646/2011) and the Criminal Code (39/1889, amendment 748/2007). The competent authority for the Waste Shipment Regulation is the Finnish Environment Institute, which also supervises shipments of waste in cooperation with Customs (Sections 22 and 25 of the Waste Act). Chapter 12 of the Waste Act contains provisions supplementing the Waste Shipment

Regulation on international shipments of waste. The chapter lays down, among other things, the conditions under which waste may be exported from Finland for disposal to another country (Section 109) or imported to Finland for disposal (Section 110), the possibility of prohibiting a shipment due to an illegal shipment or non-payment (Section 111), the application of the export ban under Article 36 of the Waste Shipment Regulation in certain situations (Section 112), the international shipment of waste under Article 18 of the Waste Shipment Regulation (Section 113), the pre-consent of a waste recovery facility (Section 114) and acceptable guarantees (Section 116). The Waste Decree (978/2021), hereinafter referred to as the Waste Decree, issued under the Waste Act, contains provisions on the content of applications for prior approval of waste recovery facilities. Some other government decrees issued under the Waste Act contain references to the Waste Shipment Regulation. The Fertiliser Act (711/2022) also refers to the Waste Shipment Regulation.

Failure to comply with certain administrative obligations under the Waste Shipment Regulation may be subject to a penalty fee under Section 131 of the Waste Act. In addition, Section 147 of the Waste Act criminalises, inter alia, the export or import of waste in breach of the Waste Shipment Regulation and the failure to comply with certain essential administrative obligations, such as the retention of documents or data. An act contrary to the import or export ban in the Waste Shipment Regulation can also be punishable under the Criminal Code if the act is likely to cause environmental pollution, other similar harmful changes in or littering of the environment, or a risk to health.

The implementation of the new Waste Shipment Regulation will require a revision of national legislation. For waste sent for disposal, the national regulation should be amended, as more detailed regulation on this matter has been included in the Regulation. The Waste Act would provide for an authority to act as a waste shipment enforcement group under the Waste Shipment Regulation. The regulation on financial guarantee would be clarified. It would also be necessary to lay down the obligation for operators to provide information to the Finnish Environment Institute, so that the information can be forwarded to the central system of the EU. The provisions of the Waste Act on neglect fees and penal provisions should also be updated. In addition, other minor technical amendments to the Waste Act would be made and the provisions laid down in the new Waste Shipment Regulation would be removed as unnecessary.

As regards the update of the penalty regulation in the Waste Shipment Regulation, it should be noted that the Ministry of Justice is currently preparing for the implementation of Directive (EU) 2024/1203 of the European Parliament and of the Council on the protection of the environment through criminal law, replacing Directives 2008/99/EC and 2009/123/EC (hereinafter the *Environmental Crime Directive*) (<https://oikeusministerio.fi/hanke?tunnus=OM034:00/2024>). The Environmental Crime Directive contains a criminalisation obligation for the conduct contrary to the Waste Shipment Regulation (Article 3(2)(g)). According to that paragraph, Member States shall ensure that the following conduct constitutes a criminal offence when it is illegal and intentional: (g) a shipment of waste within the meaning of Article 2(26), of Regulation (EU) 2024/1157 of the European Parliament and of the Council, where such conduct concerns a non-negligible quantity, irrespective of whether it is a separate shipment or several shipments which appear to be linked. In the preparation for the implementation of the Directive, the need for legislative amendments relating to this paragraph will be assessed. It should be noted that under the Environmental Crime Directive, illegal shipments of waste under the Waste Shipment Regulation must be punishable even if the act does not pose a risk of environmental pollution. The deadline for

implementation of the Directive is 21 May 2026, the date on which the new Waste Shipment Regulation becomes applicable.

4 Proposals and their impacts

4.1 Main proposals

The proposal is for the adoption of additional national legislation necessary for the application of the Waste Shipment Regulation. The Waste Shipment Regulation also allows for some leeway at national level to clarify certain provisions. The most relevant provision proposed for amendment concerns the shipment of waste for disposal. Under the current Waste Act, the import of waste for disposal is permitted only if it is incinerated or treated biologically or physico-chemically. According to the proposed amendment, the import of waste for disposal would be allowed for other disposal options, except for landfilling. At the same time, the provision on the conditions for shipment when waste is shipped to another country for disposal would be repealed. Only the requirements laid down in the Waste Shipment Regulation would be applied to shipments of waste from Finland for disposal in another country.

Other key amendments to the Waste Act proposed as necessary for the implementation of the Waste Shipment Regulation concern, for example, involvement in the waste shipment enforcement group, the prohibition of an international shipment of waste in a specific case, the validity of the financial guarantee provided for a shipment of waste, the submission of data on the shipment of waste and the Finnish Environment Institute's rights to access information.

The Finnish Environment Institute would be given the additional task of acting in the waste shipment enforcement group. The Finnish Environment Institute would now be able to prohibit an international shipment of waste where the notifier has failed to pay the fee for the supervision of consignments related to a previous notification. Under the proposal, the financial guarantee for the shipment of waste should always be indefinitely valid. In addition, it is proposed to add a new provision to the Waste Act, according to which information on international shipments of waste should be sent to the Finnish Environment Agency's waste shipment system, to be forwarded to the EU central system.

The proposal would repeal the sections of the Waste Act as provided in detail in the new Waste Shipment Regulation. The sections proposed for repeal would be that on shipment of green waste and that on the prior consent of a waste recovery facility. The rules on penalties would be clarified due to the new requirements of the Waste Shipment Regulation. New obligations of an administrative kind would be added to the scope of the penalty for negligence. The necessary changes would also be made to the penal provisions in order to bring all export bans laid down in the Waste Shipment Regulation within the scope of the rules on penalties. In addition, four new offences would be added to the penal provision. These would be the general prohibition in Article 4(1) to ship waste for disposal if consent has not been obtained in accordance with Article 11, the prohibition in Article 4(3) to ship mixed municipal waste for disposal, the export of waste to a non-EU facility contrary to Article 46 of the Regulation and the shipment of waste without consent in accordance with Article 9 of the Regulation.

Technical changes to some sections of the Waste Act would be made to refer to Articles in the new Waste Shipment Regulation.

In addition, the section on rights of access to information would be further clarified with regard to the exchange of information between public authorities.

4.2 Principal impacts

Impact on companies

The proposal would reduce the administrative burden for companies carrying out waste shipments in the longer term when they implement the information system for international waste shipments administered by the Finnish Environment Institute. Even today, most of the data are reported directly to the Finnish Environment Institute's system, from which an automatic message regarding information on waste consignments is sent to the other relevant authorities. However, there are still situations and companies where the information is emailed to the Finnish Environment Institute. This is partly due to the fact that the automated message sent from the system is not accepted by the authorities in all countries. When electronic reporting becomes mandatory, email notifications would be discontinued.

The amendment to the national provisions would have an impact on businesses that currently export or import waste for disposal. The new Waste Shipment Regulation lays down the conditions that must be met for waste to be shipped for disposal. The export of waste for disposal would be subject to the conditions laid down in the Regulation. Under the national legislation in force, waste may be imported into Finland for disposal if the hazardous waste is incinerated in a specialised facility or is treated biologically or physico-chemically. Importation for landfilling is currently not permitted, except for imports based on a cooperative arrangement between local authorities in Finland and Sweden or Finland and Norway. However, after physico-chemical treatment, the waste usually goes to landfill. It would be proposed for the Waste Act that it would not be possible to import waste into Finland for landfilling, so the amendment would put an end to imports for the companies concerned if they could not find an alternative to landfilling. In recent years, there have been fewer than five companies in Finland that have imported waste for physico-chemical treatment, and so this change would obviously have an impact on the business of these companies.

The proposal is that in the future, the financial guarantee for international waste shipments should be valid for an indefinite period, whereas at present a fixed-term guarantee is also permitted. This could lead to a small increase in the costs involved in establishing the guarantee. Some of the companies carrying out shipments of waste already have indefinitely valid financial guarantees in place.

Impact on public authorities

The Finnish Environment Institute is the national authority under the Waste Shipment Regulation. It is responsible for the authorisation of international waste shipments and supervises waste shipments. In the future, the Finnish Environment Agency would act in the new waste shipment enforcement group established under the Waste Shipment Regulation, which would be a new responsibility for it. The impact of the amendments to the Waste Act on the authorities is thought to be minor.

The Waste Shipment Regulation introduces an EU-wide electronic waste shipment information system. In the future, data on waste shipments must be sent to the EU central system (DiWaSS) developed by the Commission. The introduction of an electronic system in

the EU will reduce the workload for the authority, as information related to waste shipments will now be reported via the electronic system. The national waste shipment system in use by the Finnish Environment Agency would need to be integrated with the EU central system. The procedure for waste shipment permit and the amendments regarding the notification of green waste would also need to be contained in the Finnish Environment Institute's system. To make changes to the information system and link the national system to the EU system, the Ministry of the Environment has granted the Finnish Environment Agency the sum of EUR 60 000 to be used in 2025. Following the integration and updating of the system, the Finnish Environment Institute would be responsible for administering it with the funding earmarked for it in its operating expenditure.

The proposed amendment to the section on the right of access to information would make the conditions under which the supervisory authorities of the Waste Act and the Ministry of the Environment could obtain information from other authorities more stringent. However, the change is predicted to be slight.

Environmental effects

The proposed provisions of the Waste Act are not expected to have a direct impact on the environment. A ban on the landfilling of waste would safeguard the adequacy of landfill capacity in the longer term and thus make it less necessary to establish new landfill sites.

The new Waste Shipment Regulation will make monitoring of waste shipments more effective, and it is thought that this will lead to better detection of illegal waste shipments and a reduction in illegal waste trade. Public authorities will also have better access to information on green waste shipments and operators as green shipments become subject to the notification obligation. Better access to information will make it easier to look into suspected illegal shipments of waste and help prevent or reduce the environmental impact of illegal shipments of waste, both within and outside the EU.

5 Other options for implementation

5.1 Alternatives and their impacts

In accordance with Article 11(1a)(iii) of the Waste Shipment Regulation, the shipment of waste to final disposal must comply with the waste hierarchy and the principles of proximity and self-sufficiency. Whether this section required national regulation was a matter for consideration at the national level. In order to apply the principle of self-sufficiency, it is proposed to prohibit the import of waste for landfilling in order to have sufficient landfill capacity to dispose of domestic waste. As the circular economy progresses, landfills will be closed continuously, and as a result landfill capacity will decrease. If the introduction into a landfill were allowed, the landfill capacity could become critical in the future.

In the Nordic countries, an increase in landfill imports has been observed in recent years, and efforts are being made to avoid any development in this direction in Finland. According to the legislation in force, waste may be imported to Finland for final treatment only for incineration, biological treatment or physico-chemical treatment. Import for other disposal is prohibited. The proposed provision would allow imports into disposal operations other than landfills. It would also be possible to limit imports for other disposal at national level, but there is no particular need for this, since Article 11 of the Waste Shipment Regulation already imposes

strict conditions on the shipment of waste for disposal and ensuring the sufficient capacity of other disposal operations is not considered as critical as landfill capacity.

No complementary national regulation is proposed for the export of waste for disposal. If a specific disposal is not available in Finland, e.g. the treatment of mercury waste, the export of such waste shall be allowed for appropriate disposal. The current Waste Act imposes conditions on the basis of which exports are allowed for final disposal. The new Waste Shipment Regulation lays down similar and partly stricter conditions for shipments to final disposal, meaning that the conditions for exports to final disposal laid down in the Waste Act are no longer considered necessary.

5.2 Means planned or implemented by other Member States

No information is available on the implementation of other Member States or on whether they are introducing new legislation at this stage. As the Waste Shipment Regulation will be largely applicable on 21 May 2026, Member States have not yet had to prepare for national implementation. The regulation is directly applicable legislation in the Member States, so there may be no need for national implementation or amendment of national legislation due to the new Waste Shipment Regulation for aspects other than, for example, penalties.

6 Feedback

The draft proposal was available for consultation on the lausuntopalvelu.fi website from 13 March to 14 April 2025. The received opinions are available in the project window: <https://ym.fi/hankesivu?tunnus=YM049:00/2024>.

A total of 29 comments were received. Twelve of the respondents had no comments on the content of the proposal. The opinions included public authorities, ministries, judicial institutions, waste and circular economy groups, and companies. The Ministry of Justice, the Finnish Environment Institute, the National Bureau of Investigation and the FINAS Accreditation Service had statements on the proposal. In addition, the National Emergency Supply Agency, the Helsinki Region Environmental Services Authority (HSY), the Association of Finnish Local and Regional Authorities, the Finnish Circular Power, the Recycling Industry, the Plastics Industry, the Chemical Industry, the Finnish Association of Renewable Raw Materials, the Finnish Ports Association, the Association of Finnish Local and Regional Authorities, the packaging producer organisation Sumi Oy and two companies (NG Nordic Finland Oy and Stena Recycling Oy) made comments.

A number of contributors supported the proposal as a whole. A few opinions considered that the proposal will improve the control of shipments of waste and, consequently, the fight against illegal shipments of waste. In the opinion of the two authors, the proposal is acceptable from the point of view of security of supply. Two representative organisations commented on the proposed guarantee regulation and welcomed the fact that the guarantee for shipments of waste should be of indefinite duration. A few interest groups would not like national regulation that goes beyond the EU regulation, but on the other hand, some respondents considered national tightening to be a good thing.

"The Ministry of Justice considered that the justifications for the proposed penal provisions in the Waste Act and the Criminal Code need to be clarified, particularly with regard to whether the scope of criminalisation proposed is expanded, and if so, the proposal should present acceptable grounds for such criminalisation. The Ministry of Justice also considered that, with

regard to blanket penalty provisions, it should be assessed whether the conditions set by the Constitutional Law Committee for blanket penalty regulation are met. In addition, the Ministry of Justice commented on the regulation on the protection of personal data and the right to information.

Most attention was paid in the opinions to the ban proposed in section 110 on the import of waste for landfilling, both directly and after a temporary disposal operation, i.e. in practice after physico-chemical treatment. The so-called ban on the import of waste to landfills was opposed especially by organisations representing the recycling sector, as well as by one waste-importing company that disposes of waste at a landfill following physico-chemical treatment. Among other things, they were justified by the fact that landfilling is still needed for certain waste. It was also considered that waste should be able to move as freely as possible within the EU, and that stricter legislation than EU legislation should not be adopted at national level. However, those opposing the ban on landfilling would accept the proposed ban if the law did not enter into force until 31 December 2028. The ban on landfilling was supported in two opinions. In the opinion of the supporters, landfill capacity must be secured for the disposal of domestically generated waste and, for example, for various disturbances.

Two interest groups had misunderstood the proposed ban on the landfilling of waste. They considered that the ban on landfilling would also apply to the landfilling of residual waste resulting from the treatment of waste imported for recovery. However, this was not proposed. According to the proposal, residual waste resulting from the treatment of waste imported for recovery would still be allowed to be landfilled. Only the landfilling of waste imported for disposal, both directly and after a temporary disposal operation, would be prohibited. The interest groups who misunderstood represent companies that ship waste solely for recovery, so the proposal would not have a direct impact on them.

The opinions also raised proposals and hopes that are not part of the content of this government proposal. These included the extension of the waste tax and the amendment of the principle of determining transport guarantees for waste. In addition, the opinions proposed changes to certain issues that will become directly applicable from the EU Waste Shipment Regulation, which cannot be changed at national level and cannot be subject to further regulation.

In the further preparation, the justifications for sections 116 and 117b were supplemented on the basis of the opinion feedback. On the basis of the feedback received, the wording of the penal provision of the Waste Act was clarified and the explanatory memorandum for the penal provisions of that article and the Penal Code was supplemented with regard to the expansion of the area of criminalisation. Explanations on the acceptability of new criminalisations and blanket penalty techniques were also added to Chapter 12 ('Relationship with the Constitution'). The section on the right to information (Section 122) was also clarified to the effect that the authorities' right of access to information from other authorities concerns essential information.

Although a few opinions objected to the ban on the introduction of waste for landfilling, the further preparation did not consider that there were sufficient grounds for amending the paragraph. From the point of view of security of supply and various disturbances, it is desirable to have available landfill capacity. In the event of a sudden disturbance, e.g. an outbreak of an animal disease, significant amounts of waste may have to be landfilled and capacity must be available immediately. From a circular economy perspective, increasing landfill capacity and landfilling is not appropriate, but waste should be recovered where

possible. Recently, there has been a trend towards importing more and more waste from other EU countries into Finland for landfilling. Such developments do not comply with the principles of proximity and self-sufficiency of the Waste Framework Directive, according to which waste should be processed as close as possible to the point of generation and each country should have the necessary capacity to process the waste.

The ban on landfilling waste also streamlines the processing of waste shipment permits and ensures a level playing field for operators regardless of the country of import. The Waste Shipment Regulation allows for a ban on landfilling, for example if there is a recovery method for the waste in question or if the waste would have a disposal site closer than in Finland, in accordance with the principle of proximity. However, proving these would require a considerable amount of government resources. The harms caused by the additional national regulation are estimated to remain relatively small and affect a very limited number of operators.

In addition, minor additions to the explanatory memorandum to section 112 were made after the consultation round.

7 Provision-specific rationale

7.1 The Waste Act

Section 6 Other definitions. The reference to the Waste Shipment Regulation in paragraph 29 of subsection 1 would be updated to reflect the new Regulation.

Section 22 *State authorities*. Subsection 3 of the section would be amended. Article 66 of the new Waste Shipment Regulation provides for a Waste Shipment Enforcement Group. The Enforcement Group should facilitate and improve cooperation and coordination between Member States to prevent and detect illegal shipments. In accordance with the Article, a maximum of three representatives from each Member State would be represented in the Enforcement Group. In Finland, the enforcement group would be operated by the Finnish Environment Institute, which is already acting as an authority under the Waste Shipment Regulation. Finnish Customs also monitors international waste shipments in cooperation with the Finnish Environment Institute and, where necessary, would participate in the activities of the enforcement group. A provision on the role of the Finnish Environment Agency in the Waste Shipment Enforcement Group would be added to subsection 3. At the same time, the role of the Finnish Environment Institute as a contact person under the Waste Shipment Regulation would be removed from the provision, as the new Regulation no longer provides for contact persons.

Section 108 *International waste shipments and transportation of ships for recycling*. In addition to the international shipments of waste and their acceptance, the Waste Shipment Regulation provides for the control of shipments. For the sake of clarity, it is proposed to add to the first paragraph of this section the supervision of international shipments of waste.

Section 109 *Shipping of waste to another country for processing*. It is proposed that the section be repealed. The revised Waste Shipment Regulation prohibits the shipment of waste for disposal unless all the conditions set out in Article 11 of the Regulation are met. Article 11 lists the conditions under which competent authorities may give their consent to a shipment. In

order to obtain approval for a shipment for disposal, the notifier must, inter alia, demonstrate that the waste is not recoverable and cannot be disposed of in a technically feasible and economically viable manner in the country where it was generated. In 2027, the Commission will adopt an implementing act to determine the technical feasibility and economic viability of the provisions in order to ensure uniform application in all EU countries. In accordance with Article 11(1a)(iii) of the Waste Shipment Regulation, the notifier must demonstrate that the disposal operation complies with the waste hierarchy and the principles of proximity and self-sufficiency in accordance with Article 16 of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives ('the *Waste Directive*'). In addition, Article 11 of the Waste Shipment Regulation prohibits shipments of mixed municipal waste for disposal. The conditions under Article 11 of the Waste Shipment Regulation, as explained above, may be considered to overlap with the conditions laid down in § 109 and therefore it would be necessary to repeal the section.

Under the previous Waste Shipment Regulation, shipments of municipal waste collected from households for recovery are subject to the same provisions as shipments of waste destined for disposal. In the new Regulation, this parallel has been removed and therefore shipments of municipal waste collected from households will be subject to the provisions for shipments of waste destined for recovery. Consequently, the restrictions contained in the section in relation to the shipment of municipal waste for which the municipality is responsible would also be removed as unnecessary.

Section 110 *Shipment of waste to Finland for final disposal.* The section would be amended in its entirety and the title would also be updated.

The conditions for the authorisation of a shipment of waste proposed in the section are based on Article 11(1a)(iii) of the Waste Shipment Regulation, which are explained in the explanatory memorandum to Article 109. In addition, in order to apply the principles of self-sufficiency and proximity laid down in the Waste Directive, it must be possible to ensure at national level that the disposal of waste generated in Finland takes precedence. Thus, the shipment should continue to be subject to the condition that the disposal of waste generated in Finland is not prevented or delayed. To apply the principle of self-sufficiency, it must also be ensured that there is sufficient capacity in landfills for the disposal of domestically generated waste. As the circular economy is realised, waste disposal and the number of landfills is constantly decreasing and, therefore, the capacity of existing landfills should be sufficient for as long as possible. Landfill capacity must also be maintained from the perspective of the security of supply, as a serious disruption may create a need for landfill capacity. In addition to the criteria set out in Article 11 of the Waste Shipment Regulation, waste should only be shipped for disposal in Finland if it is not landfilled underground, on the surface, or at a specially designated landfill. In addition, the provision would also prohibit final disposal in a landfill following any interim disposal operation after shipment. According to Article 3(2) of the Waste Shipment Regulation, these temporary disposal operations are biological treatment, physico-chemical treatment, mixing or blending, repackaging and storage (corresponding to codes D8, D9, D13, D14 and D15, as defined in Annex 2 to the Waste Shipment Regulation). However, it would be possible to dispose of residual waste resulting from the actual or temporary disposal operation in a landfill.

However, landfilling would still be possible if the shipment were based on regional cooperation in waste management between municipalities in Finland and Sweden or in Finland and Norway, and the conditions of Article 11 of the Waste Shipment Regulation were also met. The provision would correspond to the regional cooperation in the waste

management of the current section 110. Regional cooperation would refer, for example, to a situation where the environmental permit of a waste treatment facility located in Finland specifically authorises the landfilling of certain waste imported from a border municipality in Sweden or Norway.

Under the previous Waste Shipment Regulation, the same provisions apply to shipments of mixed municipal waste collected from households for recovery as to shipments of waste intended for disposal. In the new Regulation, this parallelisation was removed, with the amendment making shipments of mixed municipal waste subject to the provisions on shipments of waste destined for recovery. Consequently, the restrictions contained in the section in relation to the shipment of municipal waste for which the municipality is responsible would be removed as unnecessary.

Section 111 *Prohibition of international shipment of waste due to non-payment.* It is proposed that paragraph 1 be deleted as superfluous and that the reference to illegal shipment be deleted from the title of the section. The previous Waste Shipment Regulation mandated the competent authority to prohibit the shipment of waste following an illegal shipment under national law. Article 11 of the new Waste Shipment Regulation lays down the conditions for shipments of waste destined for disposal and Article 12 provides for objections to shipments of waste destined for recovery. According to the new Waste Shipment Regulation, one of the conditions for shipment is that it is not known to the competent authorities concerned that the notifier or recipient has been found guilty of carrying out an illegal shipment or of any other illegal activity related to the protection of the environment or the protection of human health in the five years preceding the notification.

The provision of paragraph 2 of the section would be retained and amended to grant the Finnish Environment Institute the authority to prohibit the international shipment of waste if the notifier has failed to pay the fee imposed by the Finnish Environment Institute for the control of previous waste shipments. According to the proposed section, the Finnish Environment Institute could prohibit the shipment of waste if the notifier has failed to pay the fee for processing the notification referred to in section 144 and imposed by the Finnish Environment Institute, or the fee for monitoring the shipments, if the notifier has failed to pay the fee for processing the notification relating to the previous shipment of waste. The proposed addition would enhance the Finnish Environment Institute's ability to address the failure of companies engaged in waste shipments to pay their fees.

Section 112 *Application of the export ban in the Waste Shipment Regulation in certain situations.* The export of waste subject to the export ban laid down in Article 39 of the Waste Shipment Regulation is prohibited to countries to which the OECD Decision on waste shipments does not apply. In the new Regulation, the export ban has been clarified as to which waste is covered by the export ban. An addition has also been made to Article 39 of the Regulation, according to which, in exceptional cases, waste listed in the list of waste adopted under Article 7 of the Waste Framework Directive, in addition to the waste listed in Annex V, may be classified as non-hazardous and excluded from the export ban if it does not possess the hazardous properties defined in Annex III of the Waste Framework Directive. Similarly, waste included in the list of waste may, in exceptional cases, be classified as hazardous if it possesses one of the characteristics or properties listed in Annex III to the Waste Directive and is subject to an export ban on such waste. A reference to the list of waste adopted pursuant to Article 7 of the Waste Directive would therefore be added to the section. This provision would implement Article 39(3) and (4), according to which a Member State may decide not to apply an export ban to certain hazardous waste or to apply an export ban to certain non-hazardous

waste. Under paragraph 5 of the same Article, the authority must inform the competent authority of the intended country of destination before deciding on the approval of shipments to that country. These cases shall also be reported to the Commission. Other references in the section to the articles of the Waste Shipment Regulation would also be updated in accordance with the new Waste Shipment Regulation. The rest of the section would remain as it stands.

Section 113 *International shipment of waste pursuant to Article 18 of the Waste Shipment Regulation.* It is proposed that the section be repealed as superfluous. According to Article 18(4) of the revised Waste Shipment Regulation, undertakings involved in a waste shipment shall complete the form set out in Annex VII and ensure that the information is made available electronically to, inter alia, the relevant competent authorities and the authorities involved in inspections before the shipment starts. In addition, the information must be submitted electronically after the reception of the waste and after the recovery of the waste. Therefore, the companies involved in the shipment should make the information electronically available and the Finnish Environment Institute would receive the information referred to in Annex VII on the waste referred to in Article 18 of the Regulation directly through the electronic system, and a separate right to request the information is no longer needed.

The authority's right of access to information is laid down in Section 122, to which clarification is proposed.

Section 114 *Pre-consent of the waste recovery facility.* It is proposed that the section be repealed as superfluous. Article 14 of the revised Waste Shipment Regulation sets out the information to be included in the application by the facility applying for prior written consent. The Article also lays down the conditions under which the competent authority must grant pre-consent to the facility concerned. Therefore, national regulation on the pre-consent of facilities would no longer be necessary.

Section 115 *Amendment and revocation of a decision on the consent or pre-consent of an international shipment of waste.* It is proposed to delete the last sentence of subsection 2, as section 114 on pre-consent would be repealed and the withdrawal of the decision on pre-consent of the recovery facility is regulated in detail in Article 14 of the new Waste Shipment Regulation.

Section 116 *Guarantee for international shipment of waste.* The reference to the article of the Waste Shipment Regulation in the section would be updated to correspond to the new regulation. According to Article 7(5) of the Waste Shipment Regulation, the guarantee shall cover the shipment of waste and the completion of recovery or disposal and shall remain in force for the duration of the shipment. Time-limited guarantees would not be suitable for this purpose, as they may expire before all shipments of waste have been processed and information on their treatment has been obtained in accordance with Articles 15 or 16. Consequently, time-limited guarantees would no longer be accepted, and it is proposed that the section be amended to include a requirement to use guarantees of indefinite duration. The requirement for guarantees valid until further notice would prevent situations in which the guarantee would no longer be valid and consignments of waste would not have been processed. In accordance with the Regulation, the guarantee must be available to the authority which approved it when the shipment or treatment of the waste cannot be carried out as intended or when the shipment is illegal. Once all waste shipments have been processed and the authority has received the necessary certificates of waste treatment, the authority should promptly release the guarantee of indefinite duration upon the request of the guarantor.

Article 117a. *Special provisions for used electrical and electronic equipment.* The reference in subsection 3 to the Article of the Waste Shipment Regulation would be updated to reflect the new Regulation.

Section 117b. *Demonstration of appropriateness and accreditation when shipping waste outside the European Economic Area* It is proposed that a few clarifications be made to this section in order to bring it into line with the requirements of the revised Waste Shipment Regulation. In addition, a second subsection would be added to the section. Article 59 of the Waste Shipment Regulation provides for the environmentally sound management of waste. For exports of waste, the management of waste shall be considered environmentally sound if it can be demonstrated that the management of waste and of residual waste resulting from recovery or disposal complies with human health, climate and environmental protection requirements, which are considered equivalent to human health and environmental protection requirements under Union law. Thus, it is proposed to add to the first paragraph of the section that the treatment of waste should also comply with legal requirements relating to human health and that in addition, the treatment of residual waste resulting from the treatment of waste in the country of destination should be acceptable from an environmental point of view. In addition, Article 59 requires that the treatment of waste in the country of destination takes place in conditions equivalent to those laid down in European Union legislation. It is proposed that the last part of the first paragraph be amended so that the treatment of exported waste must take place under conditions that correspond to the requirements laid down in the European Union legislation on the protection of human health and the environment, where full equivalence was not previously required.

It is proposed to add a second paragraph to make the accreditation service FINAS, the Accreditation Service of the Finnish Safety and Chemicals Agency, as the body responsible for the accreditation referred to in Article 46 of the new Waste Shipment Regulation. According to Article 46, waste may only be exported from the Union to a facility which has been inspected by an independent third party with appropriate qualifications in the field of inspections and waste treatment. The third party carrying out the inspection shall be authorised or accredited by the national official body. In Finland, the only official accreditation body is the FINAS accreditation service, which could carry out such accreditation. The Waste Shipment Regulation would also allow an official body to authorise an inspection body to carry out inspections, but there is no such official body in Finland that would authorise inspection bodies to carry out inspections. For the sake of clarity, the Section would provide for FINAS to be the only possible accreditation body that will, where necessary, accredit the Finnish third party carrying out the inspection.

Article 117d. *Submission of information on international shipments of waste.* A new section would be added to the Act that would oblige parties carrying out international shipments of waste, such as the notifier, the person organising the shipment, and the recipient of the waste to use the register on international shipments of waste (the waste shipment system) maintained by the Finnish Environment Institute pursuant to Section 142 when submitting the data referred to in Article 27(1) of the Waste Shipment Regulation to the authorities. This register would be integrated into a central EU system (the so-called DiWaSS system), through which the information would be accessible to other competent authorities and the Commission. The information would also be visible to other operators involved in the waste shipment in question, to the extent necessary, as provided for in the implementing act prepared by the Commission. The information system for international waste shipments maintained by the Finnish Environment Institute has been in use since 2021 and it contains necessary features that the EU central system will not have, such as making an application for a permit and

monitoring the use of a partial financial guarantee. The integration of the systems will be done in such a way that the data reported by Finnish companies would be transferred automatically from the Finnish national system to the EU system. For this reason, Finnish companies would be obliged to use the information system of the Finnish Environment Institute when submitting data to the EU central system.

Section 122 *Right to information.* It is proposed to add to subsection 1 that the Finnish Environment Institute would also have the right of access to information for the supervision of the Waste Shipment Decree or provisions issued under it, while the current section only covers the right of access to information for the purposes of supervision under the Waste Act. The proposed addition to the article would also relate to the proposed repeal of the current section 113 and to the need to ensure that the Finnish Environment Institute continues to have a wide right of access to information for the purpose of monitoring the Waste Shipment Regulation. The Finnish Environment Institute supervises international shipments of waste and the implementation of the supervision could require a need-to-know from any party involved in the shipment and also from other authorities. The right to information would, notwithstanding the confidentiality provisions on trade secrets, cover any document relating to an international shipment of waste. Such documents could include, for example, agreements between companies involved in a waste shipment, as required by the Waste Shipment Regulation, if they are needed for control purposes, as well as export and import data in Customs' systems. The right to information would also extend to requests for necessary information addressed to facilities during supervisory inspections. It is also proposed that paragraph 3 of the subsection be limited so that the right of access to information from other authorities, granted to the supervisory authorities under the Waste Act, the Ministry of the Environment and the Finnish Environment Institute, would be restricted to essential information, whereas under the current provision the right applies to necessary information. The amendment would be made in line with the Constitutional Law Committee's opinion practice, according to which the right of access should be limited to the necessary information if the information content referred to cannot be listed exhaustively in the provision.

Section 124 *Inspections and control plans.* Subsection 3 would be amended to include a reference to the numbering of the Article of the Regulation.

Section 126 *Rectifying the breach or negligence.* It is proposed that paragraph 1 of subsection 1 of the section is amended so that it would also cover the violation of the lower level of regulation issued pursuant to the Waste Shipment Regulation. The new regulation gives the Commission the power to adopt both delegated and implementing acts. The supervisory authority should also have the right to issue prohibitions and orders for violations of these regulations.

Section 131 *Neglect fee.* According to Article 63 of the Waste Shipment Regulation, Member States shall lay down rules on penalties applicable to infringements of the provisions of the regulation. The neglect fee would partly implement the aforementioned Article 63. Paragraphs 8 and 9 of subsection 2 contain breaches of administrative obligations in the previous Waste Shipment Regulation, the proof of which is straightforward, which do not require investigative measures, and which are more easily rectified in the administrative procedure than by penal provisions.

It is proposed to amend paragraph 8 of the subsection so that failure to comply with the corresponding type of administrative obligations arising from the new Waste Shipment Regulation would continue to be subject to a neglect fee. Such obligations are contained in

Articles 15 to 18 of Title II of the Regulation, which provide, inter alia, for the preparation of documents relating to the shipment, the obligation to make the documents available electronically and the obligation to notify the authority of any changes. Articles 15 to 17 of the Waste Shipment Regulation concern shipments subject to the waste shipment notification and Article 18 concerns the so-called green waste shipments. Among other things, the obligation to give prior notification of a shipment pursuant to Article 18 by electronic means, to confirm receipt of the shipment and to submit a certificate of recovery to the various entities has been added to the Waste Shipment Regulation, and it is proposed that these acts be added to the neglect fee section.

Some of the acts provided for in the section would be those provided for in Article 3(26) of the Waste Shipment Regulation, which defines illegal shipment. Paragraph (g) of that paragraph defines an illegal shipment as a waste shipment which would not comply with Article 18(4), (6) and (10). This would be a situation in which the transfer document set out in Annex VII to the Regulation (so-called green shipment) would not have been drawn up and signed, the information contained in the document would be incomplete or the document would not have been made available electronically to the relevant authorities. Such obligations are also contained in Article 16(1) and (3) and apply to the notification document in addition to the transfer document. In accordance with Article 18(6), a further illegal shipment would be a situation where the information contained in the movement document would not have been made available on the means of transport in any other way in a situation where it cannot be made available electronically. Such an obligation is also contained in Article 16(4) and also applies to the notification document. An illegal shipment would also be a situation where a contract under Article 18(10) would not have been concluded between the person who arranges the shipment and the recipient.

The obligation to pay a neglect fee would also apply if the shipment of waste had not been notified in advance in accordance with Article 18(5). A similar obligation is contained in Article 16(2). The obligation to pay a neglect fee would continue to apply to the situation where the receipt of the waste would not be confirmed in accordance with Article 18(8) and to the situation where the certificate of completion of the recovery or disposal of the waste would not be submitted in accordance with Article 18(9). Similar obligations are contained in Article 15(3) to (5) and Article 16(5) to (7).

Article 18 shall also apply to shipments referred to in Article 4(5) where waste is shipped for laboratory analysis or treatment trials. Point 8 of the subsection would retain the current obligation to notify of any change concerning the party carrying out the transport, as laid down in Article 17. That act would be subject to the penalty for failure to act, since the degree of reprehensibility of the act is lower than the failure to notify other changes to the essential information. The non-communication of the other substantial amendments provided for in Article 17 would be governed by the penal provision in Article 147, as is currently the case.

An amendment to the reference to paragraph 9 of the subsection would be made in relation to the article of the Regulation, which lays down the obligation to lodge a guarantee.

In determining the penalty, account must be taken of section 132(2) of the Law in force, according to which the penalty cannot be imposed on a person who has been sentenced for an offence concerning the same subject matter or where the case is pending in the course of a preliminary investigation, consideration of charges or before a court. In addition, it should be noted that the regulatory framework for violation of the Waste Shipment Regulation will

change with the implementation of the Environmental Crime Directive. This whole is explained in more detail in the explanatory memorandum to the proposed Article 147.

Section 140 *Enforcement and reimbursement of the neglect fee.* Technical legislative amendment would be made to subsection 1 of the section. The number of the Act on the Enforcement of Taxes and Fees would be added to this subsection, since this section is the first section of the Act that refers to the above-mentioned Act. Accordingly, the number of that law would be deleted from Article 145(1).

Section 142 *Waste management registers and producer responsibility register.* A clarification is proposed to the first paragraph of subsection 1 of this section. The register on international shipments of waste maintained by the Finnish Environment Institute (the waste information system) contains more information than information on notifications and applications for prior approval, as well as the decisions issued on them. The data contained in this waste information system are listed in Article 27 of the Waste Shipment Regulation, and for the sake of clarity, it is proposed to make a reference to this Article.

Section 145 *Collection of costs and charges.* Subsection 1 would be amended to include a reference to the numbering of the article.

Section 147 *Penal provisions.* The penal provisions of the Waste Shipment Regulation would be updated to reflect the new Waste Shipment Regulation and the proposed amendments to the Act. Subsection 2 contains penal provisions that supplement the provisions of the Criminal Code and are liable to a fine. Paragraphs 21 and 22 contain infringements of the previous Waste Shipment Regulation. They provide for acts with a higher degree of reprehensibility and are mainly based on the concept of illegal shipment as defined in the Waste Shipment Regulation. Failure to comply with obligations under the Waste Shipment Regulation which would be less reprehensible and which, in order to be proved, would not require any investigative measure would be subject to the neglect fee.

The section would mainly implement Article 63(1) of the Waste Shipment Regulation on penalties, according to which the Member States shall lay down penalties applicable to infringements of the provisions of the regulation. According to the provision, the penalties provided for must be effective, proportionate and dissuasive.

In Section 147(2)(21), the reference to Section 109, which is proposed to be repealed, would be deleted. The general prohibition on shipping waste for disposal laid down in Article 4(1) would be added to the section if consent for the shipment has not been obtained in accordance with Article 11 and the prohibition on sending mixed municipal waste for disposal laid down in Article 4(3). In addition, the references to the article on export and import bans in accordance with the new Waste Shipment Regulation on the prohibitions laid down in Articles 37, 39, 40, 48, 49, 50 and 52 would be updated in this section. Article 37 prohibits the export from the Union of waste intended for disposal. Article 39 prohibits the export from the Union to non-OECD countries of hazardous wastes and certain other wastes destined for recovery, while Article 40 prohibits the export from the Union to non-OECD countries of certain non-hazardous wastes destined for recovery, unless the importing countries have been included on a list of countries to which export is authorised maintained by the Commission. Article 48 prohibits the export of waste from the Union to Antarctica and Article 49 prohibits the export of waste for disposal to overseas countries or territories. Articles 50 and 52 set import bans. Article 50 prohibits the import of waste for disposal from certain countries and certain

regions, and Article 52 prohibits the import of waste intended for recovery from certain countries and certain regions.

As regards certain prohibitions, the proposal extends to some extent the scope of punishable behaviour. As a result of the proposed amendment to Section 110, the scope of punishment would be expanded to the extent that it would be punishable to import waste into Finland that, as such or after a temporary disposal operation, would be landfilled. A ban on exporting waste for disposal would extend the scope of criminalisation to some extent, as the criteria for export for disposal become stricter. The prohibition on mixing waste during shipment is regulated in Article 19 of the Waste Shipment Regulation, and the prohibition on mixing would also apply to the mixing of waste with other substances or objects in addition to the previous mixing with waste. As regards export bans, the violation of the export ban referred to in Article 37 would be extended to cover situations where the conditions for shipments of waste destined for disposal are not met when the waste is shipped for disposal to EFTA countries. In Articles 39 and 40, the waste covered by the export ban has been specified and a few types of waste have been added to the scope of the export ban. For example, non-hazardous plastic waste has been added to the export ban in Article 39. In Article 40, the determination of the export ban has changed, but in practice the criminalisation would not be extended. The export prohibitions under Articles 48 and 49 have remained unchanged. The subjects of the import bans have remained the same, so there would be no change in their criminality. The carrying out of a shipment of waste in contravention of the export and import prohibitions is defined in Article 3(26) of the Waste Shipment Regulation as an illegal shipment of waste and therefore a violation thereof would be punishable.

A new entry concerning conduct in breach of the export prohibition laid down in Article 45 of the Waste Shipment Regulation would be added to paragraph 21 of section 147(2). Article 45 concerns an export ban adopted by the Commission by means of a delegated act in relation to a specific waste and a specific OECD country. A ban on the export of certain waste or a ban on the export of waste to a particular OECD country would take effect at the time set out in the delegated act adopted by the Commission pursuant to Article 45(6). If the Commission adopts such a delegated act, the scope of punishment would be expanded to make it punishable to export the waste prohibited under the act to a certain OECD country.

A new paragraph 21a would be added to subsection 2, providing that it shall be punishable for the notifier to ship waste without the consent referred to in Article 9 of the Waste Shipment Regulation. This point would apply, for example, in a situation where the notifier has submitted a notification but ship waste before the competent authorities have approved the shipment. The offence of providing information which does not correspond to reality in the notification document or movement document provided for in Article 16 or 18 would also be punishable. These would include situations where the document was issued with an incorrect recipient, an incorrect waste producer or an incorrect waste category. This paragraph would correspond to Article 3(26)(d) and (g). This definition of illegal shipment of waste (Article 3(26)(d)) specifies that minor clerical errors in the documentation do not, however, constitute an illegal shipment. Minor clerical errors would also not be covered by the proposed penalty provision. It would also criminalise the organisation of a shipment without a permit as referred to in Article 18(2) of the Waste Shipment Regulation. Article 18(2) of the Regulation provides that, where a shipment is organised by a new producer, collector, dealer or broker, it must be subject to a permit or registration within the meaning of Chapter IV of the Waste Directive. The person who arranges the shipment is defined in Article 3(7) of the Regulation. This paragraph could be applicable, for example, in a situation where a waste shipment would be organised by a new waste producer without an environmental permit. These acts would be

added to the criminal offence, as they are defined in Article 3(26) of the Waste Shipment Regulation as an illegal shipment. If the waste shipment was organised by a waste collector or waste broker who would not have been registered in the waste management register in accordance with Section 94 or Section 100 of the Waste Act, a penalty fee could be imposed on the latter in accordance with Section 131(2)(2) and (3). The absence of an environmental permit would be more reprehensible than the absence of registration and would therefore be added as a criminal offence. The scope of criminalisation would be broadened compared to the current one by criminalising the organisation of a shipment of waste without an environmental permit, before the operator has received approval from the authority, or by providing false information in the documents.

A new paragraph 21b would also be added to paragraph 2, which would criminalise the export of waste to a facility outside the Union that has not been subject to the inspection provided for in Article 46 of the Waste Shipment Regulation. According to Article 46, waste may only be exported from the Union if it can be demonstrated that the facilities receiving the waste in the country of destination will manage the waste in an environmentally sound manner within the meaning of Article 59 of the Regulation. This shall be demonstrated by an inspection of the establishment in accordance with Article 46. The inspection shall be carried out by a third party in accordance with Article 46(3) or, where, in accordance with Article 46(5), the inspection has been carried out by another notifier or by the organiser of the shipment itself, the exporter of the waste or the organiser of the shipment shall, in accordance with that Article, obtain a report of the inspection from that other party and, in addition, ensure that the inspection has been carried out in accordance with that Article. The requirement to inspect a non-Union establishment under this Article is new and non-compliance with it is defined in the Regulation as an illegal shipment. The scope of criminalisation would be broadened in this respect.

In paragraph 22 of the subsection, references to Articles 5 and 59 would be updated in accordance with the new Waste Shipment Regulation. Article 5 replaces the reference to the previous Article 4. It shall deal with the submission of the notification and the procedures to be followed. Although the procedures will change in the new Regulation, these changes will have no impact on the criminalisation of non-declaration. However, in the new Waste Shipment Regulation, the notification obligation is extended to cover several types of waste. Article 59 replaces the reference to the previous Article 49. Article 59 sets stricter requirements for the management of waste to be exported. The treatment of waste must take place in the country of destination under conditions equivalent to those laid down in European Union legislation. The previous Article 49 required that the waste management in the receiving establishment complies broadly with the requirements of EU law. In addition, in paragraph 22, the term 'route' would be replaced by the word 'routing' and the reference to Article 13 of the previous Waste Shipment Regulation, which provided for an obligation to notify a change of route, would be deleted as unnecessary. Article 17 of the new Regulation provides for material changes that have to be notified to the competent authority after approval and that Article considers a change of route rather than a change of route as a substantial change.

The act defined in this provision could also be punishable under the provisions of chapter 48 of the Criminal Code, if the act is committed intentionally or through gross negligence, and if the act is likely to cause environmental pollution, other harmful changes in or littering of the environment, or a risk to health. Under Article 147 of the Waste Act, the act must be committed intentionally or negligently. In addition, it should be noted that the regulatory framework for violation of the Waste Shipment Regulation will change with the

implementation of the Environmental Crime Directive. The revised Environmental Crime Directive includes an obligation to criminalise illegal shipments of waste within the meaning of Article 3(26) of the Waste Shipment Regulation. Under Article 3(2)(g) of the Directive, illegal and intentional shipments of waste within the meaning of Article 3(26) of the Waste Shipment Regulation are to be punishable where such conduct concerns a quantity other than a negligible quantity, irrespective of whether the shipment is a separate shipment or a number of shipments which appear to be linked. In accordance with Article 3(4) of the Environmental Crime Directive, an act of gross negligence must also be punishable for offences under Article 3(2)(f). The attempted commission of the offences must also be punishable under Article 4(2) of the Directive. Article 5(2)(d) of the Environmental Crime Directive requires that the maximum penalty for an intentional crime shall not be less than five years.

Thus, in addition to Chapter 48, Section 1 of the Criminal Code, as proposed and proposed in this section, an illegal waste shipment could become a criminal offence through the implementation of the Environmental Crime Directive if the illegal waste shipment is committed intentionally and the procedure concerns a non-negligible amount of waste, even if the act does not pose a risk of environmental pollution. The deadline for implementation of the Environmental Crime Directive is the same as the date of application of the Waste Shipment Regulation.

7.2 Criminal Code

Chapter 48

Section 1 *Impairment of the environment.* Article 63 of the Waste Shipment Regulation requires Member States to lay down rules on penalties applicable to infringements of the provisions of the Waste Shipment Regulation. The penalties shall be effective, proportional and deterrent. The criminal justice system for conduct contrary to the Waste Shipment Regulation is twofold, based on the provision on environmental degradation referred to in Chapter 48, Section 1, of the Criminal Code and on Section 147 of the Waste Act. The scope of the provision on environmental degradation is broader than that of Article 147 of the Waste Act, in the sense that Article 147 of the Waste Act contains references to the articles of the Waste Shipment Regulation in respect of which conduct may be criminalised in accordance with Article 147(2) of the Waste Act. The provision of the Criminal Code on environmental degradation does not contain a limitation on the articles of the Waste Shipment Regulation. The provision on environmental degradation is intended for acts or omissions of a serious nature and for less serious acts under Section 147 of the Waste Act. That is the case, for example, where the threshold for the application of the provision on environmental degradation is higher than that laid down in Section 147 of the Waste Act, so that the former presupposes that the act is liable to cause pollution of the environment, other similar harmful changes to the environment or littering, or a risk to health. Section 147 of the Waste Act does not contain a similar requirement.

Chapter 48, Section 1(4)(b) of the Criminal Code contains a reference to the Waste Shipment Regulation (EC) No 1013/2006 currently in force and it is proposed to change it to a reference to the new Waste Shipment Regulation (EU) 2024/1157. The provision would maintain a general reference to the Waste Shipment Regulation, since, given the scope and level of detail of the Waste Shipment Regulation, a more detailed definition of the criteria would be broad. In addition, it is difficult to predict all possible ways of violating the Waste Shipment Regulation.

According to this paragraph, importing waste into Finland, exporting it from Finland or transferring it through the territory of Finland in violation of the Waste Shipment Regulation would be punishable so that the act is likely to cause environmental pollution, other similar harmful changes in or littering of the environment or to pose a risk to health. The penalty scale is a fine or imprisonment of up to two years.

First, a shipment of waste contrary to the Waste Shipment Regulation would be an act defined as an illegal shipment in Article 3(26) of the Waste Shipment Regulation. The concept of illegal shipment of waste extends beyond the scope of the current Regulation to acts contrary to the Regulation. In addition, the concept of illegal shipment of waste has been broadened also due to substantive changes in the new Regulation. According to that paragraph, an illegal shipment is a shipment carried out without notification to the authority, without the authority having authorised the shipment or with an authorisation obtained by means of falsification, misrepresentation or deception. It would also be illegal to carry out the shipment in a way that does not correspond to the information provided in the shipment documentation. For example, the operator could ship a different type of waste from the one notified, a different quantity, or export the waste completely to a different country or to a waste treatment facility than the one notified to the authority. If the operator were to deviate from the information provided in the notification and the act could pose a risk of environmental pollution, the act could be punishable under that provision, as is currently the case.

Illegal shipments of waste would, as at present, be in breach of the export and import bans contained in the Regulation. Prohibitions on exports and imports of waste are contained in Articles 37, 39, 40, 45, 46, 48, 49, 50 or 52 of the Regulation. These prohibitions and the extension of the related criminality are explained in more detail in the explanatory memorandum of the proposed amendment to Section 147 of the Waste Act. Completely new prohibitions in the new Regulation are the export prohibitions provided for in Articles 45 and 46. Article 46 prohibits the export of waste to a facility without being subjected to an inspection referred to in Article 46 or verifying that an inspection has been carried out on the facility. Article 45 contains the Commission's power to adopt a delegated act prohibiting the export of certain waste to a particular OECD country and any violation of this prohibition would constitute an illegal shipment under the Regulation. The general prohibition on shipments of waste for disposal provided for in Article 4, where the shipment has not been authorised in accordance with Article 11, also constitutes a new prohibition. The new Regulation also prohibits the shipping of mixed municipal waste for disposal.

The definition of illegal shipment of waste also includes a shipment that is carried out in a way that leads to the recovery or disposal of waste in violation of Union or international law. A similar act has been included in the concept of illegal shipment of waste even today.

The definition of illegal waste shipment has also been extended to include the shipment of waste in point g of the definition in a way that does not comply with Article 18(2), (4), (6) and (10). Those points require that the organiser of a shipment of green waste has an environmental permit or registration in accordance with the Waste Directive, that the documents relating to the shipment are completed, signed and made available to others, and that the information is also available on the means of transport during the shipment if the information cannot be made available electronically. a waste shipment contrary to Article 18(10) is such that no contract for the recovery of waste has been drawn up between the person organising the shipment and the consignee. Article 18 shall apply to shipments of green waste and shipments of waste to a laboratory for analysis or treatment trials.

Environmental degradation could also result from non-compliant activities other than those included in the concept of illegal shipment of waste. For example, the prohibition of mixing waste with other waste or other substances or objects during shipping laid down in Article 19 of the regulation could lead to pollution of the environment if, for example, a permit had been applied for the shipment of non-hazardous waste and mixed with hazardous waste during transfer, in which case the requirements for the packaging, transport and handling of the waste would no longer correspond to the requirements for hazardous waste. The risk of environmental pollution could also arise from the mixing of waste with objects or substances. An example of such a situation can be considered to be a situation where non-functioning EEE classified as waste is transferred among functioning tested EEE as a product, so that the non-functioning EEE does not end up in proper waste treatment.

Actions and shipments in contravention of the Waste Shipment Regulation, which are included in the notion of illegal shipment, could result in environmental pollution, other equivalent adverse environmental change or littering, or a risk to health. The Waste Shipment Regulation prohibits the export of hazardous waste to countries outside the EU and the OECD, since in these countries the waste treatment may not be organised in an appropriate way and there is a risk that the waste will be discarded or incinerated. The risk of environmental pollution could arise from the abandonment or improper storage of hazardous waste or from the disposal of waste in land or water.

It should be noted that the revised Environmental Crime Directive includes an obligation to criminalise illegal shipments of waste within the meaning of Article 3(26) of the Waste Shipment Regulation. Under Article 3(2)(g) of the Directive, illegal and intentional shipments of waste within the meaning of Article 3(26) of the Waste Shipment Regulation are to be punishable where such conduct concerns a quantity other than a negligible quantity, irrespective of whether the shipment is a separate shipment or a number of shipments which appear to be linked. Thus, in the case of an illegal shipment of waste, the Directive does not require that the act should pose a risk of pollution of the environment. The implementation of the Environmental Crime Directive is currently ongoing. The deadline for implementation is 21 May 2026, which is the same for the application of the Waste Shipment Regulation.

7.3 Fertiliser Act

Section 3 *Relation to certain provisions.* The reference in subsection 5 to the Waste Shipment Regulation would be updated to reflect the new Regulation.

8 Regulation at the level of secondary legislation

The proposed amendment to the Waste Act requires an amendment to the Waste Regulation. Article 49 of the Regulation lays down provisions on the application for pre-consent of a waste recovery facility, which should be repealed as unnecessary. The amendment to the Regulation is intended to enter into force at the same time as the amendment to the Act.

9 Entry into force

It is proposed that the Act enters into force on 21 May 2026, at the same time as most of the articles of the Waste Shipment Regulation become applicable.

10 Implementation and monitoring

The Finnish Environment Institute is the competent authority for international shipments of waste and organises annual trainings on international shipments of waste. The trainings are open to public authorities and operators. The trainings have already informed the industry about the new Waste Shipment Regulation. Future amendments to the Waste Act will also be taken into account in the following training sessions. The guidelines on international waste shipments are maintained on the Ymparisto.fi website. The requirements of the new legislation will be updated to the guidance when the application of the requirements is topical.

11 Relationship to other Bills

11.1 Dependence of the Bill on other Bills

The Ministry of the Environment is preparing the III phase of the implementation of the EU Batteries Regulation, in which it is proposed to amend certain parts of the same articles of the Waste Act as in this Government Proposal. Further information on the legal project is available in the project window <https://valtioneuvosto.fi/hankkeet> under project number YM048:00/2024. Once the preliminary notifications to the Commission of this draft Government proposal and the draft proposal implementing the Batteries Regulation have been completed, it will be assessed whether the proposals can be combined with the same proposal.

The Parliament is currently debating the Government's proposal to Parliament for legislation on the regional government reform (HE 13/2025 vp), which contains a proposal on legislation related to the regional government reform. This proposal is dependent on the above-mentioned Government proposal in so far as this proposal proposes an amendment to Section 142, which mentions the Centre for Economic Development, Transport and the Environment. In the proposal for the regional government reform, it is proposed to lay down, among other things, a Act on the Finnish Supervisory Agency. It has been proposed that the Act on the Supervisory Agency enter into force on 1 January 2026, whereas the legislative proposals contained in this Government Proposal would enter into force on 21 May 2026.

The Government proposal on the implementation of the Environmental Crime Directive will amend Chapter 48, Section 1 of the Criminal Code, which will also be amended in this proposal.

11.2 Relationship to the draft budget

This government proposal is not expected to have any budgetary implications.

12 Relationship to the Constitution and legislative process

12.1 The principle of legality in criminal law

The proposal proposes the adoption of national legislation complementing the EU Waste Shipment Regulation. The proposal contains provisions on penalties, which must be assessed in the light of the principle of legality in criminal law laid down in section 8 of the Constitution. According to Article 63 of the Waste Shipment Regulation, Member States shall lay down the rules on penalties applicable to infringements of the provisions of the regulation and shall take all measures necessary to ensure that they are implemented.

According to section 8 of the Constitution, no one shall be found guilty of a crime or be punished for an act which, at the time the act was committed, was not punishable by law. No more severe punishment may be imposed for the offence than that provided for by law at the time when the offence was committed. The principle of legality in criminal law contains a specific requirement of the precision of law. According to that provision, the constituent elements of each offence must be expressed in law with sufficient precision in such a way that it is foreseeable on the basis of the wording of the law whether an act or negligence of duty is punishable (see, for example, Constitutional Law Committee Statements PeVL 20/2018 vp, PeVL 37/2016 vp).

In accordance with the established practice of the Constitutional Law Committee, penal provisions must meet the general conditions for restricting a fundamental right. The requirement of proportionality requires an assessment of whether the criminalisation is necessary to protect the underlying legal interest and whether the severity of the penalty is proportionate to the reprehensible nature of the act (PeVL 56/2014, p. 3). Given its intrusive nature, criminal law should be used as a last resort (*ultima ratio*). It is necessary to assess whether an equivalent objective can be achieved in a manner that is less intrusive to the fundamental right than through criminalisation (see e.g. Constitutional Law Committee Statements PeVL 48/2017 vp, p. 7, PeVL 23/1997 vp, p. 2/II) and whether there is a pressing social need to criminalise and an acceptable justification from the point of view of the fundamental rights system (Constitutional Law Committee Statements PeVL 9/2016 vp, p. 2, PeVL 23/1997 vp, p. 2/II). In accordance with the principle of the protection of legal interests, it is justified to criminalise only conduct which infringes or specifically compromises legal interests protected by the legal order (see, for example, LaVL 17/2017 vp, p. 5).

In addition, in the case of penalties that relate to the provisions of a directly applicable EU regulation, the regulation must also be assessed in the light of the blanket punishment regulation. Blanket punishment technique refers to a regulation in which the constituent elements of a punishable act are determined by substantive legislation outside the scope of the penal provisions. The Constitutional Law Committee has imposed certain minimum conditions for the regulation of blanket punishments. The Committee on Constitutional Affairs has held that, in the case of blanket penal provisions, the aim must be to ensure that the chains of authority required for them are precise, that the substantive provisions setting out the conditions for criminalisation are spelled out with the precision required of the criminal provisions, and that the rules containing those provisions also make it clear that infringements of those provisions are punishable, and that the provision containing the criminalisation contains some appropriate characterisation of the act to be criminalised (PeVM 25/1994 vp, p. 8).

The principle of legality in criminal law, as enshrined in section 8 of the Constitution, is not directly applicable to the regulation of administrative sanctions. However, in the opinion practice of the Constitutional Law Committee, it has been considered that the regulation of administrative sanctions must also meet the general requirements of accuracy, precision and proportionality (e.g. PeVL 9/2018 vp, p. 3, PeVL 2/2017 vp).

The proposal introduces non-compliance with the obligations of the Waste Shipment Regulation and other acts that may infringe the regulation, subject to the neglect fee and to a penalty provision under the Waste Act. In addition, if the act poses a risk of environmental pollution, it could be punishable as environmental degradation under Chapter 48, Section 1 of the Criminal Code. Efforts have been made to classify infringements of the Regulation into different penalties according to the nature of the reprehensible conduct, whether the

investigation of the infringement requires investigative measures and the possible consequences of the breach of the obligation. The classification of the acts as subject to the neglect fee and the penalty provision for which a fine may be imposed also takes into account the existing provisions of the Waste Act. The least reprehensible acts, such as certain administrative obligations, such as failure to submit documents relating to the various stages of the transfer to the authority, are proposed to be subject to the neglect fee.

The penal provision of the Waste Act contains acts contrary to the Waste Shipment Decree that are punishable by a penalty and, when collected, acts more serious than acts of reprehensibility would be. It would mainly include acts that are defined in the Regulation as illegal shipments, but also breaches of obligations related to the Waste Shipment Regulation that are similar to those punishable under other provisions of the Waste Act, such as the prohibition on mixing waste.

Due to the suggested amendments to the Waste Act regarding neglect fees and penal provisions and to the Criminal Code, the scope of punishment would be expanded to some extent. The types of offences proposed are similar to those currently covered by the provisions on neglect fees and penalties for shipments of waste. The expansion of the scope of criminality of the penal provision in the Waste Act is discussed in more detail in the explanatory memorandum to § 147. The scope of criminalisation would be broadened, *inter alia* because of the expansion of export bans in the Waste Shipment Regulation. Among other things, a few more types of waste have been subject to the export bans in the Waste Shipment Regulation, and the conditions for shipments have become stricter. The prohibition of mixing in the Waste Shipment Regulation has also been extended to cover the mixing of waste with substances and objects. The prohibition on mixing waste under the Waste Shipment Decree is broader than the prohibition on mixing laid down in Section 17 of the Waste Act, breach of which is punishable under Section 147(2)(4). The prohibition of mixing under Section 17 of the Waste Act applies to hazardous waste when it concerns any waste mixed with other waste in the Waste Shipment Regulation. In the new regulation, the prohibition also applies to mixing with substances or objects. A broader area of criminality in waste shipments in terms of the prohibition on mixing would be necessary, since waste shipments are characterised by an attempt to mix certain types of waste, such as electrical and electronic waste, into products and thus export waste from Finland as products, thereby avoiding the need to comply with the requirements of the Waste Shipment Regulation. Similar activities are also associated with the export of end-of-life vehicles and their parts and components. Waste and products are subject to completely different legislation and if they are mixed together, the waste exports cannot be controlled and there is a risk that the waste will end up in inappropriate handling. This would be an activity that would indicate a systematic non-regulatory behaviour and should be punishable. Acts contrary to the prohibitions would not fall within the scope of the financial penalty, as clarifying the act requires investigative measures and the act could cause environmental pollution. The extension of the prohibitions in the Waste Shipment Regulation and the stricter conditions for shipment are intended to protect the environment and human health and to prevent waste from ending up in inappropriate treatment. Non-compliance with the prohibitions could lead to a risk to the environment or human health, for example if hazardous waste is not properly transported, packaged or treated, or if the waste is discarded, incinerated or dumped onto land or water. The regulation can therefore be considered to serve an acceptable purpose.

Completely new offences would also be added to the penal provisions of the Waste Act. These would be the shipment of waste without the approval of the authority or in a way that would not be in accordance with the documents submitted to the authorities, and the act of arranging

the shipment without an environmental permit. Such acts would consist either in misrepresentation to the authority or in direct disregard for regulation if the transfer is carried out without authorisation or the necessary authorisation. Deficiencies in waste shipment approvals and documentation may also significantly impede the supervision of waste shipments.

New criminalised offences would also include exporting waste to a non-Union institution in breach of Article 46 of the Regulation. According to the Article, waste could only be exported from the Union if the exporter can be demonstrated that the facilities receiving the waste in the country of destination will manage the waste in an environmentally sound manner within the meaning of Article 59 of the Regulation. The new paragraph 21b of the penal provision of the Waste Act would make it a punishable offence to export waste to a non-EU establishment without the establishment having been inspected or an inspection of the establishment has not been ensured in accordance with Article 46. If the facility had not been inspected, there would be no guarantee that the waste would be treated in the facility in accordance with environmental protection rules equivalent to those laid down in EU legislation, with the risk that the waste would be treated on the basis of less stringent criteria than those laid down in EU legislation, which could pose a risk both to the environment and to the human health of those responsible for the treatment of the waste. Such an export activity would result in an unjustified economic advantage for the undertaking in relation to the treatment of the waste in accordance with EU legislation in the Union.

The penal provisions proposed in this proposal and the amendment to the Criminal Code safeguard the legal assets and fundamental rights protected by the legal order, such as the right to a healthy environment guaranteed to everyone by Article 20 of the Constitution.

Cross-border shipments of waste can pose risks to human health and the environment if the regulation is not complied with and if shipments of waste cannot be effectively controlled. Illegal waste trafficking is one of the most serious forms of environmental crime. Organised crime networks operate in both intra-EU and extra-EU waste shipments. Various campaigns have shown that between 15% and 30% of waste shipments are potentially illegal. Illegal shipments of waste generally pursue a significant economic advantage compared to carrying out shipments as required by law. Every year, the Finnish Environment Institute (SYKE) makes about ten requests to Customs to investigate suspicions related to illegal waste shipments. The bans and restrictions contained in the Waste Shipment Regulation are also intended to ensure that the EU does not export waste-related problems outside the EU.

Activities and shipments in violation of the Waste Shipment Regulation, which fall within the concept of illegal shipment, may result in environmental pollution, such as discharges into air or water, or other harmful alterations or littering of the environment, or a danger to human health. Such acts or omissions include, for example, the export of waste to a country or territory prohibited by the Regulation. For example, the export of hazardous waste to non-OECD countries is prohibited, as these countries may not have proper waste treatment and there is a risk that the waste will be abandoned or incinerated, thus posing risks to the environment or emissions to the air. The risk of environmental degradation could also arise from the abandonment or inappropriate storage of hazardous waste, or from the deposit of waste on land or water. In order to ensure that waste shipments are carried out in a safe manner for the environment and health, it is necessary to be able to effectively monitor the shipments by checking the documents and records afterwards, which types of waste shipments have been carried out by the operator.

In addition to contaminating the environment, the offences proposed are those involving the provision of false or misleading information to public authorities, the non-retention of such information or the pursuit of economic gains in relation to undertakings operating in accordance with the rules. The purpose of criminalising such acts is legitimate and the rules do not go beyond the principle of proportionality. Similar acts are also included in the penal provision of the Waste Act at present. Penalty provisions may also be considered proportionate and necessary to the underlying legal interests, such as the protection of environmental pollution and human health. The regulation is also in line with the ultima ratio principle, as minor infringements are proposed to be subject to an administrative fine.

The proposed penal provisions of the Waste Act also meet the requirements of precision, as they would make it clear which provision of a regulation constitutes a breach of an obligation and the description of the act also seeks to describe what each obligation means. It is therefore foreseeable, on the basis of the wording of the proposed provisions on the penalty fee and the provisions on penalties in the Waste Act, which act or omission would be punishable, and the regulation would not be problematic from the point of view of Article 8 of the Constitution.

Chapter 48, Section 1 of the Criminal Code would contain a reference to an act contrary to the Waste Shipment Regulation, as is currently the case. The reference would be to the blanket penalty provision. The provision would contain a general material characterisation of the offence, which is the export, import or transit of waste from, to or through Finland in violation of the Waste Shipment Regulation. The Waste Shipment Regulation (WSR) defines in detail what would constitute an illegal shipment of waste in violation of the WSR. That definition in the Regulation includes either clear characterisations of an illegal act (such as acting without the approval of a public authority) or references to articles that further specify the type of shipment of waste that is prohibited. Provisions containing export and import bans are sufficiently clear and usually already mentioned at header level if the provision contains a prohibition. The Regulation also contains other prohibitions that are not defined as an illegal waste shipment. This is the case, for example, in Article 19, which prohibits the mixing of waste with other waste, articles or substances.

International waste shipments are a professional activity. In order to carry out international shipments of waste, the operator must be well acquainted with the content of the Regulation. The substantive reference in the Penal Code to the Waste Shipment Regulation may be considered to constitute a sufficient substantive characterisation of the act to be criminalised. The Regulation can also be considered to contain sufficiently clear and precise provisions on prohibited activities, and on the basis of these, a waste transfer undertaking, familiar with the regulations, is able to assess what kind of activities are prohibited and may lead to penalties. There may be reasonable grounds for the technique of blanket punishment.

12.2 Protection of private life

The proposal includes regulation relating to information systems. Information systems would process personal data and the regulation should therefore be assessed in the light of the protection of private life and personal data as set out in Article 10 of the Constitution and the General Data Protection Regulation. According to section 10 of the Constitution, everyone's private life, honour and privacy are safeguarded. Further provisions on the protection of personal data are laid down by law. The proposal would oblige operators making international shipments of waste to use the waste shipment system operated by the Finnish Environment Agency when submitting data to the central EU system, which is being set up by the Commission.

According to the most recent statement practice of the Constitutional Law Committee, the implementation of the protection of personal data should be guaranteed primarily on the basis 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) and the supplementary national general act (PeVL 14/2018 vp). According to the Constitutional Law Committee, in the interests of the clarity of the regulation, a cautious approach should be taken to the enactment of special legislation and the enactment should be restricted to what is necessary (PeVL 14/2018 vp, pp. 3–5). The necessity of specific legislation must also be assessed in accordance with the risk-based approach required by the GDPR, taking into account the threats and risks posed by the processing of data. The higher the risk to the rights and freedoms of natural persons arising from the processing, the more justified is a more detailed regulation (PeVL 14/2018 vp, p. 5, PeVL 13/2017 vp, p. 5 and PeVL 3/2017 vp, p. 5).

The Finnish Environment Institute is the controller of personal data concerning waste shipments in accordance with Section 142 of the Waste Act. The right to process personal data would be based on Article 6(1)(c) GDPR, according to which the processing of personal data is lawful if it is necessary for compliance with a legal obligation to which the controller is subject, and on Article 6(1)(e) GDPR, if the processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller. The Finnish Environment Institute may disclose information related to waste shipments under the conditions laid down in sections 143b and 146. These articles provide for the disclosure of information to national authorities. The transfer of data from the Finnish Environment Institute's waste shipment system to the EU's central system would involve the transmission of data. Disclosure of data to the authorities of other Member States and to the authorities carrying out inspections would be based on Articles 5 and 18 of the Waste Shipment Regulation, where the obligation to submit data lies with the party submitting the notification and the party organising the transfer. The waste shipment documentation contains personal data, such as the name of the contact persons of the companies involved in the waste shipment. Personal data would not contain data relating to special categories of persons within the meaning of Article 9 of the General Data Protection Regulation. The Commission is currently preparing an implementing act to further define the technical and organisational conditions and security aspects of information management and confidentiality for the purpose of exchanging information between the national and EU central systems. In accordance with Article 27 of the Waste Shipment Regulation, the implementing act takes into account the General Data Protection Regulation (GDPR). The draft Implementing Decree under preparation would provide, inter alia, for the retention periods of personal data and the confidentiality of the processing of personal data. No regulatory problems have been identified with regard to the protection of personal data.

12.3 Right to information

The draft proposal proposes to amend Article 122 on rights of access to information. The provision would specify that the Finnish Environment Institute would have the right to receive information related to international shipments of waste from other authorities and waste holders also for the purpose of monitoring the Waste Shipment Regulation, not only for the purpose of monitoring the Waste Act. The right of access would cover, inter alia, without prejudice to the confidentiality provisions on trade secrets, any document relating to an international shipment of waste.

Usually, the Committee has assessed the regulation on access to and disclosure of information regardless of the obligation of professional secrecy by public authorities from the point of view of the right to privacy and the protection of personal data provided for in section 10, subsection 1 of the Constitution, and it has drawn attention to, among other things, the matter of what information and whose information the right to access information concerns and how the right to access information is tied to the requirement for the information to be necessary. According to the Committee, it has been possible for an authority's right to access to data and the possibility of disclosure to be linked to 'necessary data' for a certain purpose, if the data content in question has been exhaustively specified in law. On the other hand, if the types of information are not specified in this way, the regulation has to include a requirement for the information to be 'necessary information' for a certain purpose (see e.g. [PeVL 10/2014 vp](#) pp. 6/II).

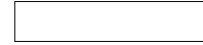
The Constitutional Committee has also taken the view that in the question of whether the right of access to information can take precedence over the provisions on confidentiality, ultimately, the needs of the authority requiring access to the information override the principles and interests that the confidentially obligations of the disclosing authority are aimed at securing. The more general the rules governing access to information, the greater the risk that such interests may be excluded very automatically. The more fully the right to information is linked to the relevant conditions in the regulations, the more likely a specific request for information is to be justified in practice. It is also possible for the data donor to assess the request in the light of the legal conditions for disclosure. In addition, by effectively refusing to provide information, the data provider can create a situation in which the obligation to disclose the information, i.e. the interpretation of the provisions, may be examined by an external authority. This possibility is important for reconciling access to information and the interest in confidentiality ([PeVL 12/2014 vp](#), pp. 2/II to 3/I and [PeVL 62/2010 vp](#), pp. 3/II to 4/I and the opinions referred to therein).

The right of the supervisory authorities and the Ministry of the Environment to information from other authorities under Section 122(1)(3) of the current Waste Act concerns the necessary information. As this paragraph covers extensively all controls under the Waste Act and also under the Mercury Regulation, it is not possible to list the information required by the authorities. The paragraph would be specified in accordance with the Constitutional Law Committee's opinion practice in such a way that the right of access to information without prejudice to confidentiality provisions would apply to necessary information from other authorities.

On the basis of the above considerations, the proposals may be dealt with under the ordinary legislative process.

Resolution

As the Waste Shipment Regulation contains provisions which are proposed to be supplemented by a law, the following draft laws are submitted to Parliament for adoption:



1.

Act

amending the Waste Act

In accordance with the decision of Parliament sections 109, 113 and 114 of the Waste Act (646/2011) are *repealed*; section 6(1)(29); section 22(3); section 108(1); sections 110 and 111; section 112(1); section 115(2); section 116; section 117a(3); section 117b; the introductory part and point 3 of section 122(1); section 124(2); point 1 of section 126(1); points 8 and 9 of section 131(2); section 140(1); point 1 of section 142(1); section 145(1); and points 21 and 22 of section 147(2) are *amended*;

as they appear in: section 6(1)(29) of Act 1096/2022; sections 22(3) and 126(1)(1) of Act 757/2018; section 108(1) of Act 626/2017; section 117a(3) of Act 1518/2015; section 117b; the introductory part and point 3 of section 122(1); section 131(2)(8) and section 147(2)(21 and 22) of Act 714/2021; section 124(2) and section 145(1) of Act 834/2017; and section 142(1)(1) of Act 494/2022; and

a new section 117d shall be added to the Act, and section 147(2), as set out in Act 714/2021, shall be *supplemented* with new points 21a and 21b, as follows:

Section 6

Other definitions

For the purposes of this Act:

29) *international shipment of waste* within the meaning of Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 ('the *Waste Shipment Regulation*') from Finland to another country, from another country to Finland and through Finland;

Section 22

State authorities

The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation which is responsible for cooperation with other competent authorities in the control of international shipments of waste. The Finnish Environment Institute also acts as a public authority in the waste shipment control group under the Waste Shipment Regulation. In addition, the Finnish Environment Institute is the competent authority referred to in the Mercury Regulation to the extent that this does not concern the authority referred to in Article 8(3) of the above Regulation.

‘Chapter 12

International shipments of waste and sending a ship for dismantling

Section 108

International shipment of waste and sending a ship for dismantling

The international shipment of waste and the approval and control hereof shall comply with the provisions of the Waste Shipment Regulation, as well as this Act and any provisions issued pursuant to it.

Section 110

Transfer of waste to Finland for final disposal

In addition to the provisions of Section 108, waste may be shipped to Finland for treatment only if the disposal of waste generated in Finland is not thereby prevented or delayed. However, waste may not be shipped to Finland for disposal on its own or after a possible interim disposal operation in land, on land or in a specially designed landfill, unless the shipment is based on regional cooperation in waste management between Finland and Sweden or between municipalities in Finland and Norway.

Section 111

Prohibition of international shipment of waste due to non-payment

The Finnish Environment Institute may prohibit an international shipment of waste if the notifier has failed to pay a fee related to the processing of a notification or the supervision of shipment batches ordered by the Finnish Environment Institute for a previous shipment of waste.

Section 112

Application of the export ban in the Waste Shipment Regulation in certain situations

The Finnish Environment Agency may decide that:

1) in exceptional cases, the export ban referred to in Article 39(1) of the Waste Shipment Regulation shall not apply to certain waste classified as hazardous waste in Annex V to the Regulation or in the list of waste adopted pursuant to Article 7 of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, if the notifier reliably demonstrates that the waste does not exhibit any hazardous properties;

2) waste may exceptionally be classified as hazardous waste and therefore be subject to an export ban in accordance with Article 39(1) of the Waste Shipment Regulation, even if the waste is not classified as hazardous in Annex V to that regulation or in the list of waste referred to in paragraph 1 of this subsection, or is listed in List B of Part 1 of that annex, if that waste has a hazardous property.

Section 115

Amendment and revocation of a decision on the consent or pre-consent of an international shipment of waste

A decision authorising an international shipment of waste may be withdrawn if any of the conditions for the shipment laid down in the Waste Shipment Regulation or in this Act are no longer met.

Section 116

Guarantee for international shipment of waste

A guarantee, insurance or pledged deposit shall be accepted as collateral in accordance with Article 7 of the Waste Shipment Regulation. The issuer of the security shall be a credit, insurance, or other professional financial institution established in a State that is a member of the European Economic Area.

The guarantee shall be indefinite.

Section 117 a

Special provisions for used electrical and electronic equipment

Provisions on the demonstration of the necessary evidence that a used electrical or electronic device does not constitute waste are also laid down in Article 61(2)-(6) of the Waste Shipment Regulation.

Section 117b

Demonstration of appropriateness and accretinig when shipping waste outside the European Economic Area

Anyone who transfers waste to a country outside the European Economic Area for processing shall be able to demonstrate, in accordance with the Waste Shipment Regulation, that the treatment of waste and the treatment of residual waste resulting from the treatment outside the European Economic Area complies with the requirements of the Regulation and is carried out in conditions equivalent to those laid down in the relevant European Union legislation concerning the protection of human health and the environment.

The accreditation referred to in Article 46 of the Waste Shipment Regulation is carried out in Finland by the FINAS accreditation service.

Section 117d

Submission of information on international shipments of waste

When submitting information pursuant to Article 27(1) of the Waste Shipment Regulation to the EU central system referred to in paragraph 3 of that Article, an operator carrying out international shipments of waste shall use the register of international shipments of waste maintained by the Finnish Environment Agency pursuant to Section 142(1)(1) of this Act.

Section 122

Right of access to information

The supervisory authority, the Ministry of the Environment and the Finnish Environment Institute and a civil servant and official prescribed by them are entitled, upon request, to receive the following information, where this is necessary for the control of compliance with this Act and provisions and regulations issued pursuant to it, the control of compliance with the Mercury Regulation and Waste Shipment Regulation and provisions issued pursuant to them, as well as the implementation of the Act:

3) the essential information and documents from another authority, civil servant or official referred to in this section, notwithstanding the obligation of secrecy laid down in the Act on the Openness of Government Activities;

Section 124

Inspections and control plans

The plans referred to in paragraph 2 shall set out the objectives and priorities of the inspections, the geographical area covered by the plan, the planned inspections and their frequency, the authorities involved in the inspections and the arrangements for their cooperation, and any other matters necessary for the proper conduct of the inspections. The plan shall be reviewed at least every three years and updated as necessary. In addition, the content of the plans for inspections and other controls and the implementation of the inspections are laid down in Article 60-62 of the Waste Shipment Regulation.

Section 126

Rectifying the breach or negligence

The supervisory authority may:

1) prohibit any person who infringes this Act or any regulation or regulation adopted pursuant to it, or the Waste Shipment Regulation or the Mercury Regulation or any provision adopted pursuant to them, from continuing or repeating an unlawful practice, or from ordering the person concerned to fulfil their obligations in any other way;

Section 131

Neglect fee

The following parties shall also be obliged to pay a neglect fee:

-
- 8) person who fails to comply with the Waste Shipment Regulation:
- a) the obligation to notify a change in the identity of the carrier, as provided for in Article 17;
 - b) the obligation to draw up or sign a document provided for in Article 18;
 - c) the obligation of prior electronic notification of a shipment provided for in Articles 16 or 18;
 - d) the obligation laid down in Article 16 or 18 to complete the shipment document or to make the shipment document and, where applicable, the notification document available during transport;
 - e) the obligation laid down in Articles 15, 16 or 18 to confirm receipt of the waste or to provide a certificate of completion of the recovery or disposal of the waste;
 - f) the obligation to make information, document or certificate relating to the shipment available by electronic means laid down in Articles 16 or 18; or
 - g) the provision of the information referred to in Article 17 by electronic means;
 - 9) the notifier of a shipment of waste who fails to provide a guarantee in accordance with Article 7 of the Waste Shipment Regulation prior to the shipment of waste.

Section 140

Enforcement and reimbursement of the neglect fee

The neglect fee is enforced before the decision becomes final, in accordance with the provisions of the Act on the Enforcement of Taxes and Charges (706/2007). The neglect fee is enforced by the Legal Register Centre.

Section 142

Waste management registers and producer responsibility register

The Finnish Environment Institute and the Finnish Supervisory Agency act as registrars of waste management registers and producer registers as follows:

- 1) The Finnish Environment Institute shall keep a register of the data and documents referred to in Article 27 of the Waste Shipment Regulation and the accounting data referred to in Section 117c;
-

Section 145

Collection of costs and charges

The municipal waste management fee, the fee provided for in Section 144(1) and (2) and the costs referred to in Section 123(4) and in Article 30 of the Waste Shipment Regulation are directly distrainable. The provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings shall apply to their enforcement.

Section 147

Penal provisions

Anyone who intentionally or through negligence and in a manner not referred to in subsection 1

21) imports, exports, or transfers waste via the territory of Finland in violation of section 110 or a provision or individual order issued under this Act, or in violation of the prohibition laid down in Article 4(1) or (3) of the Waste Shipment Regulation, the prohibition on the mixing waste laid down in Article 19, the export prohibitions laid down in Articles 37, 39, 40, 48 or 49, or the export prohibition established under Article 45, or the import prohibitions laid down in Articles 50 or 52,

21 a) ships waste without the approval referred to in Article 9 of the Waste Shipment Regulation or in a manner that does not comply with the information contained in or provided in the notification or movement document referred to in Articles 16 or 18 or acts as an organiser of the shipment without the authorisation referred to in Article 18;

21 b) transport waste to a facility without having to undergo an inspection as referred to in Article 46 of the Waste Shipment Regulation or ensure an inspection of the facility in the manner prescribed by that article,

22) neglects issuing a notification in accordance with Article 5 of the Waste Shipment Regulation, a notification on changes to the consented quantity of waste, route of the shipment or shipment schedule to the competent authority in accordance with Article 17, or neglects the obligation to keep documents and information laid down in Article 20 or the obligation to implement measures to protect the environment laid down in Article 59, with the exception of what is laid down on neglect in section 131, subsection 2, paragraphs 8 and 9 of this Act,

shall be sentenced to pay a fine for an *infringement of the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.

This Act enters into force on [day] [month] 20...

2.

Act

amending Chapter 48, § 1 of the Criminal Code

In accordance with the decision of Parliament
Section 1(1)(4)(b) of Chapter 48 of the Criminal Code (39/1889), as it appears in
Act 717/2021, is *amended* as follows:

Chapter 48

Environmental offences

Section 1

Impairment of the environment

A person who intentionally or through gross negligence

4) imports, exports, or transfers waste via the territory of Finland in violation of

b) Regulation (EU) 2024/1157 on shipments of waste, amending Regulations (EU) No
1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006; or

in such a way that the act is likely to cause environmental pollution, other harmful changes
in or littering of the environment, or a danger to health, shall be sentenced to pay a fine or to
imprisonment for up to two years for *pollution of the environment*.

This Act enters into force on [day] [month] 20...

3.

Act

on amending section 3 of the Fertiliser Act

In accordance with the decision of Parliament
section 3(5) of the Fertiliser Act (711/2022) is *amended* as follows:

Section 3

Relationship to certain provisions

Requirements for the treatment, use and disposal of waste and industrial by-products used as constituents of fertilising products are also laid down in the Health Protection Act (763/1994), the Environmental Protection Act (527/2014), the Waste Act (646/2011) and Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006. Provisions on the excavating soil for transport, storage or processing are laid down in the Land Extraction Act (555/1981).

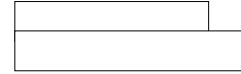
This Act enters into force on [day] [month] 20...

Helsinki xx xx 20xx

Prime Minister

First name Last name

..Minister First name Last name



1.

Act

amending the Waste Act

In accordance with the decision of Parliament sections 109, 113 and 114 of the Waste Act (646/2011) are *repealed*; section 6(1)(29); section 22(3); section 108(1); sections 110 and 111; section 112(1); section 115(2); section 116; section 117a(3); section 117b; the introductory part and point 3 of section 122(1); section 124(2); point 1 of section 126(1); points 8 and 9 of section 131(2); section 140(1); point 1 of section 142(1); section 145(1); and points 21 and 22 of section 147(2) are *amended*;

as they appear in: section 6(1)(29) of Act 1096/2022; sections 22(3) and 126(1)(1) of Act 757/2018; section 108(1) of Act 626/2017; section 117a(3) of Act 1518/2015; section 117b; the introductory part and point 3 of section 122(1); section 131(2)(8) and section 147(2)(21 and 22) of Act 714/2021; section 124(2) and section 145(1) of Act 834/2017; and section 142(1)(1) of Act 494/2022; and

a new section 117d shall be added to the Act, and section 147(2), as set out in Act 714/2021, shall be *supplemented* with new points 21a and 21b, as follows:

Existing Act

Proposal

Section 6

Section 6

Other definitions

Other definitions

For the purposes of this Act:

For the purposes of this Act:

29) *international shipment of waste* as referred to in Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 ('the Waste Shipment Regulation'), from Finland to another country, from another country to Finland and through Finland;

29) *international shipment of waste within the meaning of Regulation (EU) 2024/1157 of the European Parliament and of the Council on shipments of waste, amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006 ('the Waste Shipment Regulation')* from Finland to another country, from another country to Finland and through Finland;

Section 22

Section 22

State authorities

State authorities

Existing Act

The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation which is responsible for cooperation with other competent authorities in the control of international shipments of waste. The Finnish Environment Institute is also the contact point under the Waste Shipment Regulation. In addition, the Finnish Environment Institute is the competent authority referred to in the Mercury Regulation to the extent that this does not concern the authority referred to in Article 8(3) of the above Regulation.

‘Chapter 12

International shipments of waste and sending a ship for dismantling

Section 108

International shipment of waste and sending a ship for dismantling

The international shipment of waste and the approval thereof shall comply with the provisions of the Waste Shipment Regulation, as well as this Act and any provisions issued pursuant to it.

Section 109

Shipping of waste to another country for processing

In addition to the provisions of section 108, waste may be shipped from Finland to another country for disposal and mixed municipal waste for recovery, which is the responsibility of the municipality in accordance with section 32, only if:

1) Finland does not have the technical or economic conditions or the necessary

Proposal

The Finnish Environment Institute is the competent authority referred to in the Waste Shipment Regulation which is responsible for cooperation with other competent authorities in the control of international shipments of waste. The Finnish Environment Institute *also acts as a public authority in the waste shipment control group under the Waste Shipment Regulation.* In addition, the Finnish Environment Institute is the competent authority referred to in the Mercury Regulation to the extent that this does not concern the authority referred to in Article 8(3) of the above Regulation.

‘Chapter 12

International shipments of waste and sending a ship for dismantling

Section 108

International shipment of waste and sending a ship for dismantling

The international shipment of waste and the approval and *control* hereof shall comply with the provisions of the Waste Shipment Regulation, as well as this Act and any provisions issued pursuant to it.

to be repealed

Existing Act

Proposal

facilities to treat the waste in an acceptable manner;

2) the treatment of waste is substantially better in terms of environmental protection than in Finland;

3) the waste is treated in a manner which would be acceptable from the point of view of environmental protection in Finland and which is substantially cheaper in terms of total costs than the treatment in Finland;

4) the shipment is made for the purpose of testing a new processing method or for other testing activities; or

5) the shipment of non-hazardous waste is based on regional cooperation in waste management between Finnish and Swedish municipalities or Finnish and Norwegian municipalities.

Section 110

Shipment of waste for processing to Finland

In addition to the provisions of Section 108, waste may be shipped to Finland for treatment only if the disposal of waste generated in Finland *or the recovery of mixed municipal waste for which the municipality is responsible in accordance with Section 32* is not thereby prevented or delayed.

In the case of a shipment of waste destined for disposal in Finland, acceptance of the shipment shall also be subject to the following conditions:

1) hazardous waste is incinerated in a specialised facility;

2) the waste is subjected to biological or physico-chemical treatment; or

3) The disposal of waste into or onto land, or in a specially designed landfill, or the incineration of non-hazardous waste, is based on regional cooperation in waste management between municipalities in Finland and Sweden or Finland and Norway.

Section 111

*Prohibition of international shipment of waste due to **illegal shipment** or failure to pay*

Section 110

*Shipment of waste for **disposal** to Finland*

In addition to the provisions of Section 108, waste may be shipped to Finland for treatment only if the *disposal* of waste generated in Finland is not thereby prevented or delayed. *However, waste may not be shipped to Finland for disposal on its own or after a possible interim disposal operation in land, on land or in a specially designed landfill, unless the shipment is based on regional cooperation in waste management between Finland and Sweden or between municipalities in Finland and Norway.*

Section 111

Prohibition of international shipment of waste due to non-payment

Existing Act

Proposal

The Finnish Environment Agency may prohibit the international shipment of waste if:

1) *the consignee within the meaning of Article 2(14) or the notifier within the meaning of Article 15 of the Waste Shipment Regulation has been found guilty, by judgement or decision, of an illegal shipment within the meaning of point (35) of that Article; or*

2) *the notifier has failed to pay a notification processing fee imposed by the Finnish Environment Institute (SYKE) in connection with a previous shipment of waste.*

The Finnish Environment Institute may prohibit an international shipment of waste if the notifier has failed to pay a *fee related to the processing of a notification or the supervision of shipment batches ordered by the Finnish Environment Institute for a previous shipment of waste.*

Section 112

Section 112

Application of the export ban in the Waste Shipment Regulation in certain situations

Application of the export ban in the Waste Shipment Regulation in certain situations

The Finnish Environment Agency may decide that:

The Finnish Environment Agency may decide that:

1) *in exceptional cases, the export ban referred to in Article 36(1) of the Waste Shipment Regulation shall not apply to certain waste classified as hazardous waste in Annex V to the Regulation if the notifier reliably demonstrates that the waste does not possess any of the hazardous properties referred to in section 6(1)(1);*

1) *in exceptional cases, the export ban referred to in Article 39(1) of the Waste Shipment Regulation shall not apply to certain waste classified as hazardous waste in Annex V to the Regulation or in the list of waste adopted pursuant to Article 7 of Directive 2008/98/EC of the European Parliament and of the Council on waste and repealing certain Directives, if the notifier reliably demonstrates that the waste does not exhibit any hazardous properties;*

2) *waste may exceptionally be classified as hazardous waste and therefore be subject to an export ban under Article 36(1) of the Waste Shipment Regulation, even if the waste is not listed in Annex V to that regulation or is listed in List B of Part 1 of that annex, provided that the waste in question has one of the hazardous properties referred to in Paragraph 6(1)(1).*

2) *waste may exceptionally be classified as hazardous waste and therefore be subject to an export ban in accordance with Article 39(1) of the Waste Shipment Regulation, even if the waste is not classified as hazardous in Annex V to that regulation or in the list of waste referred to in paragraph 1 of this subsection, or is listed in List B of Part 1 of that annex, if that waste has a hazardous property.*

Section 113

to be repealed

Existing Act

Proposal

International shipment of waste pursuant to Article 18 of the Waste Shipment Regulation

The Finnish Environment Institute shall have the right, upon request, to obtain from the person responsible for the international shipment of waste or the waste transporter the information referred to in Annex VII to the Waste Shipment Regulation on the waste referred to in Article 18 of the Regulation, if this is necessary for the inspection of compliance with the Regulation and for the implementation of the Regulation.

Section 114

to be repealed

Pre-consent of the waste recovery facility

Upon application, the Finnish Environment Agency may grant the operator of a waste recovery facility located in Finland the prior consent referred to in Article 14 of the Waste Shipment Regulation for the receipt of waste from another Member State of the European Economic Area or of the Organisation for Economic Co-operation and Development (OECD). Pre-consent shall not be granted to the operator of the interim recovery operation or of the experimental operation referred to in Article 2(7) of the Waste Shipment Regulation.

Pre-consent may be granted if:

1) the operator has an environmental permit for the recovery operation in accordance with the Environmental Protection Act;

2) the operator has sufficient expertise in international waste shipments;

3) the operator has an environmental management and audit system based on voluntary participation of organisations in the Community's Eco-Management and Audit Scheme (EMAS), and in accordance with Regulation (EC) No 761/2001 and repealing Commission Decisions 2001/681/EC and 2006/193/EC, specifically

Existing Act

Proposal

Regulation (EC) No 1221/2009 of the European Parliament and of the Council, or another equivalent environmental management system; and

4) the operator has previously carried out international shipments of waste in accordance with its obligations under this Act, the Waste Shipment Decree and the Environmental Protection Act.

The Finnish Environment Agency must take a decision on the application for pre-consent. The decision shall identify the types of waste and the method of recovery, as well as the facility to which the consent applies. The pre-consent shall be limited in time and shall be granted for a maximum period of 10 years.

The application for pre-consent shall contain the information necessary for processing the application concerning the operator, the installation and its operation, as well as planned international shipments of waste. Further provisions on the content of the application and the decision of the pre-consent may be laid down by government decree.

Section 115

Amendment and revocation of a decision on the consent or pre-consent of an international shipment of waste

A decision authorising an international shipment of waste may be withdrawn if any of the conditions for the shipment laid down in the Waste Shipment Regulation or in this Act are no longer met. A decision on pre-consent may be revoked if one of the conditions laid down in section 114 of the approval is no longer met.

Section 116

Guarantee for international shipment of waste

A guarantee, insurance or pledged deposit shall be accepted as collateral in accordance

Section 115

Amendment and revocation of a decision on the consent or pre-consent of an international shipment of waste

A decision authorising an international shipment of waste may be withdrawn if any of the conditions for the shipment laid down in the Waste Shipment Regulation or in this Act are no longer met.

Section 116

Guarantee for international shipment of waste

A guarantee, insurance or pledged deposit shall be accepted as collateral in accordance

Existing Act

with Article 6 of the Waste Shipment Regulation. The issuer of the security shall be a credit, insurance, or other professional financial institution established in a State that is a member of the European Economic Area.

Section 117a

Special provisions for used electrical and electronic equipment

The provision of necessary evidence demonstrating that used electrical and electronic equipment is not waste is also governed by Article 50(4a)–(4d) of the Waste Shipment Regulation.

Section 117b

Demonstration of appropriateness when shipping waste outside the European Economic Area

Anyone who ships waste to a country outside the European Economic Area for processing shall be able to demonstrate, pursuant to the Waste Shipment Regulation, that the processing of the waste outside the European Economic Area is compliant with the requirements of the above Regulation and is carried out in conditions that meet, *for the most part*, the requirements laid down in European Union environmental legislation.

Proposal

with Article 7 of the Waste Shipment Regulation. The issuer of the security shall be a credit, insurance, or other professional financial institution established in a State that is a member of the European Economic Area.
The guarantee shall be indefinite.

Section 117 a

Special provisions for used electrical and electronic equipment

Provisions on the demonstration of the necessary evidence that a used electrical or electronic device does not constitute waste are also laid down in Article 61(2)-(6) of the Waste Shipment Regulation.

Section 117b

*Demonstration of appropriateness **and accreditation** when shipping waste outside the European Economic Area*

Anyone who transfers waste to a country outside the European Economic Area for processing shall be able to demonstrate, in accordance with the Waste Shipment Regulation, that the treatment of waste *and the treatment of residual waste resulting from the treatment* outside the European Economic Area complies with the requirements of the Regulation and is carried out in conditions equivalent to those laid down in the relevant European Union legislation concerning the protection of human health and the environment.

The accreditation referred to in Article 46 of the Waste Shipment Regulation is carried out in Finland by the FINAS accreditation service.

Section 117d

Submission of information on international shipments of waste

When submitting information pursuant to

Existing Act

Proposal

Article 27(1) of the Waste Shipment Regulation to the EU central system referred to in paragraph 3 of that Article, an operator carrying out international shipments of waste shall use the register of international shipments of waste maintained by the Finnish Environment Agency pursuant to Section 142(1)(1) of this Act.

Section 122

Section 122

Right of access to information

Right of access to information

The supervisory authority, the Ministry of the Environment and the Finnish Environment Institute or a civil servant or official prescribed by them are entitled, upon request, to receive the following information, where this is necessary for the control of compliance with this Act and provisions and regulations issued pursuant to it, the control of compliance with the Mercury Regulation and provisions issued pursuant to it, as well as the implementation of the Act:

The supervisory authority, the Ministry of the Environment and the Finnish Environment Institute *and* a civil servant *and* official prescribed by them are entitled, upon request, to receive the following information, where this is necessary for the control of compliance with this Act and provisions and regulations issued pursuant to it, the control of compliance with the Mercury Regulation and Waste Shipment Regulation and provisions issued pursuant to them, as well as the implementation of the Act:

3) the necessary information and documents from another authority, civil servant or official referred to in this section, notwithstanding the obligation of secrecy laid down in the Act on the Openness of Government Activities;

3) The *essential* information and documents from another authority, civil servant or official referred to in this section, notwithstanding the obligation of secrecy laid down in the Act on the Openness of Government Activities;

Section 124

Section 124

Inspections and control plans

Inspections and control plans

The plans referred to in paragraph 2 shall set out the objectives and priorities of the inspections, the geographical area covered by the plan, the planned inspections and their frequency, the authorities involved in the inspections and the arrangements for their cooperation, and any other matters necessary for the proper conduct of the inspections. The plan shall be reviewed at least every three

The plans referred to in paragraph 2 shall set out the objectives and priorities of the inspections, the geographical area covered by the plan, the planned inspections and their frequency, the authorities involved in the inspections and the arrangements for their cooperation, and any other matters necessary for the proper conduct of the inspections. The plan shall be reviewed at least every three

Existing Act

years and updated as necessary. In addition, the content of the plans for inspections and other controls and the implementation of the inspections are laid down in Article 50 of the Waste Shipment Regulation.

Section 126

Rectifying the breach or negligence

The supervisory authority may:

1) prohibit any person who infringes this Act or any regulation or regulation adopted pursuant to it, or the Waste Shipment Regulation or the Mercury Regulation or any provision adopted pursuant to it, from continuing or repeating an unlawful practice, or from ordering the person concerned to fulfil their obligations in any other way;

Section 131

Neglect fee

The following parties shall also be obliged to pay a neglect fee:

8) anyone who fails to comply with the obligation laid down in Article 15 of the Waste Shipment Regulation to send a copy of the transfer document to the competent authority, the obligation laid down in Article 16 to complete the transfer document or to send a copy of the transfer document to the competent authority, the obligation laid down in Article 17 to issue a notification on any changes relating to the approved transporter of the transfer, or the obligation to draw up or sign the document provided for in Article 18 of said Regulation or the obligation to keep the document on hand during the transfer;

Proposal

years and updated as necessary. In addition, the content of the plans for inspections and other controls and the implementation of the inspections are laid down in Article 60-62 of the Waste Shipment Regulation.

Section 126

Rectifying the breach or negligence

The supervisory authority may:

1) prohibit any person who infringes this Act or any regulation or regulation adopted pursuant to it, or the Waste Shipment Regulation or the Mercury Regulation or any provision adopted pursuant to *them*, from continuing or repeating an unlawful practice, or from ordering the person concerned to fulfil their obligations in any other way;

Section 131

Neglect fee

The following parties shall also be obliged to pay a neglect fee:

8) person who fails to comply with the Waste Shipment Regulation:

- a) *the obligation to notify a change in the identity of the carrier, as provided for in Article 17;*
- b) *the obligation to draw up or sign a document provided for in Article 18;*
- c) *the obligation of prior electronic notification of a shipment provided for in Articles 16 or 18;*
- d) *the obligation laid down in Article 16 or 18 to complete the shipment document or to make the shipment document and, where applicable, the notification document available during transport;*
- e) *the obligation laid down in Articles 15, 16 or 18 to confirm receipt of the waste or to provide a certificate of completion of the recovery or disposal of the waste;*

Existing Act

Proposal

9) the notifier of a shipment of waste who fails to provide a guarantee in accordance with Article 6 of the Waste Shipment Regulation prior to the shipment of waste.

Section 140

Enforcement and reimbursement of the neglect fee

The neglect fee is enforced before the decision becomes final, in accordance with the provisions of the Act on the Enforcement of Taxes and Charges. The neglect fee is enforced by the Legal Register Centre.

Section 142

Waste management registers and producer responsibility register

The Finnish Environment Institute and the Centres for Economic Development, Transport and the Environment act as registrars of the waste management registers and the producer responsibility register as follows:

1) The Finnish Environment Institute maintains a register that contains information on notifications concerning international shipments of waste, applications for prior approval, decisions issued on them, and the accounting information referred to in section 117c;

Section 145

Collection of costs and charges

f) the obligation to make information, document or certificate relating to the shipment available by electronic means laid down in Articles 16 or 18; or

g) the provision of the information referred to in Article 17 by electronic means;

9) the notifier of a shipment of waste who fails to provide a guarantee in accordance with Article 7 of the Waste Shipment Regulation prior to the shipment of waste.

Section 140

Enforcement and reimbursement of the neglect fee

The neglect fee is enforced before the decision becomes final, in accordance with the provisions of the Act on the Enforcement of Taxes and Charges (706/2007). The neglect fee is enforced by the Legal Register Centre.

Section 142

Waste management registers and producer responsibility register

The Finnish Environment Institute and the Finnish Supervisory Agency act as registrars of waste management registers and producer registers as follows:

1) The Finnish Environment Institute shall keep a register of the *data and documents referred to in Article 27 of the Waste Shipment Regulation* and the accounting data referred to in Section 117c;

Section 145

Collection of costs and charges

Existing Act

The municipal waste management fee, the fee provided for in Section 144(1) and (2) and the costs referred to in Section 123(4) and in Article 29 of the Waste Shipment Regulation are directly distrainable. Their collection is provided for in the Act on the Enforcement of Taxes and Fees (706/2007).

Section 147

Penal provisions

Anyone who intentionally or through negligence and in a manner not referred to in subsection 1

21) imports, exports, or transfers waste via the territory of Finland in violation of sections 109 or 110 or any provision issued pursuant to this Act, or an order concerning an individual case, or the prohibition on mixing waste laid down in Article 19 of the Waste Shipment Regulation, the prohibition on exports laid down in Articles 34, 36, 39 and 40, or the prohibition on imports laid down in Articles 41 and 43,

22) neglects issuing a notification in accordance with Article 4 of the Waste Shipment Regulation, a notification on a route modification to the competent authority in accordance with Article 13(2), a notification on changes to the consented

Proposal

The municipal waste management fee, the fee provided for in Section 144(1) and (2) and the costs referred to in Section 123(4) and in Article 30 of the Waste Shipment Regulation are directly distrainable. The provisions of the Act on the Recovery of Taxes and Fees by Recovery Proceedings shall apply to their enforcement.

Section 147

Penal provisions

Anyone who intentionally or through negligence and in a manner not referred to in subsection 1

21) imports, exports, or transfers waste via the territory of Finland in violation of section 110 or a provision or individual order issued under this Act, or in violation of the prohibition laid down in Article 4(1) or (3) of the Waste Shipment Regulation, the prohibition on the mixing waste laid down in Article 19, the export prohibitions laid down in Articles 37, 39, 40, 48 or 49, or the export prohibition established under Article 45, or the import prohibitions laid down in Articles 50 or 52,

21 a) ships waste without the approval referred to in Article 9 of the Waste Shipment Regulation or in a manner that does not comply with the information contained in or provided in the notification or movement document referred to in Articles 16 or 18 or acts as an organiser of the shipment without the authorisation referred to in Article 18;

21 b) transport waste to a facility without having to undergo an inspection as referred to in Article 46 of the Waste Shipment Regulation or ensure an inspection of the facility in the manner prescribed by that article,

22) neglects issuing a notification in accordance with Article 5 of the Waste Shipment Regulation, a notification on changes to the consented quantity of waste,

Existing Act

Proposal

quantity of waste, route of the shipment or shipment schedule to the competent authority in accordance with Article 17, or neglects the obligation to keep documents and information laid down in Article 20 or the obligation to implement measures to protect the environment laid down in Article 49, with the exception of what is laid down on neglect in section 131, subsection 2, paragraphs 8 and 9,

route of the shipment or shipment schedule to the competent authority in accordance with Article 17, or neglects the obligation to keep documents and information laid down in Article 20 or the obligation to implement measures to protect the environment laid down in *Article 59*, with the exception of the neglect *referred to* in section 131, subsection 2, paragraphs 8 and 9 of *this Act*,

shall be sentenced to pay a fine for an *infringement of the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.

shall be sentenced to pay a fine for an *infringement of the Waste Act*, unless a more severe punishment for the act is prescribed elsewhere in the law.

This Act enters into force on [day] [month] 20...

2.

Act

amending Chapter 48, § 1 of the Criminal Code

In accordance with the decision of Parliament
Section 1(1)(4)(b) of Chapter 48 of the Criminal Code (39/1889), as it appears in
Act 717/2021, is *amended* as follows:

Existing Act

Proposal

Chapter 48

Chapter 48

Environmental offences

Environmental offences

Section 1

Section 1

Impairment of the environment

Impairment of the environment

A person who intentionally or through
gross negligence

A person who intentionally or through
gross negligence

4) imports, exports, or transfers waste via
the territory of Finland in violation of

4) imports, exports, or transfers waste via
the territory of Finland in violation of

b) Regulation (EC) No 1013/2006 of the
European Parliament and of the Council on
shipments of waste, or

b) *Regulation (EU) 2024/1157 on
shipments of waste, amending Regulations
(EU) No 1257/2013 and (EU) 2020/1056
and repealing Regulation (EC) No
1013/2006; or*

in such a way that the act is likely to cause
environmental pollution, other harmful
changes in or littering of the environment, or
a danger to health, shall be sentenced to pay
a fine or to imprisonment for up to two years
for pollution of the environment.

in such a way that the act is likely to cause
environmental pollution, other harmful
changes in or littering of the environment, or
a danger to health, shall be sentenced to pay
a fine or to imprisonment for up to two years
for pollution of the environment.

*This Act enters into force on [day] [month]
20...*

3.

Act

on amending section 3 of the Fertiliser Act

In accordance with the decision of Parliament section 3(5) of the Fertiliser Act (711/2022) is *amended* as follows:

Existing Act

Proposal

Section 3

Section 3

Relationship to certain provisions

Relationship to certain provisions

Furthermore, requirements for the treatment, use and disposal of waste and industrial by-products used as ingredients in fertilising products are laid down in the Health Protection Act (763/1994), the Environmental Protection Act (527/2014), the Waste Act (646/2011) and Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste. Provisions on the excavating soil for transport, storage or processing are laid down in the Land Extraction Act (555/1981).

Requirements for the treatment, use and disposal of waste and industrial by-products used as constituents of fertilising products are also laid down in the Health Protection Act (763/1994), the Environmental Protection Act (527/2014), the Waste Act (646/2011) and Regulation (EU) 2024/1157 of the European Parliament and of the Council on *shipments of waste and amending Regulations (EU) No 1257/2013 and (EU) 2020/1056 and repealing Regulation (EC) No 1013/2006*. Provisions on the excavating soil for transport, storage or processing are laid down in the Land Extraction Act (555/1981).

This Act enters into force on [day] [month] 20...
