

Provincial act of the Åland Islands (2018:83) on the application of the National Waste Act

Section 1. Scope of the Act

The provisions of the National Waste Act (FFS 646/2011), hereinafter referred to as the 'National Waste Act', shall be applied in accordance with the derogations laid down in this Act.

Amendments to the National Waste Act shall apply in the Province from the time they enter into force in the nation, unless otherwise provided in this Act.

References in the National Waste Act to provisions of the national legislation shall, within the competence of the province, refer to the corresponding provisions of the provincial legislation.

Section 2. Authorities

The Provincial Government is responsible for the general management, follow-up and development of the activities referred to in this Act.

The governmental functions referred to in this Act shall be carried out by:

- 1) the Provincial Government, unless otherwise provided for in this Act;
- 2) municipalities or a municipal body to which a municipality has delegated certain responsibilities in respect of waste management tasks which, under the National Waste Act, are to be performed by municipalities or by municipal waste management authorities;
- 3) The Åland Environmental and Health Protection Authority, in respect of the tasks which according to the National Waste Act are to be carried out by the municipal environmental protection authority, and the Centre for Economic Development, Transport and the Environment, with the exception of the tasks to be carried out by the Centre for Economic Development, Transport and the Environment in Pirkanmaa.

By way of derogation from the provisions of Point 2,

- 1) the Provincial Government decides on a derogation from the classification of hazardous waste as referred to in Section 7 of the National Waste Act;
- 2) the Åland Environmental and Health Protection Authority may decide on such a derogation from the classification of hazardous waste as referred to in Section 7 of the National Waste Act in environmental permit cases under [the Provincial Environmental Protection Act \(2008:124\)](#); and

3) municipalities decide on an imposition to clean up as referred to in Section 75(1) of the National Waste Act.

Municipalities have the supervisory and other powers that the municipal environmental protection authorities have for the implementation of the tasks referred to in Point 3 Subparagraph 3 above.

The Provincial Government has the supervisory powers that the Centre for Economic Development, Transport and the Environment in Pirkanmaa has in accordance with the National Waste Act. The Provincial Government is the supervisory authority over Section 3c. [\(2023/123\)](#)

Section 3. Derogations from the application of the National Waste Act

By way of derogation from the provision in Section 59 of the National Waste Act concerning fees, the Vehicle Authority may charge the producer a fee for the final deregistration of vehicles. The provisions of the [Provincial act of the Åland Islands \(1993:27\) on the grounds for levies for the province](#) apply to such a fee.

By way of derogation from the provisions of Section 61 concerning the security which producers of electrical and electronic products must provide, it is not necessary for such security to be provided in favour of the Provincial Government if such security is provided in favour of the Centre for Economic Development, Transport and the Environment in Pirkanmaa.

By way of derogation from the National Waste Act, the provisions concerning regional cooperation groups in Section 88 of the National Waste Act shall not apply. [\(2023/123\)](#)

Section 3a. [\(2020/28\)](#) Data platform for waste and side streams

By way of derogation from the provisions of the National Waste Act, municipalities are not required to use a data platform for municipal waste management as referred to in Sections 33, 143a and 143b of the National Waste Act.

Section 3b. [\(2023/123\)](#) Waste transport derogations

The municipality may derogate from the requirement for the transport of waste by property in accordance with Section 35(1) of the National Waste Act also in cases other than those referred to in Point 4 of that Section.

With regard to the transport of sludge from silt excluding devices and closed tanks, the property owner may, by way of derogation from the provision on municipally arranged transport of waste by property in Section 36(1) and (2) of the National Waste Act, contract with a waste transporter other than that arranged by the municipality.

By way of derogation from Section 37 of the National Waste Act, the municipality may decide to organise waste transport by property in the municipality or part of the municipality so that the owner of the property also contracts with a waste transporter for waste other than mixed waste.

By way of derogation from Section 41a(1) of the National Waste Act, the waste holder may compost their bio-waste on the property or in the vicinity of the property even if it has not been approved in municipal waste management regulations if it is done in a safe manner for the environment and health.

The municipal waste fee, in particular the waste tariff, shall be adapted to the derogations applied by the municipality in respect of Points 1 and 4. The waste tariff shall provide financial incentives for good sorting of waste.

Section 3c. [\(2023/123\)](#) Municipal organisation of waste management

The municipality shall design its waste management to achieve the targets for preparing for re-use and recycling of municipal waste, which are further regulated in a decree of Åland.

The municipality shall annually compile a report on the collected municipal waste in the municipality and submit it to the Provincial Government by 31 March of the following year. Every five years, starting from the year 2025, the municipalities shall submit, along with the annual report, an account of the fulfilment of the target as per Point 1.

If the account referred to in Point 2 shows that the target referred to in Point 1 is not met, the municipality shall decide on a municipal waste management plan for the organisation and development of the waste management in the municipality. The municipality should also consider cooperation with other municipalities.

The Provincial Government may, in a decree of Åland, issue more detailed provisions on the content of the report and account referred to in Point 2 and the municipal waste management plan referred to in Point 3.

Section 4. Producer responsibility

By way of derogation from the National Waste Act, producers are also those who professionally import products from the country to the province.

The agreement between the municipalities and the producer association of packaging producers referred to in Section 49a of the National Waste Act shall also cover the municipalities' collection under Section 3b(1). The Agreement shall primarily cover the whole Province of Åland. If, after mediation by the Provincial Government under Section 49c of the National

Waste Act, agreement is not reached with all municipalities, at least two thirds of the population of Åland must be covered. [\(2023/123\)](#)

If the packaging producers of Åland are included in the national producer association and the Åland municipalities are included in the agreement in accordance with Section 49a of the National Waste Act, Point 2 does not apply. [\(2023/123\)](#)

Section 5.

Repealed [\(2023/123\)](#).

Section 6. Environmental assessment

By way of derogation from the National Waste Act, the provisions relating to entry in the waste management register and registration in a computer system for environmental care information shall not apply. Where an entry is to be made in the waste management register in accordance with the National Act, the procedure for environmental assessment in accordance with the provisions of the [Provincial Act on Environmental Protection](#) shall apply. An environmental assessment is required for:

- 1) [\(2020/28\)](#) recovery and disposal that are exempt from the permit requirement under Section 7(2);
- 2) professional waste collection;
- 3) professional transport of waste;
- 4) professional sale or brokering in waste for recovery or disposal; and
- 5) activities which are of essential significance for waste management and which the Provincial Government has made subject to environmental assessment by means of a decree of Åland.

The Åland Environmental and Health Protection Authority shall keep a register of the activities referred to in Point 1.

Waste management subject to registration and activities subject to notification under the National Environmental Protection Act refer in the Åland Islands to corresponding activities subject to environmental assessment. [\(2023/123\)](#)

Section 7. Permit requirement for waste activities

A permit is required for an activity which recovers or disposes of waste on a professional basis or in a public facility, including preparation prior to recovery or disposal, with the exception of vegetable waste from agriculture and forestry and untreated wood waste.

If the Provincial Government has issued general instructions for the activity in question in a decree of Åland and has laid down specific conditions for the recovery of hazardous waste, the Provincial Government may provide in the decree of Åland for exemptions from the permit requirements under Point 1 for establishments or undertakings which themselves dispose of waste other than hazardous waste generated in their own activities and for establishments or undertakings which recycle waste. [\(2020/28\)](#)

A decision on a permit pursuant to Point 1 shall, in addition to what follows from the [Provincial Act on Environmental Protection](#), include information on:

- 1) quantity and type of waste;
- 2) technical requirements;
- 3) safety and precautionary measures to be taken;
- 4) the place of disposal or recycling;
- 5) method of treatment;
- 6) necessary monitoring and verification procedures; and
- 7) necessary instructions on closure and after-care.

The previous Point 2 has become Point 3 based on [\(2020/28\)](#).

Section 7a. [\(2023/123\)](#) Derogations concerning accounting by food business operators

By way of derogation from Section 118a of the National Waste Act, a food business operator as referred to in Section 5(1)(1) of the Food Act (FFS 297/2021), hereinafter referred to as 'the National Food Act', shall keep records of the amount and management of waste to the extent necessary to obtain an overall picture of the amount of waste. The records shall include, to the extent possible, an estimate of the total quantity of edible foodstuffs discarded as waste. However, the obligation does not apply to operators referred to in Section 10(2) of the National Food Act who are outside the scope of systematic foodstuffs supervision, operators in primary production and non-profit organisations. The accounting data shall be kept in paper or electronic form for six years.

Detailed provisions on the records and the information to be contained therein may be laid down by a decree of Åland. Provisions concerning the communication of accounting information to the supervisory authority or the computer system it manages and, where a retention period of six years is manifestly unnecessary, a shorter retention period for accounting

data than that provided for in Point 1 may be laid down by a decree of Åland for the purposes of competent performance of the supervision of activities.

Section 7b. [\(2023/123\)](#) Derogation on accounting data

By way of derogation from Section 119 of the National Waste Act, the records referred to in Section 118(1) of the National Waste Act shall be kept to the extent necessary to obtain an overall picture of the amount of waste. It may, in accordance with the nature of the operation, include information on the type, nature, quantity, origin and place of delivery of the waste generated, collected, transported, brokered or treated and on the transport and treatment of the waste. The records may also include information on the quantity of waste generated in activities referred to in Section 118(1)(1) in relation to the scale of the activity expressed in terms of turnover, number of employees or equivalent (specific quantity of waste). The accounts of activities referred to in Section 118(1)(3) may include information on the quantity and purpose of use of the products and materials generated in the preparation of waste for re-use, recycling or other recovery, specified by product and material group.

More detailed provisions on the information to be included in the records, categorised by activity, type of waste or product or material group, and on the calculation of the specific quantity of waste, may be laid down by a decree of Åland. Provisions concerning the communication of accounting information to the supervisory authority or the computer system it manages may be laid down by a decree of Åland for the purposes of competent performance of the supervision of activities.

The accounting data shall be kept in paper or electronic form for six years. Provisions for a period of less than six years in cases where a retention period of six years is manifestly unnecessary for the purposes of supervision of the activity may be laid down by a decree of Åland.

Section 8. Ordinance

The Provincial Government may, within the competence of the province, decide by a decree of Åland that statutes issued pursuant to the National Waste Act shall be applied in the Province unchanged or with the amendments decided by the Provincial Government. The Provincial Government may also, within the competence of the province, issue provisions by a decree of Åland on the basis of an authorisation contained in the National Waste Act.

The Provincial Government may delegate administrative and governmental functions referred to in Section 2(2)(1) to a subordinate organisation by a decree of Åland.

If the Provincial Government has decided by a decree of Åland pursuant to this Act or another Provincial Act on general requirements for an activity and, in matters relating to hazardous waste, has laid down special conditions for recovery, the Provincial Government may decide by a decree of Åland on exemptions from permit requirements under Section 7(1) for:

- 1) establishments or undertakings which themselves dispose of waste other than hazardous waste generated in their own activities at the place where it is generated; and
- 2) establishments or undertakings which recycle waste.

Section 9. Appeal for amendment

Provisions on complaints against decisions referred to in this Act are laid down in Section 25 [of the Act on the Autonomy of Åland](#).

Decisions made by the Åland Environmental and Health Protection Authority pursuant to this Act may be appealed to the Åland administrative court, in accordance with the provisions of Section 19 of [the Provincial Act \(2007:115\) on the Åland Environmental and Health Protection Authority](#).

In decisions made by a municipality pursuant to this Act, an appeal can be made in accordance with the provisions of Chapter 15 of the [Local Government Act \(1997:73\) for the Province of Åland](#).

Section 10. [\(2020/28\)](#) Penalties

Within the competence of the province, in addition to the criminal provisions in Section 147 of the National Waste Act, the criminal provisions in Chapter 48, Sections 1-4 and Section 9 of the Criminal Code shall also apply in the province.

Section 11. Entry into force and transitional provisions

This Act shall enter into force on 1 January 2019.

With the entry into force of this Act, the [Provincial Act \(1981:3\) on Municipal Refuse Collection](#), hereinafter the 'Act on Municipal Refuse Collection', is repealed. Decrees and decisions issued under [the Act on Municipal Refuse Collection](#) shall remain in force, in so far as they do not conflict with this Act, until otherwise pursuant to this Act. Cases pending at the time of entry into force of this Act shall be processed in accordance with the provisions in force on the date of entry into force of this Act.

A producer or producer association that has been approved for entry in the producer register in accordance with the provisions of Section 7c of [the Act](#)

[on Municipal Refuse Collection](#) shall remain approved in the producer responsibility register after the entry into force of this Act until the approval is amended, revoked or otherwise terminated on the basis of the provisions of this Act.

Producers of tyres for motor vehicles and other vehicles and devices and producers of newspapers, magazines, office paper and other similar paper products shall submit an application for approval for entry in the producer register no later than two years after the entry into force of this Act.

The provisions of the National Waste Act on the obligation of municipalities to organise waste management for sludge from silt excluding devices and junction wells from permanent dwellings, second homes, boarding houses and other accommodation shall apply for the first time two calendar years after the entry into force of this Act.

Entry into force provisions and preparatory work

Here you will find information on when the Statute and amendments to it have entered into force, as well as on the preparatory work for the Constitution and amendments. The list also indicates whether EU legislation is affected. All preparatory works are available on the website of the Åland Parliament.

[Go to the case search on lagtinget.ax »](#)

2018:83

- LF 7/2017-2018
- SMU bet. 3/2017-2018
- Directive 2008/98/EC of the European Parliament and of the Council, OJ L 312, 22.11.2008, p. 3.
- Directive 2006/66/EC of the European Parliament and of the Council, OJ L 266, 26.9.2006, p. 1.
- Directive 2008/103/EC of the European Parliament and of the Council, OJ L 327, 5.12.2008, p. 7.
- Regulation (EC) No 1013/2006 of the European Parliament and of the Council, OJ L 190, 12.7.2006, p. 1.
- Directive 2006/21/EC of the European Parliament and of the Council, OJ L 102, 11.4.2006, p. 15.
- Directive 2000/53/EC of the European Parliament and of the Council, OJ L 269, 21.10.2000, p. 34.
- Council Directive 1999/31/EC, OJ L 182, 16.7.1999, p. 1.

- Council Directive 96/59/EC, OJ L 243, 24.9.1996, p. 31.
- European Parliament and Council Directive 94/62/EC, OJ L 365, 31.12.1994, p. 10.
- Directive 2004/12/EC of the European Parliament and of the Council, OJ L 47, 18.2.2004, p. 26.
- Council Directive 86/278/EEC, OJ L 181, 4.7.1986, p. 6.
- Directive 2012/19/EU of the European Parliament and of the Council, OJ L 197, 24.7.2012, p. 38.
- Directive 2011/65/EU of the European Parliament and of the Council, OJ L 174, 1.7.2011, p. 88.

2020/28

This Act shall enter into force on 1 March 2020.

- LF 1/2019-2020
- SMU bet. 2/2019-2020

2023/123

This Act shall enter into force on 1 January 2024.

If the municipality has an ongoing contract with a waste transporter for the collection of waste shipments by property when this Act enters into force, the right of property owners under Section 3b(2) to contract with another waste transporter shall apply from the time the municipality's contract expires.

- LF 29/2022-2023
- SMU bet. 12/2022-2023