NOTIFICATION BY FINLAND

The attached notification, dated 13 June 1986, has been received from Finland.
Goods prohibited on domestic market in Finland

This survey supplies summary information of existing Finnish legislation following the request made in GATT/Airgram 2181.

Finland has no general law concerning trade in, manufacture of, and product liability of goods. Each category of goods is covered by a separate legislation containing requirements on e.g. quality, inspection, safety, producer or seller of the products concerned.

No comprehensive set of regulations concerning exportation exists, and the content of the relevant provisions in the various regulations presented below is not coordinated.

As a rule, withdrawal of a product from the domestic market is not effected by means of an express prohibition; when it is found that the product has ceased to meet the requirements in the appropriate specific legislation as a result of technical changes, the domestic manufacture of the product comes to an end. Exportation of such goods is not subject to a specific licensing procedure.

However, the exportation of certain goods has been made subject to a licensing procedure. Due to the general character of arms the export of war material is subject to export controls.

I. Supervisory authorities

The principal bodies responsible for supervising the trade in and manufacture of, import and in some instances also export of goods and for issuing the necessary permits and ensuring compliance with the terms and conditions in them are:

- The Ministry of Trade and Industry (foodstuffs)
- The Ministry of Agriculture and Forestry (products of agriculture and fishery)
- The Ministry of Social Affairs and Health (medicines; substances involving health hazards; alcohol and spirits)
- The Ministry of the Environment (problem waste)
- The National Board of Health (wood preserving agents; medicines and other pharmaceutical goods; poisons; alcohol; tobacco)
- The National Board of Social Welfare (pharmaceutical goods; narcotics; poisons)
- The National Board of Agriculture (pesticides)
- The National Board of Labour Protection (tools; personal safety equipment; chemicals needed for work)
- The National Board of Trade and Consumer Interests (foodstuffs; consumer goods; cosmetics; detergents)
- The Technical Research Centre of Finland (tests inspections of certain technical products)
- The Institute of Agricultural Chemistry (agricultural products)
- The Finnish Centre for Radiation and Nuclear Safety (nuclear energy; X-ray and corpuscular radiation equipment)
- The customs Laboratory (foodstuffs and consumer goods)
- The Technical Inspection Centre (precious metals; machinery containers; combustible liquids; explosives)
- The Electrical Inspectorate (electrical apparatuses)
- The National Medicines Control Laboratory (pharmaceutical goods and sanitary articles).

II Specified laws and regulations on domestic handling and trade

A. Foodstuffs

1. Food Act (526/1941) and Food Decree (408/1952):
   - the supervisory authority is entitled to inspect premises of sale, storage and manufacture and to prohibit import, sale and manufacture pending inspection
   - not applicable to exports
- uninspected meat shall not be sold, processed and stored
- meat intended for exportation shall be approved by an authorized export control laboratory

- the tests and controls in the case of milk have to be performed by an authorized laboratory
- export control is effected by the Customs

- not applicable to exports

5. Act on Measures against Tobacco Smoking (693/1976):
- sale is subject to an inspection permit issued by the Ministry of Social Affairs and Health
- not applicable to exports

B. Animal fodder; fertilizers

1. Animal fodder and Fertilizers Act (335/1968):
- the additives to be used for animal fodder have to be approved by the Institute for Agricultural Chemistry
- importation or sale may be prohibited if it is noticed that a preparation (fodder or fertilizer) involves health hazards
- the supervisory authorities have extensive rights of inspection
- not applicable to exports

C. Seeds

- applicable to imports and exports of as well as trade in, seeds of agricultural and garden plants
- imports and exports may be prohibited; prohibition of exports to be based on imminent domestic shortage, not on bad quality of the product
D. Chemical substances

D1. Medicines and other pharmaceutical goods

   - pharmaceutical goods may be sold to the public only by pharmacies
   - manufacture and sale are subject to a permit and to supervision by authorities
   - imports and storage are strictly regulated
   - medical preparations (special pharmaceutical preparations) may be sold or otherwise made available only under a permit issued by the National Board of Health
   - no provisions restricting exports

D2. Poisons

   - manufacture and trade subject to a permit
   - the authorities are entitled to perform inspections and to prohibit the use, if necessary
   - relevant provisions of international treaties to which Finland has acceded have to be observed even when they diverge from the requirements of the Act
   - not applicable to exports

D3. Pesticides

1. Pesticides Act (327/1969):
   - the use of a pesticide can be prohibited if it is found to be harmful or ineffectual
   - no provisions concerning exports

D4. Narcotic drugs

1. Narcotic Drugs Act (41/1972):
   - applicable to substances envisaged in the Convention on Narcotic Drugs or comparable to such substances
- import, export, trade and manufacture can be prohibited under a decree
- under the decree issued (282/1981), a permit is required for manufacture, importation and exportation
- to obtain an export permit the applicant must produce a certificate from the competent authority of the country of importation showing that the consignment can be imported into the territory
- an export permit can be withdrawn on specific conditions

E. Machinery and equipment

1. Electricity Act (319/1979):
   - electric installations shall be designed and produced in such a way that they do not involve hazards
   - electric installations have to be inspected before they are brought into service
   - not applicable to electric apparatuses and installations to be delivered abroad

2. Road Transport Act (267/1981):
   - motor vehicles have to be inspected and appropriately registered before they are brought into service
   - no provisions concerning exports

   - in respect of machinery, pressure vessels, hoists, conveyances and other technical appliances it may be prescribed that they have to be inspected before bringing into service and at regular intervals thereafter
   - no provisions concerning exportation

   - pressure vessels are subject to inspection
   - no provisions concerning exportation
F. Atomic energy

1. Atomic Energy Act (356/1957):
   - a permit is required for the manufacture, import and export of, as well as trade in, substances suitable for the generation of atomic energy
   - a permit is required for the import and export of ores and concentrates
   - the authorities are entitled to carry out inspections
   - the owner or possessor of a nuclear installation is responsible for the treatment and disposal of the nuclear waste produced; the Ministry of Trade and Industry may order that the waste produced must be handed over to the State for appropriate measures

   - a special safety permit is required for the manufacture, use, transport, import, export and possession of, as well as for trade in, radioactive substances
   - a permit may be withdrawn
   - the Customs shall notify the kind and amount of any imported and exported radioactive substances to the Finnish Centre for Radiation and Nuclear Safety

G. Firearms and explosives

1. Act on Firearms and Ammunition (33/1933):
   - for manufacture, importation and trade a permit is required
   - provisions concerning import and export are included in a decree (34/1933); for exports a permit is required from the Ministry of the Interior

   - a permit is required for imports
   - exports are subject to the legislation relating to exportation of military material; a permit from the Council of State is required
H. Spirits and alcohol

1. Act on Spirits and Alcohol (459/1968):
- manufacture, import, export and sale of spirituous beverages are, with certain exceptions, the monopoly of the State

I. Problem waste

- the term "problem waste" applies to waste that is hard to dispose of or exceptionally hazardous for the environment
- imports and exports of problem waste shall be notified to the Ministry of the Environment within a stated period
- imports and exports can be prohibited if there is reason to presume that the transportation or handling is not properly arranged

J. General supervisory regulations

1. Decision of the Council of State relating to the Systems of Identification and Marking of Dangerous Substances (286/1978) and

2. Decision of the Ministry of Social Affairs and Health embodying the List of Poisons and relating to the Systems of Identification and Marking of Substances Involving Health Hazards (383/1983):
- scope: substances involving health hazards
- applicable to manufacturers, importers and sellers
- products shall bear appropriate marking concerning composition and characteristics as well as directions for use and safety
- not applicable to exports

3. Decision of the Ministry of Social Affairs and Health on Carcinogens and Relevant Labelling and Toxicity Classes (1060/1983):
- packages have to bear a warning against carcinogenic hazards
- not applicable to exports

- strict limits apply to use during work
- safety equipment to be arranged for
- no provisions concerning exports

According to above mentioned regulations one may conclude that Finnish authorities have no general right to prohibit exportation of hazardous products. In some case the comprehensive data-base on certain product groups entitles to presume that there is no exports of domestically prohibited goods.