NOTIFICATION BY FINLAND

The attached notification, dated 19 January 1990, has been received from Finland and updates the information in notification DPG/Notif.86.7.
GOODS PROHIBITED ON DOMESTIC MARKET IN FINLAND

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

The Product Safety Act (914/86) protects the consumer against any hazards that a consumer article may involve for his or her health or property. It would not be applicable to consumer goods to be exported from or carried in transit through the Finnish territory. Excluded from the scope of the Act would also be any cases where legislation purporting to prevent hazards involved by consumer goods to the consumer's health or property is already contained in some other laws, regulations or orders. (Translation of the Act is available in the GATT Secretariat.)

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

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; consumer goods)
- The Ministry of Agriculture and Forestry (products of agriculture and fishery); Veterinary Department (live animals and animal products; products containing untreated animal products)
- The Ministry of Social Affairs and Health (medicines; chemicals involving health hazards; alcohol and spirits)
- The Ministry of the Environment (problem waste; packings for consumer goods)
- The National Board of Health (wood preservatives involving health hazards; medicines and other pharmaceutical goods; chemicals involving health hazards; medical instruments; tobacco)
- 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)
- 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 Finnish Customs Laboratory (foodstuffs and consumer goods)
- The Technical Inspection Centre (precious metals; machinery containers; combustible liquids; explosives)
- The Electrical Inspectorate (electrical apparatus)
- 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 originate from an export approved establishment

3. Act on the Control of Export and Import (35/1981):
   - all dairy products are controlled by State Control Office for Dairy Products

   - 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 or by the Veterinary Department of the Ministry of Agriculture
   - 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 products may be sold to the public only by pharmacies and subsidiary pharmacies
   - manufacture and sale are subject to a license and to supervision by authorities
   - imports and storage are strictly regulated
   - pharmaceutical products (proprietary medicinal products) may be sold or otherwise made available only under a permit issued by the National Board of Health
   - no provisions restricting exports

   - vaccines and sera for animal diseases are subject to permit and supervision of Veterinary Department of Ministry of Agriculture
D2. Poisons

   - concerning chemicals involving health hazards
   - 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

The Chemicals Act enters into force on 1.9.1990 and repeals the Poisons Act. The aim of the Act is to prevent and avert injury caused by chemicals to human health and to the environment. The competent authorities have temporarily the right to prohibit or restrict the marketing or use of chemicals and products if they cause considerable harm to human health or the environment and the prevention of the harm requires immediate measures. In this case the government may permanently prohibit or restrict the marketing or use of a chemical. Export notification is required for banned or severely restricted chemicals.

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 apparatus 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. Nuclear Energy Act (990/1987):
   - a permit is required for the manufacture, import and export of, as well as trade in, substances suitable for the generation of nuclear energy
   - a permit is required for the import and export of ores and concentrates
   - Finnish Centre for Radiation and Nuclear Safety 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 and packing waste

   - the term "problem waste" applies to waste that is difficult to treat or is exceptionally hazardous for the environment
   - the Ministry of the Environment shall be notified of any imports, exports and transits of problem waste within a stated period
   - imports, exports and transits can be prohibited if the country concerned does not allow the transport or disposal or if the action is not in accordance of a treaty to which Finland is a Party. The export or import of hazardous waste may be prohibited when not in accordance with national hazardous waste management policy or public interest
if problem waste is generated in the production, use or disposal of a product and this waste can cause considerable difficulties in waste management or to the environment, the government may restrict or prohibit the manufacture, import, delivery or use of the product or issue specific regulations on the product or its disposal.

2. Waste Management Act (678/1978):

- if a package for consumer goods has caused or may cause considerable costs or difficulties in disposal, or serious littering, the government may restrict the use of a package, prohibit it or impose a deposit

J. General supervisory regulations


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 (477/1988):

- 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 export of domestically prohibited goods.