

FINLAND

1. Provisions in place in the Member States on REACH penalties

The table below has been compiled on the basis of the information provided in the legislation sent by Finland in its notification to the European Commission. This table indicates briefly which REACH articles are covered in the national legislation.

When there is a star (*) next to the country name, it means that the country applies what is called a “catch-all” provision, meaning that there is a provision in the law indicating that any infringement of the REACH Regulation can be sanctioned under national law.

Country	Finland
Article	
5	X
6(1)	X
6(2)	X
6(3)	X
7(1)	X
7(2)	X
7(3)	X
7(5)	X
8(1 and 2)	X
9(2)	X
9(6)	X
10	
11(1 and 3)	X
12(1)	
12(2)	
13(1-5)	
14(1)	X
14(6)	X
14(7)	X
17(1 and 2)	X
18(1 to 3)	X
19(1 and 2)	X
20(2)	
21(1)	
21(2)	
21(3)	
22(1)	X
22(2)	X
24(2)	X
25(1)	
26(1)	
27(1 to 3)	
27(4)	
27(6)	
28(1)	
28(6)	
29(3)	
30(2)	
30(6)	
31(1)	X
31(2-9)	X
32(1)	X
32(2-3)	X
33(1 and 2)	X
34	X

Country	Finland
Article	
35	X
36(1)	X
36(2)	X
37(2)	X
37(3)	X
37(4)	X
37(5)	X
37(6)	X
37(7)	X
38(1)	X
38(2)	X
38(3)	X
38(4)	X
40(4)	X
41(4)	X
46(2)	X
49(a)	X
50(2-3)	
50(4)	
53(1) to (3)	
53(4)	
55	
56(1)	X
56(2)	X
60(8)	
60(10)	
61(1)	
61(3)	
62 (4 and 5)	
63(3)	
65	X
66(1)	X
67(1)	X

2. Types of offences related to REACH in Finland

This section gathers information on the REACH offences (administrative and/or criminal ones) pointed by the law in Finland. We divided the offences in four groups:

- Offences related to the registration requirements;
- Offences related to authorisation and restrictions requirements;
- Offences related to the supply chain requirements;
- Offences related to the downstream user requirements;

	Administrative offences	Criminal offences
<p>Offences related to the registration requirements</p>	<p>- In case of breach of the legislation, on a case-by-case basis, by the superior [supervisory authorities] to which the case of breach is usually referred by the inspectorate; It is important to note that the inspectorate is not authorized to pass any administrative offences such as coercive fine or the prohibition to keep on carrying out or repeat an infringing procedure.</p> <p>- First breach</p>	<p><i>-Chemical violation:</i> To, intentionally or through gross negligence, violate the obligation to register, as prescribed in articles 5–7, 9, 11 or 17–19.</p> <p>And - to, intentionally or through gross negligence, violate the duties related to the CSA under article 14</p> <p>And – to, intentionally or through gross negligence, violate the duty to communicate information of articles 22, 24,40,41,46 to ECHA and the information of Article 49 to the CA.</p> <p>- <i>Health Offence:</i> To, intentionally or through gross negligence, violates REACH</p> <p>- <i>Impairment of the environment:</i> To, intentionally or through gross negligence, produces, delivers, transports, uses or stores a substance, a preparation, a product or an object, or operates a device, in defiance of a provision of REACH.</p> <p>- <i>Aggravated impairment of the environment:</i> if danger or damage is especially serious or the offence is committed in defiance of an order/prohibition of an authority/ <i>Negligent impairment if the environment:</i> if the negligence is not gross.</p>
<p>Offences related to authorisation and restrictions requirements</p>	<p>- In case of breach of the legislation, on a case-by-case basis, by the superior [supervisory authorities] to which the case of breach is usually referred by the inspectorate; It is important to note that the inspectorate is not authorized to pass any administrative offences such as coercive fine or the prohibition to keep on carrying out or repeat an infringing procedure.</p> <p>- First breach</p>	<p><i>-Chemical violation:</i> To, intentionally or through gross negligence, violate the prohibition against introduction on the market or use without an express permit from ECHA (Article 56) or - To, intentionally or through gross negligence, violate Article 67 regarding considering a limitation according to annex XVII on a substance as such or a preparation or in an article, or or - To, intentionally or through gross negligence, violate the duty of communication of Art.66.? It this article correct in this context?</p> <p>- <i>Health Offence:</i> To, intentionally or through gross negligence, violates REACH</p> <p>- <i>Impairment of the environment:</i> To, intentionally or through gross negligence, produces, delivers, transports, uses or stores a substance, a preparation, a product or an object, or operates a device, in defiance of a provision of REACH.</p> <p>- <i>Aggravated impairment of the environment:</i> if danger or damage is especially serious or the offence is committed in defiance of an order/prohibition of an authority/ <i>Negligent impairment if the environment:</i> if the negligence is not gross.</p>
<p>Offences related to the supply chain requirements</p>	<p>- In case of breach of the legislation, on a case-by-case basis, by the superior [supervisory authorities] to which the case of breach is usually referred by the inspectorate; It is important to note that the inspectorate is not authorized to pass any administrative offences such as coercive fine or the prohibition to keep on carrying out or repeat an infringing procedure.</p> <p>- First breach</p>	<p><i>Chemical violation:</i> To with the intention or through gross negligence violate what is prescribed in:</p> <p>- the duty of article 31 regarding the information in the safety data sheet that shall be supplied to the receiver,</p> <p>- the obligation of article 32 regarding the responsibility to forward information regarding substances and preparations,</p> <p>- the duty of articles 33, 34, 35 regarding the obligation to forward and to give access to information</p> <p>- the duty under article 36 to keep information and communicate it to the competent authority & ECHA</p> <p>- <i>Health Offence:</i> To, intentionally or through gross negligence, violates REACH</p> <p>- <i>Impairment of the environment:</i> To, intentionally or through gross negligence, produces, delivers, transports, uses or stores a substance, a preparation, a product or an object, or operates a device, in defiance of a provision of REACH.</p> <p>- <i>Aggravated impairment of the environment:</i> if danger or damage is especially serious or the offence is committed in defiance of an order/prohibition of an authority/ <i>Negligent impairment if the environment:</i> if the negligence is not gross</p>
<p>Offences related to the downstream user requirements</p>	<p>- In case of breach of the legislation, on a case-by-case basis, by the superior [supervisory authorities] to which the case of breach is usually referred by the</p>	<p><i>Chemical violation:</i> To, intentionally or through gross negligence, violate the duties related to the CSA, information reporting, application or submission of information under articles 14 and 37–</p>

3. Sanctions applicable to legal persons in Finland

This table mentions whether or not Finland applies administrative or/and criminal sanctions to legal persons when REACH provisions are infringed.

	Sanctions applicable to legal persons	Criteria	Sanctions applicable to other groups
Finland	Y	Specific to legal persons	N

4. REACH related administrative and criminal penalties in Finland

This section gathers information regarding administrative and/or criminal penalties applicable for the infringement of REACH in Finland. We divided the penalties in four groups:

- Penalties related to infringement of registration requirements;
- Penalties related to infringement of authorisation requirements;
- Penalties related to infringement of the supply chain requirements;
- Penalties related to infringement of the downstream users requirements;

“Please note that based on your explanation, it seems to us that the administrative sanctions in place are of a very general nature and are not really specific to REACH. Moreover, the coercive fines are not considered as sanctions under national law. Therefore, we would like to suggest not mentioning them in the tables, but rather mentioning them in an explanatory paragraph in the report. We would provide this explanation: “The authorities can prohibit keeping on carrying out or repeating a procedure infringing REACH. The prohibition can also be combined with a coercive fine. A coercive fine is imposed on a daily, weekly or monthly basis if the regulations or decisions made pursuant to them have not been complied with within a specified time limit, and shall continue until the regulations or decisions are complied with. A coercive fine may alternatively be imposed as a single payment. However, coercive fines are not considered a penalty or punishment but are used as a measure to ensure that the regulations or decisions made pursuant to them are complied with. The superior authority can alternatively impose an order to interrupt the activity.”

	Administrative penalties	Criminal penalties
Penalties related to infringement of registration requirements	Prohibition to keep on carrying out or repeat a procedure infringing REACH. The prohibition could also be combined with a coercive fine [or the prohibition to keep on carrying out or repeat an infringing procedure.] remark: these two latter are also possible but probably not as common as coercive fine; however, could be informative to add these penalties to this context	<ul style="list-style-type: none"> - <i>Chemical violation</i>: fine - <i>Health offence</i>: fine or up to six months prison - <i>Impairment of the environment</i>: fine or up to 2 years prison <i>Aggravated impairment of the environment</i> : from 4 months to up to six years prison/ <i>Environmental infraction</i> : fine or up to 6 months prison/ <i>Negligent impairment</i> : fine and up to 1 year prison
Penalties related to infringement of authorisation requirements	Prohibition to keep on carrying out or repeat a procedure infringing REACH. The prohibition could also be combined with a coercive fine [or the prohibition to keep on carrying out or repeat an infringing procedure.].	<ul style="list-style-type: none"> - <i>Chemical violation</i>: fine - <i>Health offence</i>: fine or up to six months prison - <i>Impairment of the environment</i>: fine or up to 2 years prison <i>Aggravated impairment of the environment</i> : from 4 months to up to six years prison/ <i>Environmental infraction</i> : fine or up to 6 months prison/ <i>Negligent impairment</i> : fine and up to 1 year prison
Penalties related to infringement of the supply chain requirements	Prohibition to keep on carrying out or repeat a procedure infringing REACH. The prohibition could also be combined with a coercive fine [or the prohibition to keep on carrying out or repeat an infringing procedure.].	<ul style="list-style-type: none"> - <i>Chemical violation</i>: fine - <i>Health offence</i>: fine or up to six months prison - <i>Impairment of the environment</i>: fine or up to 2 years prison <i>Aggravated impairment of the environment</i> : from 4 months to up to six years prison/ <i>Environmental infraction</i> : fine or up to 6 months prison/ <i>Negligent impairment</i> : fine and up to 1 year prison
Penalties related to infringement of the downstream users requirements	Prohibition to keep on carrying out or repeat a procedure infringing REACH. The prohibition could also be combined with a coercive fine [or the prohibition to keep on carrying out or repeat an infringing procedure.].	<ul style="list-style-type: none"> - <i>Chemical violation</i>: fine - <i>Health offence</i>: fine or up to six months prison - <i>Impairment of the environment</i>: fine or up to 2 years prison <i>Aggravated impairment of the environment</i> : from 4 months to up to six years prison/ <i>Environmental infraction</i> : fine or up to 6 months prison/ <i>Negligent impairment</i> : fine and up to 1 year prison

5. Short description of REACH sanctions and related issues in Finland

The Finnish Chemicals Act provides expressly for criminal sanctions for the breach of the REACH obligations. However, it should be noted that all infringements of REACH can lead to an administrative measure under section 45 and section 51 of the Chemical Act (respectively a coercive fine or the prohibition to keep on carrying out or repeat an infringing procedure). These two sections however, do not refer to REACH obligations as such, but have a much broader scope. It should be noted that the Chemicals Act will be renewed in the near future, and it may thus be subject to changes implying more precisions on the specific obligations to which these two sections apply.

Section 52 of the Chemical Act states precisely the violations of the REACH provisions that are subject to criminal sanctions. Some sanctions of the Criminal code could also apply to the infringement of REACH provisions; however these sanctions do not refer to specific REACH articles precisely but the Regulation itself as a whole as well to broader categories of violation relating to chemicals and are, thus, more severe than the ones under section 52 of the Chemical Act. It is not entirely clear yet whether the REACH infringements lead to a fine under section 52 of the Chemical Act only or could be subject to more severe punishment under the Criminal Code.

The environmental authorities co-operate on the supervision of the use of chemicals and the enforcement of the REACH Regulation with various other organisations, including health authorities, occupational health and safety authorities, the agricultural authorities, officials responsible for safety standards. The Finnish Government has also nominated the Advisory Committee on Chemicals to oversee co-operation between the authorities and businesses.