

Act of Åland (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 apply with the exceptions specified in this Act.

Amendments to the National Waste Act shall apply in Åland from the date of their entry into force in Finland, unless otherwise provided in this Act.

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

Section 2. Authorities

The Government of Åland is responsible for the general management, monitoring and development of the activities referred to in this Act.

The official duties referred to in this Act shall be carried out by

- 1) the Government of Åland, unless otherwise provided for in this Act;
- 2) the 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 the municipalities or by municipal waste management authorities;
- 3) the Åland Environment and Health Protection Authority concerning the tasks which, according to the National Waste Act, are to be performed by the municipal environmental protection authority and the Centre for Economic Development, Transport and the Environment, with the exception of the tasks to be performed by the Centre for Economic Development, Transport and the Environment in Pirkanmaa.

By way of derogation from the provisions of subsection 2,

- 1) the Government of Åland shall decide on such a derogation from the classification of hazardous waste as referred to in section 7 of the National Waste Act;
- 2) the Åland Environment 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 [landskapslagen \(2008:124\) om miljöskydd](#); and
- 3) municipalities decide on such an order 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 management of the tasks referred to in subsection 3, paragraph 3 above.

The Government of Åland 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 Government of Åland 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 Åland Motor Vehicle Authority may charge the producer a fee for the final deregistration of vehicles. The provisions of the [landskapslagen \(1993:27\) om grunderna för avgifter till landskapet](#) shall apply to such a fee.

By way of derogation from the provisions of section 61 concerning the security to be provided by producers of electrical and electronic equipment, it is not necessary for such security to be provided in favour of the Government of Åland 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 such a data platform for municipal waste management as referred to in sections 33, 143a and 143b of the National Waste Act.

Section 3b. [\(2023/123\)](#) Derogations for waste transport

The municipality may derogate from the requirement for property-specific waste transport in accordance with section 35(1) of the National Waste Act, including in cases other than those referred to in section 35(4).

With regard to the transport of sludge from septic tanks and sealed holding tanks, the property owner may, by way of derogation from the provision on municipally arranged property-specific waste transport in section 36(1) and (2) of the National Waste Act, enter into an agreement with a waste carrier other than the one arranged by the municipality.

By way of derogation from section 37 of the National Waste Act, the municipality may decide that property-specific waste transport within the municipality or part of the municipality shall be arranged so that the owner of the property also contracts with a waste carrier 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 biowaste on the property or in the vicinity of the property even if it has not been approved in municipal waste management regulations, provided that this is done in a manner that is safe for the environment and health.

The municipal waste fee, in particular the waste tariff, shall be adapted to the derogations applied by the municipality under subsections 1 and 4. The waste tariff shall provide economic incentives for proper sorting of waste.

Section 3c. [\(2023/123\)](#) Organisation of waste management by the municipality

The municipality shall organise its waste management in order to achieve the targets for preparation for re-use and recycling of municipal waste, as further regulated in the Åland Government Decree.

The municipality shall annually compile a report on the municipal waste collected within the municipality and submit it to the Government of Åland no later than 31 March of the following year. Every five years, starting in 2025, the municipalities shall submit, together with the annual report, an account of the fulfilment of the target as per subsection 1.

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

The Government of Åland may, in the Åland Government Decree, issue more detailed provisions on the content of the report and statement referred to in subsection 2 and the municipal waste plan referred to in subsection 3.

Section 4. Producer responsibility

By way of derogation from the National Waste Act, 'producer' shall also mean those who professionally import products from the mainland into Åland.

The agreement between the municipalities and the producer organisation for 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 of Åland. If no agreement is reached with all municipalities after mediation by the Government of Åland under section 49c of the National Waste Act, at least two-thirds of the population of Åland shall be covered. [\(2023/123\)](#)

Subsection 2 shall not apply if the Åland producers of packaging are members of in the producer organisation on the mainland and the Åland municipalities are parties to the agreement in accordance with section 49a of the National Waste Act. [\(2023/123\)](#)

Section 5.

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

Section 6. Environmental audit

By way of derogation from the National Waste Act, the provisions relating to entry in the waste management register and registration in an environmental management information system shall not apply. The procedure for environmental review in accordance with the provisions of the [landskapslagen om miljöskydd](#) shall apply where an entry is to be made in the waste management register in accordance with national law. An environmental audit is required for

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

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

In Åland, waste management subject to registration and activities subject to notification under the National Environmental Protection Act refer to corresponding activities that are subject to environmental review. [\(2023/123\)](#)

Section 7. Permit requirements for waste activities

A permit is required for an activity that recovers or disposes of waste on a professional basis or at a public facility, including preparation prior to recovery or disposal, with the exception of vegetal agricultural and forestry waste and untreated wood waste.

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

In addition to what follows from the [landskapslagen om miljöskydd](#), a permit decision pursuant to subsection 1 shall include information on

- 1) quantity and type of waste;
- 2) technical requirements;
- 3) safety measures and precautions to be taken;
- 4) the place of disposal or recovery;
- 5) the treatment method;
- 6) necessary monitoring and control procedures; and
- 7) the necessary instructions on closure and aftercare.

The former subsection 2 has become subsection 3 by [\(2020/28\)](#).

Section 7a. [\(2023/123\)](#) Derogations concerning record-keeping 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), paragraph 1 of the Food Act (FFS 297/2021), hereafter referred to as the *National Food Act*, shall keep records of the quantity and management of waste to the extent necessary to provide an overall understanding of the quantities of waste. The records accounts shall include, to the extent possible, an estimate of the total quantity of edible food discarded as waste. However, the obligation shall not apply to operators referred to in section 10(2) of the National Food Act who are outside the scope of systematic food control, operators engaged in primary production and non-profit organisations. The records shall be retained in paper or electronic form for six years.

More detailed provisions on record-keeping and the information to be included therein may be issued by Åland Government Decree. Provisions

concerning the submission of records to the supervisory authority or the data system it manages and, where a retention period of six years is manifestly unnecessary, a shorter retention period for records than that provided for in subsection 1 may be issued by Åland Government Decree for the purposes of carrying out the supervision of activities.

Section 7b. (2023/123) Derogation on information in record-keeping

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 provide an overall understanding of the quantities of waste. It may include information on the type, nature, quantity, origin and destination of the waste generated, collected, transported, brokered or treated, and on the transport and treatment of the waste, in accordance with the nature of the activity. The records may also include information on the quantity of waste generated in activities referred to in section 118(1), paragraph 1 in relation to the scale of the activity, expressed in terms of turnover, number of employees or equivalent (specific quantity of waste). The records of activities referred to in section 118(1), paragraph 3 may include information on the quantity and intended use of the products and materials resulting from 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 record-keeping, 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 Åland Government Decree. Provisions concerning the submission of records to the supervisory authority or the data system it manages may be laid down by Åland Government Decree for the purposes of carrying out the supervision of activities.

The records shall be kept in paper or electronic form for six years. Provisions on a retention period of less than six years in cases where a six-year retention period is manifestly unnecessary for the purposes of supervision of the activity may be laid down by Åland Government Decree.

Section 8. Ordinance

The Government of Åland may, within the jurisdiction of Åland, decide by Åland Government Decree that statutes issued pursuant to the National Waste Act shall be applied in Åland either unchanged or with such amendments as decided by the Government of Åland. The Government of Åland may also, within the jurisdiction of Åland, issue provisions by Åland

Government Decree under an authorisation contained in the National Waste Act.

The Government of Åland may, by Åland Government Decree, delegate administrative and official tasks referred to in section 2(2), paragraph 1 to a subordinate organisation.

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

1) establishments or undertakings that themselves dispose of waste other than hazardous waste generated in the course of their own operations at the site of origin; and

2) establishments or undertakings that recover waste.

Section 9. Appeals

Provisions on appeals against decisions referred to in this Act are laid down in section 25 of the [självstyrelselagen](#).

Decisions made by the Åland Environment and Health Protection Authority under this Act may be appealed to the Åland Administrative Court, in accordance with the provisions of section 19 of the [landskapslagen \(2007:115\) om Ålands miljö- och hälsoskyddsmyndighet](#).

Decisions made by a municipality pursuant to this Act may be appealed in accordance with the provisions of Chapter 15 of the [kommunallagen \(1997:73\) för landskapet Åland](#).

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

Within the jurisdiction of Åland, in addition to the penal provisions in section 147 of the National Waste Act, the penal provisions in Chapter 48, sections 1 to 4 and section 9 of the Criminal Code shall also apply in Åland.

Section 11. Entry into force and transitional provisions

This Act shall enter into force on 1 January 2019.

Upon the entry into force of this Act, [landskapslagen \(1981:3\) om renhållning](#), hereinafter the Waste Management Act, shall be repealed. Decrees and decisions issued under the [renhållningslagen](#) shall remain in force, insofar as they do not conflict with this Act, until otherwise provided under this Act. Matters pending at the time of entry into force of this Act

shall be dealt with in accordance with the provisions in force on the date of entry into force of this Act.

A producer or producer organisation that has been approved for entry in the producer register in accordance with the provisions of section 7c of the [renhållningslagen](#) 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 pursuant to 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 septic tanks and collection wells from permanent dwellings, holiday homes, boarding houses and other dwellings shall apply for the first time two calendar years after the entry into force of this Act.

Entry into force provisions and preparatory works

Information is provided here on when the Constitution and its amendments have entered into force, as well as on the preparatory works for the Constitution and its amendments. The list also indicates whether EU legislation is affected. All preparatory works are available on the Åland Parliament's website.

[Gå till ärendesökningen på lagtinget.ax »](#)

2018:83

- LF 7/2017-2018
- Regarding SMU. 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;
- Directive 94/62/EC of the European Parliament and of the Council, 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
- Regarding SMU. 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 carrier for the collection of property-specific waste shipments when this Act enters into force, the rights of property owners under Section 3b(2) to contract with another waste carrier shall apply from the time the municipality's contract expires.

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

Act of Åland on the application in Åland of the Fertiliser Product Act (2023:73)

Section 1. Scope of application

The Fertiliser Product Act (FFS 711/2022), hereinafter referred to as the *Fertiliser Product Act*, shall be applied in Åland with the derogations provided for in this Act. Amendments to the Fertiliser Product Act shall

apply in Åland from the date of their entry into force in Finland, unless otherwise provided by this Act.

Section 2. References

Within the jurisdiction of Åland:

- 1) references in the Fertiliser Product Act to provisions of the Act on Market Surveillance of Certain Products (FFS 1137/2016) shall refer to the corresponding provisions of [landskapslagen \(2017:37\) om marknadskontrollen av vissa produkter](#);
- 2) the reference to the Chemicals Act (FFS 599/2013) in section 3(3) of the Fertiliser Product Act shall refer to [landskapslagen \(1990:32\) om tillämpning i landskapet Åland av riksförfattningar om kemikalier](#);
- 3) the reference to the Act on the Safe Handling of Dangerous Chemicals and Explosives (FFS 390/2005) in section 3(4) of the Fertiliser Product Act shall refer to [landskapslagen \(2007:98\) om tillämpning i landskapet Åland av riksförfattningar om säkerhet vid hantering av farliga kemikalier och explosiva varor](#);
- 4) the reference to the Act on the Transport of Dangerous Substances (FFS 719/1994) in section 3(4) of the Fertiliser Product Act shall refer to [landskapslagen \(1976:34\) om tillämpning i landskapet Åland av riksförfattningar om transport av farliga ämnen](#);
- 5) the reference to the Health Protection Act (FFS 763/1994) in section 3(5) of the Fertiliser Product Act shall refer to [landskapslagen \(2016:84\) om tillämpning på Åland av hälsoskyddslagen](#);
- 6) the reference to the Environmental Protection Act (FFS 527/2014) in section 3(5) of the Fertiliser Product Act shall refer to [landskapslagen \(2008:124\) om miljöskydd](#);
- 7) the reference to the Waste Act (FFS 646/2011) in section 3(5) of the Fertiliser Product Act shall refer to [landskapslagen \(2018:83\) om tillämpning av rikets avfallslag](#);
- 8) the reference to the Extraction of Land Resources Act (FFS 555/1981) in section 3(5) of the Fertiliser Product Act shall refer to [landskapslagen \(1998:82\) om naturvård](#);
- 9) the reference to the Plant Protection Act (FFS 1110/2019) in section 3(6) of the Fertiliser Product Act shall refer to [landskapslagen \(2021:26\) om tillämpning av växtskyddslagen](#);

10) the reference to the Act on the Management of Risks Caused by Alien Species (FFS 1709/2015) in section 3(6) of the Fertiliser Product Act shall refer to [landskapslagen \(1998:82\) om naturvård](#);

11) the reference to the Administrative Procedure Act (FFS 434/2003) in section 30(3) of the Fertiliser Product Act shall refer to [förvaltningslagen \(2008:9\) för landskapet Åland](#);

12) the reference to the Penalties Act (FFS 1113/1990) in section 42(2) of the Fertiliser Product Act shall refer to [landskapslagen \(2008:10\) om tillämpning i landskapet Åland av viteslagen](#);

13) the reference to the Act on Criteria for Charges to the State (FFS 150/1992) in section 44 of the Fertiliser Product Act shall refer to [landskapslagen \(1993:27\) om grunderna för avgifter till landskapet](#).

The reference to the Food Administration Information Resource Act (FFS 560/2021) in section 33(1) of the Fertiliser Product Act shall not apply to Åland within the jurisdiction of Åland.

Within the jurisdiction of Åland, the reference to section 37 of the Fertiliser Product Act in section 1(2) of the Act on the Enforcement of Fines (FFS 672/2002) shall refer to this Act.

Section 3. Administrative tasks

The administrative tasks incumbent on the national authorities under the Fertiliser Product Act are to be carried out in Åland by the Government of Åland, insofar as the administration is based on the jurisdiction of Åland.

Section 4. Language requirements

Labels, product declarations and other information that shall be attached to or accompany fertiliser products under section 9 of the Fertiliser Product Act shall be in Swedish as a minimum when the products are manufactured for marketing, made available on the market or used in Åland.

Section 5. Obligation to provide information and make notifications

Information and notifications to be submitted to the national authorities under the Fertiliser Product Act shall, in Åland, be submitted to the Government of Åland, unless otherwise provided in this section.

The provisions of subsection 1 do not apply to the information required under section 20(2) of the Fertiliser Product Act to accompany an application for approval as a notified body for assessment of conformity.

Section 6. Supervision Registry

The Government of Åland shall keep a corresponding supervisory register of economic operators subject to the obligation to notify that is kept by the Finnish Food Authority in accordance with section 33 of the Fertiliser Product Act.

The Government of Åland is the controller of the supervisory register and is responsible for its general function, usability, accessibility and security, as well as for the fulfilment of the other obligations incumbent on the controller under 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).

A body approved to conduct assessments of conformity under section 21 of the Fertiliser Product Act and authorised inspectors referred to in section 25 of the Fertiliser Product Act may process register data to the extent necessary for the performance of their public administrative duties under this Act. Every operator is responsible for the accuracy of the data it enters in the supervisory register.

Section 7. Penalty fees

By way of derogation from section 37(2) of the Fertiliser Product Act, the penalty fee shall accrue to Åland.

Within the jurisdiction of Åland, the provisions of the Act on the Enforcement of Fines (FFS 672/2002) shall apply in Åland in the case of enforcement in accordance with the provisions of this Act.

Section 8. Notification of prohibition

If so required due to the urgency of the matter, such a temporary prohibition concerning a consignment of fertiliser products referred to in section 38(4) of the Fertiliser Product Act may be issued not only by the Government of Åland, but also by the Åland Environmental and Health Protection Authority. A temporary prohibition shall be submitted to the Government of Åland without delay for a decision to be made. The prohibition shall lapse if the Government of Åland has not made a decision under section 38(1) of the Fertiliser Product Act within two weeks of its issuance.

Section 9. Penalty provisions

Anyone who intentionally or through gross negligence

1) fails to comply with the phosphorus use requirements laid down in section 6 of the Fertiliser Product Act or in provisions issued under it;

2) manufactures, places on the market, makes available on the market, uses or imports fertiliser products or component materials that do not meet the requirements laid down in section 7 of the Fertiliser Product Act or in provisions issued under it;

3) violates an injunction issued pursuant to Article 36 of the Fertiliser Product Act or violates a prohibition issued pursuant to Article 38 of the Fertiliser Product Act;

4) breaches a temporary restriction issued under section 39 of the Fertiliser Product Act; or

5) breaches an order on reprocessing, destruction or return issued under section 41 of the Fertiliser Product Act;

shall be sentenced to a fine for an *offence against the Åland Act on the application of the Fertiliser Product Act in Åland*, unless the neglect or the danger caused to human or animal health, plant health or the environment is to be deemed minor, or unless a stricter penalty for the act is provided in another Act.

Anyone who intentionally or through gross negligence fails to provide fertiliser products with labelling, product declarations and other such information in Swedish as required under the Fertiliser Product Act and section 4 of this Act shall be sentenced to a fine for an *offence against the language provision*.

The Government of Åland shall report offences under this section for prosecution. The notification is not required if the offence as a whole can be regarded as obviously insignificant.

Section 10. Åland Government Decree

Within the jurisdiction of Åland, the Government of Åland may, by Åland Government Decree, decide that provisions adopted under the Fertiliser Product Act shall be applied in Åland either unchanged or with the changes determined by the Government of Åland.

Section 11. Claim for rectification

A party dissatisfied with a decision made by the Government of Åland under this Act may submit a written request for rectification to the Government of Åland within 30 days from the date of the decision. A request for rectification shall be processed without delay.

The provisions of section 46 of the Fertiliser Product Act shall apply to the rectification of a decision made by a conformity assessment body referred to in section 21 of the said Act.

Section 12. Appeals

Appeals concerning the legality of a decision made by the Government of Åland under this Act in response to a request for rectification may be lodged with the Supreme Administrative Court.

Section 13. Entry into force

This Act shall enter into force on 1 October 2023.

By this Act, the [landskapslagen \(2007:96\) om tillämpning i landskapet Åland av lagen om gödsselfabrikat](#), hereinafter referred to as the repealed Act, is repealed.

[Landskapsförordningen \(2022:51\) om tillämpning på Åland av riksförfattningar om gödsselfabrikat](#) issued under the repealed Act shall nevertheless remain in force, insofar as it does not conflict with this Act.

Section 14. Transitional provisions

Operators notified or approved under the repealed Act before the entry into force of this Act may continue their activities without separate notification.

After the entry into force of this Act, fertiliser products may be manufactured in accordance with the repealed Act until 31 December 2023, and they may be placed on the Finnish market as national fertiliser products until 31 December 2024. Fertiliser product types listed in Annex I to Regulation (EC) No 2003/2003 of the European Parliament and of the Council relating to fertilisers may be manufactured until 31 December 2023.

On the entry into force of this Act, the Government of Åland may, on the basis of the type designation categories in the Fertiliser Product Regulation and in the repealed Act, add to the list of component materials such component materials as meet the requirements of section 8(3) of the Fertiliser Product Act.

An approval granted before the entry into force of this Act to an establishment (approved establishment) under the repealed Act shall remain valid until 31 December 2023.

The provisions in force at the time of the entry into force of this Act shall apply to matters relating to fertilisers that were initiated before the entry into force of this Act.

2023:73

- LF 18/2022-2023

- Regarding FNU. 13/2022-2023