Nuclear Energy Act

990/1987; amendments up to 342/2008 included)

Chapter 1 - **Objectives and scope of application**

Section 1 - *Objectives*

To keep the use of nuclear energy in line with the overall good of society, and in particular to ensure that the use of nuclear energy is safe for man and the environment and does not promote the proliferation of nuclear weapons, this Act lays down general principles for the use of nuclear energy, the implementation of nuclear waste management, the licensing and control of the use of nuclear energy, and the competent authorities.

Section 2 - *Scope of application*

This Act applies to:

1) the construction and operation of nuclear facilities;

2) mining and enrichment operations aimed at producing uranium or thorium;

3) the possession, manufacture, production, transfer, handling, use, storage, transport and import of nuclear material;

4) the possession, manufacture, production, transfer, handling, use, storage, transport, export and import of nuclear waste;

5) in cases to be provided for by Government decree, the possession, manufacture, assembly, transfer and import of the following material, devices, equipment, or information, should they prove pertinent to the proliferation of nuclear weapons or should the obligations under Finland's international treaties in the field of nuclear energy have a bearing on them:
a) non-nuclear material, in cases where its properties are particularly suited for obtaining nuclear energy;
b) devices and equipment intended or otherwise particularly suited for use in nuclear facilities;
c) devices and equipment intended or otherwise particularly suited for use in the manufacture of nuclear material or material referred to in subparagraph a;
d) such equipment that is essential to the manufacture of devices or equipment referred to in subparagraphs a and b; and
e) nuclear information that is in written or other physical form and not generally available; and

6) export and import of ores containing uranium or thorium, to be specified under Government decree.

The application of this Act shall be provided for by Government decree, with respect to:

1) the conclusion and execution of a private law agreement, for implementation outside Finland in regard of any of the activities referred to in this paragraph, with a foreign State, a foreign person or corporation, should the agreement prove pertinent to the proliferation of nuclear weapons or should the obligations under international treaties in the field of nuclear energy, to which Finland is a Party, have a bearing on the agreement; and

2) nuclear fuel cycle-related research and development activities determined in Article 18(a) of the Protocol Additional (53/2004) to the agreement made on the implementation of Article III (1) and (4) of the Treaty on the Non-Proliferation of Nuclear Weapons between Austria, Belgium, Denmark, Finland, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, the European Atomic Energy Community and the International Atomic Energy Agency.

It may be laid down by Government decree that some parts of the provisions of this Act shall not apply to activities referred to in paragraphs 1–4 and 6 of subsection 1, or in paragraph 1 of subsection 2, should those activities bear little significance to the objectives of this Act.

Provisions on the export of nuclear material and material, devices, equipment and information as referred to in paragraph 5 of subsection 1 are laid down in Council Regulation (EC) No 1334/2000, setting up a Community regime for the control of exports of dual-use items and technology, and in the Act on the Control of Exports of Dual-Use Goods (562/1996). If nuclear or other material as referred to above is simultaneously nuclear waste as referred to in section 3 herein, the provisions of this Act shall apply to the export thereof.

Section 3 – *Definitions*

For the purposes of this Act:

1) *use of nuclear energy* means the operations specified in section 2 (1 and 2);

2) *nuclear material* means special fissionable materials and source materials, such as uranium, thorium and plutonium, suited for obtaining nuclear energy;

3) *nuclear waste* means:
a) radioactive waste in the form of spent nuclear fuel or in some other form, generated in connection with or as a result of the use of nuclear energy; and
b) materials, objects and structures which, having become radioactive in connection with or as a result of the use of nuclear energy and having been removed from use, require special measures because of the danger arising from their radioactivity; (1420/1994)

4) *nuclear waste management* means all measures necessary to recover, store and handle nuclear waste and permanently dispose of it (*final disposal*), including measures pertaining to the decommissioning of a nuclear facility;

5) *nuclear facilities* shall refer to facilities necessary for obtaining nuclear energy, including research reactors, facilities performing extensive disposal of nuclear wastes, and facilities used for extensive fabrication, production, use, handling, storage of nuclear materials or nuclear wastes; nuclear facilities, however, shall not refer to:
a) mines or enrichment plants intended for the fabrication of uranium or thorium, or the premises and places, including their precincts, where the nuclear wastes derived from such facilities are stored, or their repository; or to
b) premises permanently shut down which contain nuclear wastes, enclosed there in a manner approved as permanent by the Finnish Centre of Radiation and Nuclear Safety;

5 a) *nuclear power plant* means a nuclear facility for the purpose of electricity or heat production, equipped with a nuclear reactor, or a complex consisting of nuclear power plant units and other related nuclear facilities located on the same plant site;

5 b) *decommissioning* means the dismantling of a finally closed nuclear facility so that no special measures are required on the plant site due to radioactive materials originating in the dismantled nuclear facility;

(6) *security* means the measures needed to protect the use of nuclear energy against illegal activities in the nuclear facility, its precincts, other places or vehicles where nuclear energy is used; (1420/1994)

7) *emergency response arrangements* mean advance preparation for accidents or events impairing safety at the nuclear facility or in its site area or other places or vehicles where nuclear energy is used;

8) *Euratom Treaty* means the Treaty establishing the European Atomic Energy Community (EURATOM), concluded at Rome, on 25 March 1957, in the form in which it binds Finland by virtue of the Treaty of Accession of Finland;

9) *exports* means exports to another State from Finland or through Finnish territory; and

10) *import* means import from another State to Finland.

More specific provisions will be laid down by Government decree on what is nuclear material as referred to in paragraph 2 of subsection 1, and nuclear waste as referred to in paragraph 3 of subsection 1, and also on when the operations of a nuclear facility are deemed extensive as referred to in paragraph 5 of subsection 1.

Chapter 2 - **General Principles**

Section 4 - *Nuclear explosives*

Import of nuclear explosives as well as their manufacture, possession and detonation in Finland are prohibited.

Section 5 - *Overall good of society*

The use of nuclear energy, taking into account its various effects, shall be in line with the overall good of society.

Section 6 – *Safety*

The use of nuclear energy must be safe; it shall not cause injury to people, or damage to the environment or property.

Section 6 a – *Management of nuclear waste generated in Finland*

Nuclear waste generated in connection with or as a result of use of nuclear energy in Finland shall be handled, stored and permanently disposed of in Finland.

The above provisions shall not, in cases to be laid down by Government decree, apply to:

1) small amounts of nuclear waste which will be, or have been, delivered abroad for research purposes;
1 a) nuclear waste containing minor quantities of radioactive material and which is delivered to another country for treatment in the appropriate manner; or

(2) nuclear waste that has been generated in connection with or as a result of the operation of a research reactor in Finland.

Section 6 b - *Provisions concerning nuclear waste not generated in Finland*

Nuclear waste generated in connection with or as a result of the use of nuclear energy elsewhere than in Finland, shall not be handled, stored or permanently disposed of in Finland.

The above provisions shall not, in cases to be laid down by Government decree, apply to:

(1) small amounts of nuclear waste which will be or, have been, delivered to Finland for research purposes; or

(2) nuclear waste of unknown origin referred to in section 80(1).

Section 7 - *Physical protection and emergency planning and other comparable arrangements*

Sufficient physical protection and emergency planning as well as other arrangements for limiting nuclear damage and for protecting nuclear energy against illegal activities shall be a prerequisite for the use of nuclear energy.

Chapter 2 a – **Requirements concerning safety**

Section 7 a – *Guiding principles*

The safety of nuclear energy use shall be maintained at as high a level as practically possible. For the further development of safety, measures shall be implemented that can be considered justified considering operating experience and safety research and advances in science and technology.

Section 7 b – *Safety principle of defence-in-depth*

The safety of a nuclear facility shall be ensured by means of successive levels of protection independent of each other (*safety principle of defence-in-depth*). This principle shall extend to the operational and structural safety of the plant.

Section 7 c – *Maximum values for radiation exposure*

Releases of radioactive materials caused by the use of nuclear energy shall be limited in compliance with the principle laid down in paragraph 2, section 2 of the Radiation Act (592/1991). The maximum values of radiation exposure caused by a nuclear facility or any other use of nuclear energy on any member of the public will be provided for by Government decree.

Limits on releases of radioactive materials from a nuclear facility, in order that they do not exceed the maximum values for radiation exposure provided by Government decree, shall be confirmed by the Radiation and Nuclear Safety Authority (STUK). Supervision of releases of radioactive materials shall be arranged so that compliance with limits as referred to in this section can be reliably established.

Section 7 d – *Preparation for operational occurrences and accidents*

The design of a nuclear facility shall provide for the possibility of operational occurrences and accidents. The probability of an accident must be lower, the more severe the consequences of such an accident would prove for people, the environment or property.

The primary objective shall be the prevention of accidents. Any practical measures required shall be taken to manage accidents and mitigate the consequences thereof.

Maximum values for radiation exposure, to be used as a basis for safety design in case of operational occurrences and accidents, will be provided by Government decree.

Section 7 e – *Verification and assessment of safety*

Compliance with requirements concerning the safety of a nuclear facility shall be proven reliably. The overall safety of the facility shall be assessed at regular intervals.

Section 7 f – *Construction and operation*

Safety shall take priority during the construction and operation of a nuclear facility.

The holder of a construction licence, as referred to in Chapter 5 herein, shall be responsible for the nuclear facility's construction in accordance with safety requirements.

The holder of an operating licence, as referred to in Chapter 5 herein, shall be responsible for the nuclear facility's operation in accordance with safety requirements.

Moreover, the condition and operating experiences of any nuclear facility shall be systematically monitored and assessed.

Section 7 g – *Decommissioning*

The design of a nuclear facility shall provide for the facility's decommissioning, the related decommissioning plan being kept up to date as provided in section 28 herein.

When the operation of a nuclear facility has been terminated, the facility shall be decommissioned in accordance with a plan approved by the Radiation and Nuclear Safety Authority (STUK). Dismantling the facility and other measures taken for the decommissioning of the facility may not be postponed without due cause.

Section 7 h – *Nuclear material and nuclear waste*

The nuclear facility shall have the facilities, equipment and other arrangements required to ensure the safe handling and storage of nuclear material required by the plant and any nuclear waste generated during operation.

Nuclear waste shall be managed so that after disposal of the waste no radiation exposure is caused, which would exceed the level considered acceptable at the time the final disposal is implemented.

The disposal of nuclear waste in a manner intended as permanent shall be planned giving priority to safety and so that ensuring long-term safety does not require the surveillance of the final disposal site.

Nuclear waste management plans shall be kept up to date as provided in section 28.

Section 7 i – *Personnel*

The holder of the licence granting the right to use nuclear energy (*licensee*) shall have a sufficient number of qualified personnel suitable for the related tasks.

Only a person approved by the Radiation and Nuclear Safety Authority (STUK) for the position in question may act as a nuclear facility operator in the control room of the facility.

The licensee shall appoint persons responsible for ensuring emergency response arrangements, security and the control of nuclear material. Only persons approved by the Radiation and Nuclear Safety Authority (STUK) specifically for each position can be appointed.

The licensee shall ensure that the persons referred to above occupy the positions required for the task, while possessing adequate authority and the genuine prerequisites for bearing the responsibility vested in them.

Section 7 j – *Management system*

The management system of a nuclear facility shall pay particular attention to the impact of safety related opinions and the attitudes of the management and personnel towards the maintenance and development of safety, alongside systematic operating methods and their regular assessment and development.

Section 7 k – *Responsible Manager*

The licensee shall appoint a responsible manager and his or her deputy:

1) for the construction of a nuclear facility;

2) for the operation of a nuclear facility;

3) for mining and enrichment operations aimed at producing uranium or thorium;
and

4) for the possession, manufacture, production, handling, use, storage and transport of nuclear materials and nuclear waste, if a separate licence is required for these operations.

A person who has consented to occupy the position and who has been approved for the role by the Radiation and Nuclear Safety Authority (STUK) can be appointed as responsible manager. The appointment of the responsible manager shall be proposed when applying for a licence as referred to in Chapter 5.

It is the responsible manager’s task to ensure that the provisions, licence conditions and regulations issued by the Radiation and Nuclear Safety Authority (STUK) concerning the safe use of nuclear energy, the arrangements for security and emergencies, and the control of nuclear materials are complied with.

The licensee shall ensure that the responsible manager occupies the position required by the task and possesses adequate authority and the actual prerequisites required for bearing the responsibility vested in him or her.

The Radiation and Nuclear Safety Authority (STUK) may revoke the approval of a responsible manager, if the manager neglects his or her tasks referred to in subsection 3, and the licensee does not submit a proposal for replacing the responsible manager. Prior to making the final decision on said revocation, the Radiation and Nuclear Safety Authority (STUK) shall consult both the responsible manager and the licensee.

Provisions concerning the responsible manager shall also apply to his or her deputy.

Section 7 l – *Arrangements for security*

Arrangements for security during the use of nuclear energy shall be based on threat scenarios involved, and analyses of the need for protection.

A nuclear facility shall have security personnel trained for the planning and implementation of arrangements for security (*security organisation*). Security personnel shall also be employed for securing the transport and storage of nuclear material and nuclear waste.

The tasks and qualification requirements of the security organisation and security personnel shall be defined and they shall have monitoring equipment, communication equipment, protective equipment and forcible means equipment available as required for their tasks.

This forcible means equipment shall be proportioned to the threat scenarios and protection needs involved, so that they are suitable for the purpose.

Measures belonging to the regular security control of a nuclear facility shall be appropriately communicated to the employees of the nuclear facility and other people transacting business within the nuclear facility site.

Section 7 m – *Security control*

A member of the security organisation may perform a security check on a person working at the nuclear facility or conducting other business on the facility site. Such a security check, using a metal detector or other corresponding technical device, shall ensure that the person is not carrying any object or material that might endanger safety or the maintenance of good order or that can be utilised for causing damage to property. The goods or a person can, if necessary, be checked in another, suitable manner. The objects or materials confiscated from the person in connection with the check shall be submitted to the police without delay, or, if no impediment is provided for by law, returned to the person when he or she leaves the area.

In order to ensure the security of a nuclear facility, any person working at the nuclear facility or conducting business therein is obliged, upon the request of a member of the security organisation, to undergo a test in order to detect alcohol or any other intoxicating substance. This test shall be conducted as provided in section 3, chapter 6 of the Coercive Measures Act (450/1987). Provisions on the obligation of employees to present a drug test certificate are laid down in the Act on the Protection of Privacy in Working Life (759/2004).

A person refusing a check as referred to in subsection 1, a test performed to detect alcohol or some other intoxicating substance as referred to in subsection 2, or who is under the influence of intoxicants, can be removed from the nuclear facility site.

Section 7 n – *Preparation for prevention of unlawful action*

More detailed provisions on the preparation of the security organisation for the prevention of unlawful action are laid down in the security standing order of a nuclear facility, as approved by the Radiation and Nuclear Safety Authority (STUK) subsequent to consultation with the Ministry of the Interior and the Advisory Committee as referred to in section 56(3).

The security standing order shall contain at least the following provisions:

1) on how the security organisation is managed and its operations organised;

2) on the equipment and forcible means equipment in the organisation's possession; and

3) on when the police should be called and how responsibility should be transferred from the security organisation to the police once they have arrived on the scene.

The basic qualification requirements for security personnel are provided by Government decree. Security standing order contains provisions for special training, paying particular attention to the skill level required for using the equipment and forcible means equipment, and demonstrating it.

Section 7 o – *Use of forcible means*

When performing security tasks as referred to in sections 7 l and 7 m, security personnel have the right to use any necessary force considered justifiable in the aversion of any immediate threat of a crime or some other dangerous act or event, to prevent a person accessing the facility in question, to remove a person from the scene, to prevent the escape of a person, to apprehend a person, to check an apprehended person, to remove an object or material, and to remove an obstacle. At the nuclear facility, use of forcible means under this Act shall be limited to an area to which access is restricted and controlled and, when securing transport and storage operations related to nuclear material and nuclear waste, to immediate threats to these operations. An apprehended person and any objects or materials removed shall be handed over to the police without delay.

When evaluating the justifiability of forcible means, the importance and urgency of the task, the danger posed by the resistance in question, the available resources and any other factors affecting the overall assessment of the situation, shall be taken into consideration.

Security personnel shall be familiarised with the principles underlying the justification for using forcible means, and compliance with them in practical situations.

The provisions on the right of persons temporarily assisting police officers to exercise forcible means are laid down in section 27 of the Police Act (493/1995).

The provisions on the immoderate use of forcible means are laid down in the Penal Code (39/1889), Chapter 4, section 6(6) and in Section 7.

Section 7 p – *Emergency response arrangements*

The planning of emergency response arrangements for the use of nuclear energy shall be based on analyses of operational occurrence and accident conditions, and the consequences assessed on the basis of these analyses.

In planning emergency response arrangements for a nuclear facility, preparations shall be made for the release of a significant quantity of radioactive materials from the facility.

The nuclear facility shall have persons trained in the planning of emergency response arrangements and emergencies (*emergency response organisation*), whose duties shall be specified and who shall have access to the facilities, equipment and communication systems required for their duties.

Emergency response arrangements shall be consistent with the rescue and preparedness plans drawn up by the authorities, considering the provisions laid down in section 9(2) of the Rescue Act (468/2003).

Section 7 q – *General safety provisions*

General safety provisions specifying the provisions in this chapter shall be laid down by Government decree, concerning the following aspects:

1) nuclear power plant safety;

2) arrangements for security during the use of nuclear energy;

3) emergency response arrangements of a nuclear power plant; and

4) safety of nuclear waste final disposal.

Safety provisions concerning the safety and emergency response arrangements of a nuclear power plant can, as necessary, be enacted by Government decree, in order that they apply to other nuclear facilities equipped with a nuclear reactor.

As concerns arrangements for security, provisions shall be issued in particular on the issue of when command responsibility is transferred from the licensee to the police authority concerned, when preventing unlawful activities concerning the use of nuclear energy. Furthermore, as concerns emergency response arrangements, provisions shall be issued in particular when command responsibility for rescue measures taken at the nuclear facility site is transferred to the rescue authority concerned, during any accident that occurs.

The Radiation and Nuclear Safety Authority (STUK) will draft a proposal for the general safety provisions as referred to in subsection 1. A Government decree shall specify the parties to be consulted by the Radiation and Nuclear Safety Authority (STUK) prior to drafting the proposal.

Section 7 r – *Detailed safety requirements*

The Radiation and Nuclear Safety Authority (STUK) shall specify detailed safety requirements concerning the implementation of safety level in accordance with this Act.

Further, the Radiation and Nuclear Safety Authority (STUK) shall specify the safety requirements it sets in accordance with the safety sectors involved in the use of nuclear energy, and publish them as part of the regulations issued by the Radiation and Nuclear Safety Authority (STUK).

The safety requirements of the Radiation and Nuclear Safety Authority (STUK) are binding on the licensee, while preserving the licensee's right to propose an alternative procedure or solution to that provided for in the regulations. If the licensee can convincingly demonstrate that the proposed procedure or solution will implement safety standards in accordance with this Act, the Radiation and Nuclear Safety Authority (STUK) may approve procedure or solution by which the safety level set forth is achieved.

Chapter 3 - **Obligations arising from activities requiring licensing**

Section 8 - *Obligation to apply for a licence*

The use of nuclear energy without the licence provided by this Act is prohibited.

However, no licence is required for the research and development activities referred to in paragraph 2 of section 2(2). Instead of applying for a licence, the operator shall annually submit a notification, to be defined in more detail by Government decree, to the Radiation and Nuclear Safety Authority (STUK).

On request, the Ministry of Trade and Industry must give a binding advance ruling as to whether the intended activity requires that a licence be applied for.

Section 9 - *Licensee's obligations*

It shall be the licensee's obligation to assure safe use of nuclear energy.

It shall be the licensee's obligation to assure such physical protection and emergency planning and other arrangements, necessary to ensure limitation of nuclear damage, which do not rest with the authorities.

A licensee whose operations generate or have generated nuclear waste (*licensee under a waste management obligation*) shall be responsible for all nuclear waste management measures and their appropriate preparation, as well as for their costs (*waste management obligation*).

Section 10 - *Continuation of obligations*

Cancellation of a licence or expiration of its validity shall not exempt the licensee, or one who has had a licence, from compliance with the provisions of section 9 and chapters 6 and 7, or the provisions laid down by virtue of them, or the licence conditions.

Chapter 4 - **Government decision-in-principle**

Section 11 – *Decision-in-principle*

Construction of a nuclear facility of considerable general significance shall require a Government decision-in-principle on that the construction project is in line with the overall good of society.
Of the nuclear facilities referred to in section 3, paragraph 5, those deemed to be of considerable general significance are as follows:

(1) facilities operated for the generation of nuclear energy having a thermal power higher than 50 megawatts;

(2) facilities serving as repositories for nuclear waste; and

3) facilities operated for purposes other than the generation of nuclear energy and the possession at any given time, of an amount of nuclear material or waste or involving a radiation risk, as defined by Government decree, that shall be deemed comparable with nuclear facilities as defined in paragraph 1.

Section 12 - *Application for a decision-in-principle and the required documentation*

A decision-in-principle is applied for by submitting an application to the Government, on which the Ministry of Trade and Industry must obtain a preliminary safety assessment from the Radiation and Nuclear Safety Authority (STUK) and a statement from the Ministry of the Environment as well as from the municipal council of the municipality intended to be the site of the facility and from its neighbouring municipalities.

Section 13 - *Public hearing*

Before the decision-in-principle is made, the applicant shall compile according to instructions by the Ministry of Trade and Industry an overall description of the facility, the environmental effects it is expected to have and its safety, and make it generally available to the public after a check by the Ministry.

The Ministry of Trade and Industry shall provide residents and municipalities in the immediate vicinity of the nuclear facility as well as local authorities an opportunity to present their opinions in writing before the decision-in-principle is made. Furthermore, in a way the Ministry may specify in more detail, the Ministry shall arrange a public hearing in the municipality where the planned site of the facility is located and during this hearing the public shall have the opportunity to give their opinions either orally or in writing. Opinions that have been presented shall be made known to the Government.

Section 14 - *Consideration of the decision-in-principle by the Government*

Before making the decision-in-principle referred to in section 11, the Government shall ascertain that the municipality where the nuclear facility is planned to be located in its statement referred to in section 12, is in favour of the facility and that no facts indicating a lack of sufficient prerequisites for constructing a nuclear facility, as required in section 6, have arisen.

Should the Government find that the prerequisites laid down in subsection 1 have been met, it shall, in reaching its decision-in-principle, consider the issue from the perspective of the overall good of society, and take into account the benefits and drawbacks arising from the nuclear facility, paying particular attention to:

(1) the need for the nuclear facility project with respect to the country's energy supply;

(2) the suitability of the intended site of the nuclear facility and its effects on the environment; and

(3) arrangements for the nuclear fuel and waste management.

Section 15 - *Notification to Parliament and Parliament's decision*

The Government decision-in-principle, made under section 11, in which the construction of the nuclear facility is judged to be in line with the overall good of society, shall be forwarded, without delay, to Parliament for perusal. Parliament may reverse the decision-in-principle as such or may decide that it remains in force as such.

Prior to Parliament arriving at its decision thereon, the applicant may not engage in any measures to be laid down by Government decree which, due to their economic significance, might impede Parliament's, and the Government's, possibilities to determine the issue at their own discretion.

Chapter 5 – **Licensing**

Section 16 - *Licensing authorities*

The Government grants the licences to construct and operate a nuclear facility, as well as for mining and enrichment operations aimed at producing uranium or thorium.

A licence for operations as referred to in paragraph 1, section 2(2), and section 22(2), will be granted by the Ministry of Employment and the Economy on the basis of an application. Further, a licence for operations as referred to in paragraphs 3—6, section 2(1), will be granted by the Radiation and Nuclear Safety Authority (STUK) on the basis of an application.

More specific provisions on applying for licences as referred to in this Chapter, licensing procedures and any notifications and other measures necessary after the licence decision, are laid down in a Government decree.

Section 17 - *Licensee*

A licence to use nuclear energy may be granted only to natural persons, corporations or authorities under the jurisdiction of a Member State of the European Union. (1420/1994)

For certain, special reasons cited as follows, corporations or authorities other than those referred to in subsection 1 may be granted a licence:

(1) to transport nuclear material or nuclear waste within Finnish territory;

2) to carry out imports and exports in connection with the transit via Finland of nuclear waste, or ores containing uranium or thorium; and

(3) for temporary operation of a nuclear facility referred to in section 22(1) within Finnish territory.

A licence for the possession, use, transport or import of nuclear material or nuclear waste, and for the export of nuclear waste may, in connection with control activities, also be granted to an international organisation or a foreign authority responsible for the control required under an international treaty, binding on Finland, of the nuclear energy sector.

Section 18 - *Construction of a nuclear facility having considerable general significance*

A licence to construct a nuclear facility referred to in section 11 may be granted:

(1) if a decision-in-principle referred to in section 11 has deemed the construction of a nuclear facility to be in line with the overall good of society, and Parliament has decided that the decision-in-principle remains in force; and

(2) if the construction of a nuclear facility also meets the prerequisites for granting a construction licence for a nuclear facility as provided in section 19.

Section 19 – *Construction of other nuclear facilities*

A licence for the construction of a nuclear facility other than that referred to in section 18 can be granted:

1) if plans concerning the nuclear facility meet the safety requirements laid down in this Act, and appropriate account has been taken of the safety of workers and the population when planning the operations in question;

(2) if the location of the nuclear facility is appropriate with respect to the safety of the planned operations and environmental protection has been taken into account appropriately when planning operations;

(3) if physical protection has been taken into account appropriately when planning operations;

4) if a site has been reserved for the construction of a nuclear facility in a local detailed plan in accordance with the Land Use and Building Act (132/1999), and the applicant is in possession of the site required for the operation of the facility;

(5) if the methods available to the applicant for arranging nuclear waste management, including the final disposal of nuclear waste and the decommissioning of the facility, are sufficient and appropriate;

(6) if the applicant’s plans for arranging nuclear fuel management are sufficient and appropriate;

(7) if the applicant's arrangements for the implementation of control by the Radiation and Nuclear Safety Authority (STUK) as referred to in paragraph 3 of section 63(1), in Finland and abroad, and for the implementation of control, as referred to in paragraph 4 of section 63(1), are sufficient;

(8) if the applicant has the necessary expertise available;

(9) if the applicant has sufficient financial prerequisites to implement the project and carry on operations; further

(10) if the applicant is otherwise considered to have the prerequisites to engage in operations safely and in accordance with Finland's international contractual obligations; and

the planned nuclear facility otherwise fulfils the principles laid down in sections 5–7.

Section 20 – *Operation of a nuclear facility*

A licence to operate a nuclear facility may be granted as soon as a licence has been granted for the construction of facility and if:

1) the nuclear facility and its operation meet the safety requirements laid down in this Act, and appropriate account has been taken of the safety of workers and the population, and environmental protection;

(2) the methods available to the applicant for arranging nuclear waste management, including final disposal of nuclear waste and decommissioning of the facility, are sufficient and appropriate;

(3) the applicant has sufficient expertise available and, in particular, the competence of the operating staff and the operating organisation of the nuclear facility are appropriate;

(4) the applicant is otherwise considered to have the financial and other prerequisites to engage in operations safely and in accordance with Finland's international contractual obligations; and

the planned nuclear facility and the operation thereof otherwise fulfils the principles laid down in sections 5–7.

Operation of the nuclear facility shall not be started on the basis of a licence granted:

(1) until the Radiation and Nuclear Safety Authority (STUK) has ascertained that the nuclear facility meets the safety requirements set, that the physical protection and emergency planning are sufficient, that the necessary control to prevent the proliferation of nuclear weapons has been arranged appropriately, and that the licensee of the nuclear facility has, as provided, arranged indemnification regarding liability in case of nuclear damage; and

(2) until the Ministry of Trade and Industry has ascertained that provision for the cost of nuclear waste management has been arranged in accordance with the provisions of chapter 7.

Section 21 – *Other use of nuclear energy*

A licence for the operations referred to in paragraphs 2–6 of section 2(1) and paragraph 1 of section 2(2) may be granted, when required by operations, if:

(1) the use of nuclear energy meets the safety requirements laid down in this Act, and appropriate account has been taken of the safety of workers and the population, and environmental protection;

(2) the applicant has possession of the site needed for the use of nuclear energy;

(3) nuclear waste management has been arranged appropriately and provision for the cost of nuclear waste management has been made in accordance with the provisions of chapter 7;

(4) the applicant's arrangements for the implementation of control by the Radiation and Nuclear Safety Authority (STUK) as referred to in paragraph 3 of section 63(1), in Finland and abroad, and for the implementation of control as referred to in paragraph 4 of section 63(1) are sufficient;

(5) the applicant has sufficient expertise available and the operating organisation and competence of the operating staff are appropriate; (1420/1994)

(6) the applicant is considered to have the financial and other prerequisites to engage in operations safely and in accordance with Finland's international contractual obligations; (1420/1994)

(7) the authorisations required under the Council Directive on the supervision and control of shipments of radioactive waste and spent fuel (2006/117/Euratom) have been obtained from foreign States, and if said provisions can also be observed in other respects, and

if the use of nuclear energy otherwise meets the principles laid down in sections 5–7, and is not in conflict with the obligations under the Euratom Treaty.

The use of nuclear energy referred to in subsection 1 above shall not be initiated on the basis of a granted licence until the Radiation and Nuclear Safety Authority (STUK) has ascertained, when so required by the operations, that the use of nuclear energy is in accordance with the safety requirements set, that the physical protection and emergency planning are sufficient, that the control necessary to prevent the proliferation of nuclear weapons is appropriate and that indemnification regarding liability in case of nuclear damage in connection with the operations has been arranged in compliance with the relevant provisions.

When considering the granting of a licence for operations referred to in paragraph 2 of section 2(1), the provisions in paragraphs 1 and 3–5 of section 21(1) shall be applied so that the prerequisites for a licence therein are met if the plans presented by the applicant are sufficient, in addition to which the site of the mining activity or the enrichment plant shall be appropriate with respect to the safety of the operations intended. In addition to the provisions of subsection 2, the Radiation and Nuclear Safety Authority (STUK) shall ascertain that the operations referred to in paragraph 2 of section 2(1) meet the prerequisites laid down in paragraphs 1 and 3–5 of section 21(1).

Section 21 a - *Implementation of a common market* (1420/1994)

Whenever an application referred to in section 21 for the export or import between the Member States of the European Union of materials or equipment listed in Annex IV to the Euratom Treaty, the licence shall be granted if, whenever operations require it, the prerequisites laid down under section 21(1–6) are met, and the use of nuclear energy referred to in the application otherwise fulfils the principles laid down in sections 4, 6 and 7.

Section 22 - *A nuclear facility in a vehicle*

When a nuclear facility is built for operation in a vehicle or is used in a vehicle or as its power source, the provisions of section 19(1–10) shall be applied only to the extent required by the operations.

When a nuclear facility as referred to above is used only temporarily within Finnish territory, the Ministry of Employment and the Economy shall be the authority granting the licence; and this Act shall also otherwise be applied, as well as to the operations referred to in paragraphs 2–6 of section 2(1) and in paragraph 1 of section 2(2).

Section 23 - *Handling of licence applications*

A statement concerning the licence application shall be requested from the Radiation and Nuclear Safety Authority (STUK) and from the Ministry of the Environment, unless, owing to the nature of the operations in hand, this is manifestly unnecessary. If the application pertains to exports as referred to in section 2, or to concluding an agreement referred to in paragraph 1 of section 2(2), or to the temporary operation of a nuclear facility referred to in section 22 within Finnish territory, a statement shall also be requested from the Ministry for Foreign Affairs, unless this is manifestly unnecessary.

Before a decision is reached regarding a licence application for operations referred to in paragraph 2 of section 2(1), the procedure laid down in section 13 shall be observed.

Section 24 – *Validity of the licence*

The licence, excluding the construction licence, shall be granted for a fixed term. When the length of the term is considered, particular attention shall be paid to ensuring safety and to the estimated duration of operations. The licence may include a provision that the licence will expire if operations are not started within a certain period from the granting of the licence.

Section 25 – *Licence conditions and amendment thereof*

The licence shall include the licence conditions necessary for implementing the general principles referred to in chapter 2 of this Act and for implementing the safety requirements in accordance with this Act.

The licence conditions may be amended in order to maintain the prerequisites regarding the general principles and the granting of a licence laid down in this Act, especially when necessary to ensure safe use of nuclear energy, to secure nuclear waste management, to implement physical protection measures or emergency planning, to meet Finland’s international contractual obligations in the nuclear energy sector, or to prevent proliferation of nuclear weapons.

When amending licence conditions, the same procedure shall be followed, as appropriate, as when the licence was granted.

Section 25 a – *Service and communication regarding a construction licence decision* (769/2004)

A decision on a construction licence shall be notified as a general service in accordance with separate provisions.

The decision shall be delivered to those parties that have separately requested for the decision.

Section 26 – *Licence cancellation*

The authority that has granted a licence shall cancel it wholly or partly, if implementation of the general principles for the use of nuclear energy as laid down in this Act is essentially endangered, for instance, as a consequence of:

(1) the licensee violating the licence conditions or regulations issued by an authority by virtue of this Act;

2) the licensee neglecting the financial provision obligation referred to in chapter 7 of this Act, or violating the Nuclear Liability Act (484/1972) in a manner referred to in section 41 of that Act; or

(3) the licensee dying or losing legal capacity or the corporation or foundation holding the licence being dissolved, otherwise discontinuing operations or going into bankruptcy.

Cancellation of a licence requires that a reasonable period of time has been allowed for the licensee to correct the deficiency, when possible by means of the licensee's actions.

When cancelling a licence, the same procedure shall be followed, as appropriate, as when the licence was granted.

Section 27 – *Compensation*

If a licence to construct or operate a nuclear facility is cancelled or a licence to operate a nuclear facility is denied, the holder of the cancelled licence or the applicant whose licence to operate the nuclear facility has been denied, is entitled to a reasonable amount of compensation from the State of Finland for the direct expenses incurred in the construction of the facility.

Compensation shall not be paid, however, if the licence is cancelled because sections 6 or 7 can no longer be observed in operating the facility, or because the licensee has acted contrary to this Act or the regulations under it, or for reasons referred to in paragraphs 2 or 3 of section 26(1). Nor shall compensation be paid if the licence to operate the nuclear facility has been denied because the nuclear facility and its operation do not meet the principles laid down in sections 6 and 7 or the prerequisites set in paragraph 4 of section 20(1).

The Ministry of Trade and Industry and whoever is entitled to compensation shall try to reach an agreement on the amount of the compensation. The text of the agreement shall be sent to the Government for ratification.

Should an agreement on compensation not be reached, a suit for compensation must be filed as provided [in the Act on the venue of certain administrative issues (446/1954)1], within two years following the decision on which the suit for compensation is based has become legally valid. If compensation is not applied for within the time specified, the right to compensation shall be extinguished.

Chapter 6 - **Nuclear waste management**

Section 28 – *Decision on implementation of waste management obligation*

The Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority (STUK), having granted a licence for operations generating nuclear waste, shall, having consulted the Ministry of the Environment on the matter if necessary, determine the principles on the basis of which the waste management obligation referred to in section 9(3) is to be implemented. For this purpose, the licensee under the waste management obligation shall present, for assessment by the body granting the licence, a plan for carrying out nuclear waste management.

For the duration of the operations subject to a licence, the plan for carrying out nuclear waste management shall be presented regularly at three year intervals, unless otherwise provided in the licence conditions. The plan shall also include a general plan for the following six years. Unless otherwise provided in the licence conditions, a plan for the decommissioning of the nuclear facility shall be presented regularly, at six year intervals, for the duration of the operations subject to a licence.

More detailed provisions on the reports to be included in the plans, and the delivery of documents, will be laid down in a Government decree.

Section 29 – *Mandatory waste management co-operation*

The Ministry of Trade and Industry may order various licensees under the waste management obligation to undertake waste management measures jointly, if by doing so safety can be increased or costs can be substantially reduced or if any other weighty reason so requires. At the same time, provisions shall be laid down, if necessary, on the distribution of the costs incurred due to the measures to be carried out jointly.

Section 30 – *Transfer of waste management obligation*

When the possession of a nuclear facility, a mine or an enrichment plant intended for the production of uranium or thorium, or nuclear waste is transferred to another party, the Ministry of Trade and Industry may, on request, completely or partially transfer the waste management obligation from the transferor to the transferee, if the transfer of the obligation does not endanger the carrying out of nuclear waste management.

Section 31 – *Transfer of nuclear waste to the State*

If the Ministry of Trade and Industry considers that a licensee under a waste management obligation has substantially failed to observe the confirmed time-schedules for nuclear waste management of the nuclear waste he has generated or has otherwise violated the authorities' regulations for the implementation of nuclear waste management, the Ministry shall bring the matter to the Government to decide whether the licensee's actions mentioned above, judged on the whole, give good reason to conclude that nuclear waste management completely or in part cannot be carried out by the licensee. If the Government finds that nuclear waste management completely or in part cannot be carried out by the licensee, the Government shall order that such nuclear waste be transferred to the State, or to a domestic corporation under the control of the State, for the implementation of the nuclear waste management measures still required.

The Government shall order that the nuclear waste generated by the licensee under a waste management obligation be transferred to the State or to a corporation referred to in subsection 1, for the implementation of the nuclear waste management measures still required also in cases where the Government finds that, despite an order made under section 65(2), the licensee under a waste management obligation has not fulfilled the financial provision obligation laid down hereunder. Notwithstanding the provisions above in this subsection, the Government may not order the transfer of the nuclear waste insofar as making such an order would place the State in a disadvantageous financial position with respect to meeting the purpose of financial provision measures.

Section 32 – *Expiry of waste management obligation*

The Ministry of Employment and the Economy, or the Radiation and Nuclear Safety Authority (STUK), having granted a licence for operations that generate nuclear waste, shall order that the waste management obligation has expired when:

(1) it has been transferred to another party in accordance with section 30; or

(2) the nuclear waste has been transferred outside Finland's jurisdiction in the approved permanent manner referred to in section 6 a(2); or (1420/1994)

(3) the final disposal of nuclear waste and the decommissioning of a nuclear facility have been carried out in accordance with section 33, and the licensee under a waste management obligation has paid a lump sum to the State for the monitoring and control of the nuclear waste.

Should the Government issue an order referred to in section 31, the State shall be responsible thereafter for the nuclear waste management measures not yet carried out for the waste referred to in the order, and for the costs to be incurred in carrying out these measures by the licensee under a waste management obligation.

Section 33 – *Final disposal and decommissioning*

Final disposal is considered implemented when the Radiation and Nuclear Safety Authority (STUK) has confirmed the nuclear waste to be permanently disposed of in a manner has approved.

A nuclear facility is considered decommissioned when the Radiation and Nuclear Safety Authority (STUK) has confirmed that the quantity of radioactive materials remaining in the buildings and soil of the facility site complies with the requirements specified under this Act.

Section 34 - *Responsibility for nuclear waste after their final disposal*

When the licensee's waste management obligation has ceased by virtue of paragraph 3 of section 32(1), the ownership right to the nuclear waste is transferred to the State, which shall be responsible thereafter for the nuclear waste.

Should it become necessary after the final disposal, the State has the right, at the disposal site, to take all measures required for the monitoring and control of the nuclear waste and for ensuring the safety of the repository.

Chapter 7 - **Financial provision for the cost of nuclear waste management**

Section 35 - *Financial provision obligation*

The licensee under a waste management obligation, in the manner laid down below in this chapter, shall make financial provision for the costs referred to in section 9(3).

In applying the provisions of this chapter, nuclear waste shall be considered to include also such materials, objects and structures referred to in section 3(3b) that have not yet been taken out of use

The costs of nuclear waste management as referred to in this chapter may also be considered to include the charges incurred in nuclear waste management as referred to in section 77.

Section 36 - *Financial provision measures*

The licensee under a waste management obligation shall fulfil the financial provision obligation by payment for each calendar year of the charges referred to below into the National Nuclear Waste Management Fund, and shall furnish the State with the securities laid down below as a precaution against insolvency.

Section 37 – *Definitions*

For the purposes of this chapter:

(1) *assessed liability* means the assessed amount of costs to be incurred in the future from managing the nuclear waste generated by the licensee under a waste management obligation;

(2) *fund target* means the amount that the fund holding of the licensee under a waste management obligation shall reach in each calendar year;

(3) *fund holding* means the amount that the National Nuclear Waste Management Fund confirms the licensee under a waste management obligation to have in the Fund at a given time;

(4) *fund contribution* means the fee, to be fixed annually, which the licensee under a waste management obligation must pay into the National Nuclear Waste Management Fund in order to raise the fund holding to the amount of the fund target;

(5) *required share* means the amount that the actual share of the licensee under a waste management obligation shall reach in each calendar year in order to cover the future costs of nuclear waste management, which the licensee under a waste management obligation has been ordered, subject to section 31, to transfer to the State;

(6) *actual share* means the amount which the National Nuclear Waste Management Fund at a given time confirms to have been set aside in the Fund to be used for the management of the nuclear waste which a licensee under a waste management obligation has been ordered to transfer to the State; and

(7) *profit or loss of the Fund* means the amount by which the total sum of the National Nuclear Waste Management Fund's income from interest and compensation received from funds held by the State exceeds or falls short of the costs and credit losses incurred in the National Nuclear Waste Management Fund's administration and capital management.

Section 38 - *National Nuclear Waste Management Fund*

For purposes of implementing the financial provision, there shall be a National Nuclear Waste Management Fund, independent of the State budget but controlled and administered by the Ministry of Trade and Industry.

In addition to the tasks laid down under subsection 1 above, the National Nuclear Waste Management Fund is to collect the fees determined subject to chapter 7 a and to allocate the funds thus collected. (1131/2003)

The National Nuclear Waste Management Fund shall have a Board of Directors, appointed by the Government for three calendar years at a time. Moreover, the tasks and administration of the

National Nuclear Waste Management Fund shall be defined more precisely by Government decree.

Section 39 - *Estimation of the assessed liability*

Estimation of the assessed liability shall be based on those basic nuclear waste management decisions, meeting the general principles of chapter 2, that on the basis of knowledge available at the time of the estimation can be considered to enable the carrying out of nuclear waste management as necessary and in due time.

The assessed liability is estimated on the basis of the price and cost levels prevailing at the time for which the assessed liability is confirmed. Sources of information about prices and costs which can be considered to be reliable shall be used in making the estimation. The uncertainty of available information about prices and costs shall be taken into account, to a reasonable extent, as raising the assessed liability.

Estimation of the assessed liability shall be based on decisions, price information and price estimates presented by a licensee under a waste management obligation as far as they meet the prerequisites laid down in subsections 1 and 2.

Section 40 - *Amount of the Fund target*

The Fund target for each calendar year shall be equal to the assessed liability at the end of the previous calendar year. To distribute the costs of nuclear waste management evenly among the operating years of a nuclear facility, however, the Fund target shall be less than the assessed liability when the prerequisites laid down in subsection 2 or 3 have been met. (1078/1996)

When the nature of operations of a nuclear facility is such that a considerable proportion of its nuclear waste management costs is made up of costs that do not depend on the amount of nuclear waste, the Fund target of the nuclear facility in its various years of operation shall be the specified share of the assessed liability of the nuclear facility falling upon the licensee under a waste management obligation. The ratio of the Fund target to this assessed liability shall be increased gradually, so that the fund target shall reach the assessed liability in sufficient time before it is estimated that the nuclear facility will cease operations.

If the assessed liability as per the end of any calendar year significantly deviates from the assessed liability estimated for the end of the previous calendar year, as confirmed according to section 44(1), said change in the assessed liability can be partly disregarded when the Fund target is confirmed for the two years following the calendar year in question.

Section 41 - *Fund holding of the licensee under a waste management obligation*

The fund holding shall include:

(1) the most recently confirmed fund holding of the licensee under a waste management obligation;

(2) the fund contribution received by the Fund from the licensee under a waste management obligation after the last confirmed fund holding, and any additional fund contribution referred to in section 44(4); and

(3) any amount notified by the Ministry of Trade and Industry on the basis of section 43(3) after the last confirmed fund holding.

The fund holding is obtained by subtracting the following from the amount referred to in subsection 1:

(1) any surplus which the licensee under a waste management obligation has received from the Fund since confirmation of the last fund holding; and

(2) the amount transferred from the last confirmed fund holding of the licensee under a waste management obligation to the actual share, and after the last confirmed fund holding, the amount notified by the Ministry of Trade and Industry on the basis of section 43(3).

The fund holding on the last day of December of each year is obtained by adding the share of the Fund's profit to which the licensee under a waste management obligation is entitled, to the fund holding referred to in subsections 1 and 2, or by subtracting from the said fund holding the share of the Fund's loss which the licensee under a waste management obligation shall bear.

Section 42 - *Fund contribution and surplus*

The licensee under a waste management obligation shall pay a fund contribution to the National Nuclear Waste Management Fund so that the fund holding on the last day of March is equal to the fund target for the current calendar year.

Should the fund target for the calendar year be lower than the fund holding on the last day of December the previous year, the licensee under a waste management obligation shall be refunded with the said surplus no later than on the first working day in April of the same calendar year. The receivable the Fund has from the licensee under a waste management obligation may be used to sign off the surplus as refunded according to the terms and conditions of the loan granted to the licensee. (1078/1996)

Section 43 - *Confirming the assessed liability and the fund target*

The Government shall issue general provisions on how the expenses referred to in section 35 are to be taken into consideration in the estimation of the assessed liability, as well as on the procedure to be followed in calculating the fund target in cases referred to in section 40(2-3), as well as on other principles of the financial provision. (1078/1996)

The Ministry of Employment and the Economy shall, at the end of the calendar year, confirm the assessed liability of each licensee under a waste management obligation for the current calendar year, and decide on the fund target for the following two years. Simultaneously, the Ministry shall confirm the fund target for the following three years. For a justified reason, the Ministry may deviate from the schedule referred to above.

The Ministry of Trade and Industry shall confirm the changes arising from the transfer of the waste management obligation as referred to in section 30 and affecting the assessed liability and the fund targets of the concerned licensee under a waste management obligation, observing the provisions of section 40 to the extent applicable, as well as the amount to be transferred from the fund holding of the licensee to the fund holding of the transferee as referred to in section 30.

Section 44 – *Collateral security arrangements*

The licensee under a waste management obligation shall supply the State with collateral securities fulfilling the conditions laid down in section 45, prior to the commencement of the waste generating

operation and, otherwise, in any case by the end of June, so that the total guarantees held at that time by the State are equal to the difference between the assessed liability at the end of the calendar year and the Fund target.

Should there be a major change in the principles on which determination of the assessed liability is based, the Ministry of Trade and Industry may reassess the assessed liability. Should the reassessed liability be higher than the previous assessed liability, the State must be provided with the required supplementary securities within three months from the confirmation of the assessed liability.

In a case of unforeseen nuclear waste management expenses, the Government is to lay down an increase in the amount of the securities to be provided to the State as provided in this section. The amount of the securities may be increased by a maximum amount equalling 10 per cent of the assessed liability of the licensee under a waste management obligation determined in accordance with this section.

Should the licensee under a waste management obligation fail to provide the State with securities for the amount laid down in this section, the licensee shall pay the National Nuclear Waste Management Fund an additional fund contribution corresponding to the outstanding amount by the deadline specified in this section.

Section 45 – *Collateral securities*

As security the Ministry of Trade and Industry may accept only:

(1) credit insurance provided by an insurance company as referred to in section 1 of the Insurance Companies Act (1062/79);

(2) direct liability guarantee provided by a Finnish savings bank; or (396/2000)

(3) such real estate mortgage or direct liability guarantee by a Finnish corporation as has been accepted by the Government as corresponding in reliability to the security referred to in paragraph 1 or 2.

A security with a validity period of less than five years cannot be accepted.

Section 46 - *Temporary decrease in the Fund target*

For a special reason the Government may allow the fund target to be assessed lower than required by the provisions in section 40 for a period of a maximum of five years at a time.

Section 47 - *Required share and the Government claim*

Should the Government issue an order referred to in section 31, concerning the transfer of nuclear waste to the State, the Government shall confirm the assessed liability corresponding to the nuclear waste management expenses of the nuclear waste ordered to be transferred, as well as the assessed liability corresponding to the nuclear waste management expenses of nuclear waste generated by the licensee under a waste management obligation to which the order does not apply.

In the same connection, the Government shall also confirm the required share resulting from the nuclear waste to be transferred, which is obtained by increasing the assessed liability corresponding to such nuclear waste by the amount laid down in section 44(3).

After the Government has confirmed the required share, a claim by the State is established against the licensee under a waste management obligation, the amount of which corresponds to the required share and which fall payable upon demand.

Section 48 - *Meeting the Government claim; actual share*

When the Government claim has been fixed, it shall primarily be met by separating from the Fund holding of the licensee under a waste management obligation such proportion of the Fund holding as corresponds to the proportion of the Fund holding corresponding to the transferred nuclear waste, of the total amount of the Fund holdings as referred to in section 47(1), to form the actual share in the National Nuclear Waste Management Fund. The licensee under a waste management obligation shall pay the rest of the Government claim to the Fund, to be added to the Fund holding within three months of the establishment of the Government claim.

Insofar as the licensee under a waste management obligation fails to remit into the fund the outstanding claim, as referred to in subsection 1, within the time specified, a corresponding amount of the securities provided to the State by the licensee under a waste management obligation, pursuant to section 44, shall be converted into money, which shall be added to the actual share. Should the insurance company or bank referred to in paragraph 1 or 2 of section 45(1), which granted such a security, so require, the Fund shall lend the assets obtained from the securities for a fixed period to the insurance company or bank, at an interest rate referred to in section 52(4), against a promissory note it has issued to the fund, and on any other condition the Fund may lay down, should the Ministry of Employment and the Economy deem that such an undertaking would ensure the availability of the funds.

Section 49 - *Supplementing the actual share*

After the required share has been confirmed for the first time in the way provided in section 47, the Ministry of Trade and Industry shall reconfirm it annually, observing the provisions on assessed liability and required share in section 43(2) and section 47(2).

The licensee under a waste management obligation shall pay fees annually to the National Nuclear Waste Management Fund, to be added to the relevant actual share in such a way that the amount of the actual share shall correspond to the amount of the required share within three months from the confirmation of the same.

Section 50 - *Use of the actual share*

Should the actual share exceed the required share of the ongoing calendar year, separately assessed by the Ministry of Trade and Industry as per the last day of the year, the balance between the actual share and the required share shall be available for compensating the State for any expenses arising from nuclear waste management measures regarding waste transferred to the State under section 31, including any annual interest calculated from the date of the costs, the rate of which is fixed in section 52(3).

Should the balance referred to in subsection 1 not be sufficient to pay the said compensation and interest, the licensee under a waste management obligation is to pay the outstanding amount to the State within one month of the date of demand.

Should the actual share, after the procedure referred to in subsection 1, exceed the separately assessed required share referred to in subsection 1 by more than 20 per cent, the amount corresponding to this excess amount shall be refunded to the licensee.

Section 51 - *Profit and loss of the National Nuclear Waste Management Fund* (1078/1996)

The profit by the National Nuclear Waste Management Fund for a calendar year shall be added to credit and its loss be subtracted from, the Fund holdings and actual shares as on the last day of December in the same proportion as the corresponding Fund holdings and actual shares have constituted the capital of the Fund during the calendar year. When calculating the ratios, the interest which has accumulated during the preceding years on the loans granted from the Fund to the licensee in question and which, at any given time, has not yet been paid will be subtracted from the Fund holding or actual shares at any given time.

Section 52 - *Capital of the National Nuclear Waste Management Fund*

The licensee under a waste management obligation is entitled to receive a loan against full securities for a fixed period from the National Nuclear Waste Management Fund. The amount borrowed from the Fund must not, however, exceed 75 per cent of the Fund holding last confirmed for the said licensee under a waste management obligation. The shareholders of the licensee shall have the right to use the above-mentioned right of the licensee to the extent not used by the licensee himself. The amount to be lent from the Fund to the shareholders at any given time must be lent to the shareholders requesting it in proportion to their shareholding, as specified by the Fund in greater detail, if necessary.

Any amount of Fund capital which has not been lent pursuant to section 48(1) or (2) shall be available to the State and can be transferred through the State budget from the Fund to the State finances for a fixed period. If capital has been transferred to the State finances, an appropriation must be included annually in the budget for returning the capital to the Fund during the year in question, and for paying the Fund compensation, the amount of which corresponds to the interest rate fixed in subsection 4 for the period that the capital was allocated in the State finances. (1078/1996)

The State is entitled to borrow for a fixed period of time from the Fund capital an amount which, by virtue of section 48(1) or (2), has not been granted as a loan or which has not been transferred to State finances by virtue of subsection 2. The State shall partially pay the granted loan by the end of the calendar month following the request for payment every time the request is made by the Fund to refund the licensee under a waste management obligation with the confirmed surplus. (1078/1996)

When capital is lent from the Fund pursuant to subsection 1 or 3, the loan interest shall be tied to a commonly quoted market interest. The Government separately decides to what market interest the loans are tied. If necessary to ensure preservation of the value of the Fund capital and to secure the return it yields, the Government may decide that a special interest margin is added to the market interest applied. (1077/1998)

In case the Fund capital remains unused in the manner provided in subsections 1 to 3, the Fund shall invest such capital against full securities in some other way yielding the best possible return. (1078/1996)

On the recommendation of the appropriate ministry, the Government decides the general terms and conditions of loans granted to the licensee under a waste management obligation. The same

terms and conditions, to the extent applicable, also apply to loans granted by virtue of subsection 3. (1078/1996)

Section 53 - *Limitations of returning securities and surplus*

Should it be discovered at the time when the assessed liability in end of the previous calendar year is confirmed that more securities have been supplied by the licensee under a waste management obligation to the State than required by the said assessed liability, the excess amount shall be returned to the licensee by the end of June of the current calendar year, provided that the licensee has fulfilled his obligations concerning the payments referred to in this chapter.

Subsection 2 has been repealed (1078/96).

Chapter 7 a – **Ensuring availability of expertise** (1131/2003)

Section 53 a – *Fee collected from a nuclear facility operator* (1131/2003)

To meet the general principle laid down in section 5 above, whoever

(1) has a licence to operate a nuclear facility of considerable general significance referred to in paragraph 1 of section 11(2) of this Act;

(2) has a licence to construct such a nuclear facility, but who has not yet a licence to operate the facility, or;

(3) has submitted an application on the basis of which the Government has made a decision-in-principle on such a nuclear facility, which is in force, but no licence based on it for construction of the facility has not been granted,

shall be obliged to participate in financing research aimed at ensuring that, should such new factors concerning safe operation of nuclear facilities emerge that could not be foreseen, the authorities have such sufficient and comprehensive nuclear engineering expertise and other facilities at their disposal that can be used, when necessary, to analyse without delay the significance of such factors.

The obligation laid down in subsection 1 above shall be fulfilled by paying an annual fee into the National Nuclear Waste Management Fund, amounting to EUR 240 for each rated thermal output Megawatt given in the licence or for the highest thermal output Megawatt laid down in the decision-in-principle, or if a construction licence has been applied for by virtue of the decision-in-principle, for the rated thermal output Megawatt given in the licence application. A lower euro amount than this may be provided for by Government decree.

Fees collected in accordance with subsection 2 above shall be kept apart from the other funds of the National Nuclear Waste Management Fund.

Section 53 b – *Fee to be collected from an operator under the waste management obligation* (1131/2003)

To meet the general principle laid down in section 5 above, any operator for whom an assessed liability has been fixed subject to section 43(2) of this Act shall be obliged to participate in financing research aimed at ensuring that the authorities have such sufficient and comprehensive nuclear

engineering expertise and other facilities at their disposal that are needed for comparisons of the various ways and methods of carrying out nuclear waste management.

The obligation laid down in subsection 1 above shall be fulfilled by paying annually a fee into the National Nuclear Waste Management Fund, amounting to 0.08 per cent of the assessed liability fixed subject to section 43(2). This euro amount may also be fixed to be lower by Government decree.

Fees collected in accordance with subsection 2 above shall be kept apart from the other funds of the National Nuclear Waste Management Fund.

Section 53 c – *Separate funds* (1131/2003)

The two separate funds formed in accordance with sections 53 a and 53 b above are reduced by:

(1) the assets on the allocation of which from the separate funds concerned a decision has been made and that have been paid out;

(2) the funds paid back to persons liable for payment subject to section 53 e(4);

(3) costs arising from the deposit, management and administration of the separate funds concerned; and

(4) costs incurred by the drafting of financing decisions for research projects as well as by management and administration of projects.

The two separate funds formed in accordance with sections 53 a and 53 b above are accrued, besides the fees, by:

(1) incidental returns on the separate funds concerned; and

(2) the funds allocated for financing research projects that the Fund has decided to reclaim.

Both separate funds can be allocated to financing research insofar as they are not already committed under decisions concerning the financing of research projects referred to under section 53 d(1) and insofar as they do not include receivables for the Fund. If funds for financing decisions already taken remain unused due to changes in project costs or for some other, similar reason, the funds in question can be allocated to financing research in the subsequent year.

Section 53 d – *Financing of research projects* (1131/2003)

The National Waste Management Fund finances research projects by funds available for allocation each year so that:

(1) the whole of the project to be financed by the separate funds referred in section 53 a(3) supports in an appropriate manner the purpose of research subject to section 53 a(1);

(2) the whole of the project to be financed by the separate funds referred in section 53 b(3) supports in an appropriate manner the purpose of research subject to section 53 b(1).

The research projects referred to in paragraphs 1 and 2 of subsection 1 above shall be of a high scientific standard and their results shall be publishable. Projects to be financed shall not entail

research directly associated with the control of nuclear energy use, licence handling procedures or the preparation of licence application material referred to in this Act.

Section 53 e – *Applying for, granting and collecting of research funding (1131/2003)*

The Ministry of Employment and the Economy shall present a proposal to the Fund for the allocation of the funds referred to in section 53 d(1) above for the financing of the projects. Before making said proposal, the Ministry shall request a statement thereon from the Radiation and Nuclear Safety Authority (STUK).

Research financing is granted upon application. The application shall be addressed to the Ministry of Trade and Industry. The provisions of the Act on Discretionary Government Transfers (688/2001) shall also be applied to the procedure of applying for and granting research financing.

The provisions of the Act on Discretionary Government Transfers shall apply to the collecting of the financing granted for research projects. The proposal for collecting financing granted shall be made by the Ministry of Trade and Industry.

If the Ministry of Trade and Industry considers that it would not be justified in view of the purpose of the payment liability laid down in section 53 a or 53 b to use all the funds allocable subject to 53 c(3) for financing the research projects referred to in section 53 d(1) above, the Fund shall leave the corresponding share of the means unallocated. The unallocated funds shall be paid back to the payers in proportion to the payments.

More detailed provisions on the procedures concerning allocation and collecting of funds and application for and collecting of research financing are laid down, if necessary, by a decree by the Ministry of Trade and Industry.

Chapter 8 - **Nuclear energy authorities**

Section 54 - *Supreme command and control of nuclear energy matters*

The Ministry of Trade and Industry is responsible for the supreme command and control of nuclear matters.

Subject to the provisions of other acts or decrees, the competent Finnish authority referred to in the Euratom Treaty is the Ministry of Trade and Industry. (1420/1994)

Section 55 - *Regulatory authority*

The Radiation and Nuclear Safety Authority (STUK) is responsible for the supervision of safe use of nuclear energy. In addition, STUK shall be responsible for attending to the supervision of physical protection and emergency planning, and for the necessary control of the use of nuclear energy to prevent proliferation of nuclear weapons.

In order to carry out the tasks mentioned in subsection 1 above, the Radiation and Nuclear Safety Authority (STUK) shall in particular:

(1) participate in the processing of licence applications pursuant to this Act;

(2) supervise the observance of licence conditions as well as set detailed requirements concerning the operations referred to in the licence;

3) issue proposals for general safety regulations as referred to in section 7q, and specify the detailed safety requirements as referred to in section 7 r;

4) issue detailed regulations, if necessary, and supervise compliance therewith;

(5) set qualification requirements for persons involved in the use of nuclear energy and control that the requirements are met;

(6) provide expertise for other authorities;

6a) act as the competent authority required in the Directive referred to in paragraph 7 of section 21(1); (1420/1994)

(7) carry out research and development activities necessary for supervision and participate in international co-operation in the field; and (1420/1994)

(8) put forward proposals and issue statements occasioned by supervision. (1420/1994)

The Radiation and Nuclear Safety Authority (STUK) shall also be in charge of passing judgements on such licence applications pursuant to this Act as have been provided to be determined by STUK, and of supervising that indemnification regarding liability in case of a nuclear damage has been arranged as provided.

The Radiation and Nuclear Safety Authority (STUK) may, upon request by anyone planning to use nuclear energy, check the plan drawn up by them and issue preliminary instructions on what should be taken into account with respect to safety, physical protection and emergency planning.

Section 56 - *Advisory committees*

Subsection 1 has been repealed (342/2008).

An advisory committee appointed by the Government shall work to prepare matters concerning the safe use of nuclear energy in conjunction with the Finnish Centre of Radiation and Nuclear Safety (STUK).

In the handling of matters concerning security during the use of nuclear energy, an advisory committee appointed by the Government works in conjunction with the Radiation and Nuclear Safety Authority (STUK).

More detailed provisions on the advisory committees referred to in this section shall be laid down in a Government decree.

Chapter 9 - **Other legislation and co-operation between authorities**

Section 57 - *Other legislation*

A licence granted under this Act shall not exempt the licensee from observing the requirements and provisions laid down for the operation in other legislation.

Section 58 – *Construction and planning of land use*

That provided elsewhere in the law shall apply to the planning of land use in an area intended for the site of a nuclear facility. Before a local detailed plan is drawn up for the area intended for the site of a nuclear facility, and prior to the approval of such a plan where a site is reserved for the construction of a nuclear facility, a statement shall be obtained from the Radiation and Nuclear Safety Authority (STUK).

That provided elsewhere in the law shall apply to the construction of a nuclear facility. Notwithstanding the above, the Radiation and Nuclear Safety Authority (STUK) shall have the right, to the extent required by the supervision duty referred to in section 55(1), and having consulted other authorities if necessary, to issue more detailed regulations concerning construction that result from special requirements as referred to in sections 6 and 7, and from Finland's international contractual obligations concerning the prevention of the proliferation of nuclear weapons.

Section 59 – *Safety at work*

Those licensed to use nuclear energy shall assure the employees' safety at work, observing the provisions of this Act. Any provisions separately issued hereunder shall also apply to the safety of workers. (742/2002)

Ensuring safety at work requires the consideration of the special requirements concerning the safe use of nuclear energy, provisions to this effect shall be issued, and observation of compliance with them supervised, by the Radiation and Nuclear Safety Authority (STUK).

Section 60 - *Pressure equipment* (870/1999)

By virtue of this Act, pressure equipment at nuclear facilities are controlled as follows:

(1) pressure equipment particularly designed for nuclear facilities whose malfunction may cause a radioactive release (*nuclear pressure equipment*);

(2) other pressure equipment at nuclear facilities (*conventional pressure equipment*);
unless otherwise provided hereafter.

The provisions of the Pressure Equipment Act (869/1999) shall apply to the technical requirements for conventional pressure equipment at nuclear facilities, demonstration of safety and other preconditions for their placing on the market.

The provisions of section 61 shall apply to pressure equipment for use in the transport of nuclear materials or nuclear waste.

Section 60 a - *Control of pressure equipment* (870/1999)

The Radiation and Nuclear Safety Authority (STUK) approves manufacturers of nuclear pressure equipment for their duties and inspection organisations or testing organisations for duties pertaining to the control of pressure equipment at nuclear facilities.

A prerequisite for the approval of an inspection and testing organisation is that the inspection or testing organisation is operationally and economically independent and that it carries liability insurance. In addition, the inspection organisation and testing organisation shall have an advanced quality system, a competent and experienced personnel as well as appropriately qualified methods, facilities and equipment for manufacturing and operation.

If the operation of the manufacturer, inspection organisation or testing organisation of pressure equipment falls short of provided requirements and conditions, or of those stated in a decision of approval, the Radiation and Nuclear Safety Authority (STUK) may withdraw its approval. If justified by reasons pertaining to the assurance of safety, the Radiation and Nuclear Safety Authority (STUK) may, after having granted the corporation or establishment concerned a hearing, change the requirements and conditions established in its decision of approval.

The Radiation and Nuclear Safety Authority (STUK) specifies nuclear pressure equipment of minor significance to safety, where approval for undertaking the duties of the manufacturer and testing organisation in the manner provided in subsection 1 is deemed unnecessary. As concerns such pressure equipment, the Radiation and Nuclear Safety Authority (STUK) shall specify requirements concerning the qualifications of the manufacturer and testing organisation, the fulfilment of which the licensee must be able to verify.

Section 61 - *Radiation protection, transport of nuclear material and liability for nuclear damage*

In addition to the provisions of this Act, the separate laws and regulations enacted shall apply to radiation protection and transport of nuclear material and nuclear waste.

The special laws and regulations enacted shall apply to liability for nuclear damage.

Section 62 - *Co-operation among authorities*

When a matter to be settled by the authorities may affect the safe use of nuclear energy, a statement shall be obtained from the Radiation and Nuclear Safety Authority (STUK) prior to its settlement.

Chapter 10 - **Supervision and coercive measures**

Section 63 - *Supervisory rights*

The Radiation and Nuclear Safety Authority (STUK) shall be entitled, in order to carry out the supervision required under this Act, and by the provisions issued hereunder and by Finland's international treaties in the field of nuclear energy, to:

1) inspect and control operations referred to in paragraphs 1–6 of section 2(1), and in paragraph 2 of section 2(2), and for this purpose have access to any place where such an operation is being carried out, as well as to carry out measurements required for supervision, to take and to receive samples and to install equipment necessary for such supervision;

2) oblige the licence applicant to arrange entry for the Radiation and Nuclear Safety Authority (STUK) to carry out inspections and measurements and to take samples on the premises where, according to the application, the operation referred to in paragraphs 1–6 of section 2(1) would be carried out;

(3) require that nuclear fuel or the buildings and equipment intended as parts of the nuclear facility be manufactured in a manner approved of by the Radiation and Nuclear Safety Authority (STUK), and oblige the licensee or licence applicant to arrange for STUK sufficient opportunity to control manufacture of the fuel or such buildings or equipment;

4) receive necessary information and be provided with the plans and contracts and their grounds concerning the fabrication, quality control or processing of nuclear materials, nuclear waste, the

nuclear facility and its structures and equipment, as well as any material, device and equipment referred to in paragraph 5 of section 2(1);

5) oblige any person carrying out the operation referred to in section 2, subsection 1 or 2, to submit standard format reports, as well as other necessary information and notifications, and to keep nuclear material accounts and operating records in said standard format, and to audit these accounts;

(6) issue prohibitions on measures concerning real estate when this is necessary in order to secure safety, when that real estate includes premises referred to in paragraph 5b of section 3. (738/2000)

7) have access, for the purposes of any supervision of non-proliferation of nuclear weapons requiring, to premises where such actions referred to in section 2, subsection 1 or 2, in which nuclear materials or ores have been used, have been carried out, as well as carry out measurements therein required for supervision, to collect and receive samples and to install equipment required for said supervision;

8) collect environmental samples and use radiation detection and measurement devices for any supervision required for the non-proliferation of nuclear weapons, pursuant to ensuring that activity subject to section 2, subsection 1 or 2 is not illegally carried out and that the information given is sound.

The supervisory rights referred to in subsection 1 above shall not, however, apply to premises used as a dwelling. (738/2000)

The provisions of paragraphs 1, 2, 5, 7 and 8 of subsection 1 above shall also apply, to such extent as required by the agreements on the peaceful use of nuclear energy binding on Finland, which have been enforced by an Act, the agreement concerning implementation of Article III(1 and 4) of the Nuclear Non-Proliferation Treaty (Finland's Statute Book No. 55/1995) and the Agreement relating to the Peaceful Uses of Nuclear Energy concluded with the United States of America (Finland's Statute Book No. 37/1992), inspectors of the International Atomic Energy Agency (IAEA) and the European Atomic Energy Community, approved by the Finnish Government, and other persons that perform the supervision referred to in the above treaty and agreement in the presence of a representative of the Radiation and Nuclear Safety Authority (STUK).

The licensee shall see to it that his obligation to give notification referred to in chapter VII of the Euratom Treaty is fulfilled, and he shall keep nuclear material accounting and operating records as required in the Treaty. The licensee shall, to the extent required by supervisory activities, provide access for inspectors mentioned in Article 81 of the Treaty to facilities and quarters in his possession which are subject to inspection. (1420/1994)

Section 64 - *Required changes in the construction and use of a nuclear facility*

Should it be discovered in an inspection carried out by the Radiation and Nuclear Safety Authority (STUK) or otherwise that, in order to secure the safe use of nuclear energy, to maintain appropriate physical protection or emergency planning or to fulfil obligations under Finland's international contractual obligations in the field of nuclear energy, it is necessary to make changes in the construction of a nuclear facility or in the operation relating to its construction or use, STUK shall, upon consulting the licensee, oblige him to carry out the necessary changes within the time specified.

Prior to giving the order referred to in subsection 1, necessary for securing the safe use of nuclear energy, the Radiation and Nuclear Safety Authority (STUK) shall request a statement from the Advisory Committee on Nuclear Safety mentioned in section 56(2), unless the change involved in

the regulation is to be considered of minor financial significance, or such that its implementation must not be delayed.

Section 65 - *Removing defects and faults*

If the provisions, regulations, or licence conditions concerning safety, physical protection or emergency planning laid down in this Act or hereunder have not been observed in the use of nuclear energy, the Radiation and Nuclear Safety Authority (STUK) shall issue, upon consulting the licensee, instructions to remove the defects or faults, and at the same time oblige the licensee to take the required measures within the time specified.

The above provisions shall also apply when a defect or fault follows from a failure to comply with the provisions of this Act, regulations made hereunder or the licence conditions. Provisions concerning the competent authority in cases referred to herein are defined by Government decree.

Section 66 - *Use of coercive measures in some cases*

An authority may reinforce its order referred to in sections 64 or 65 by a conditionally imposed fine, or a threat to interrupt or limit the operation or to have the neglected obligation fulfilled at the expense of the neglecting party. The expenses of such a measure shall be paid in advance from the State funds, and can be collected from the neglecting party as provided in subsection 2.

The Fund contribution referred to in section 42(1), in section 44(4) and section 49(2), and the interest and compensation referred to in section 50(2), may be collected from the licensee without a court judgement or decision in the order laid down in the Act on the Recovery of Taxes and Fees by Recovery Proceedings (367/61).

Section 67 - *Interruptions or limitations of operation*

Having consulted the licensee, the Radiation and Nuclear Safety Authority (STUK) may interrupt the operation or limit it, should a defect or fault referred to in section 64 or 65 cause immediate danger, or should there otherwise be justified cause for suspecting that the operation presents such a danger. Said operations may be interrupted or limited until the reason for the issuance of the provision no longer exists. STUK shall have the same right, if supervision hereunder cannot be implemented otherwise, or if the licensee has failed to comply with regulations issued by STUK, based on the provisions of this Act or issued under this Act, or if the licensee has failed to comply with his obligations under the Nuclear Liability Act.

Section 68 - *Executive assistance and confiscation*

A police authority shall provide executive assistance when needed in matters relating to supervision of the observance of this Act and the provisions issued hereunder. 24

Upon request by the Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority (STUK), the competent police authority shall be entitled to conduct a search of premises or a physical examination in order to identify

1) a nuclear facility built or operated in violation of this Act in a vehicle referred to in section 22,

2) ore containing uranium or thorium produced or imported in violation of this Act, or similar attempts to export such ore,

3) nuclear material or waste manufactured, possessed, produced, transferred, processed, used, stored or imported in violation of this Act, or similar attempts to export such nuclear material or waste; and

4) to locate material, device, equipment or nuclear information possessed, manufactured, assembled, transferred, imported or subject to attempted export in violation of this Act, and the authority to order the confiscation of such a nuclear facility or the vehicle containing it, as well as the ore, nuclear material, nuclear waste, material, device, equipment or information referred to above. Such a confiscation shall remain in force until a legally valid decision has been passed on the case placed before a court of law, in regard of the forfeiture of the confiscated property, under section 73, or before a court of law or the competent police authority, under the proposal of the authority having requested executive assistance, said legally valid decision comprising an order to the contrary.

Otherwise, the Coercive Measures Act (450/1987) shall be applied to search of premises, physical examination and confiscation (1271/1988).

Section 68 a – *Executive assistance to ensure compliance with the Euratom Treaty*

If, under the Euratom Treaty, ores or nuclear material containing uranium or thorium which are in the possession of the licensee shall be removed from his possession or if, under chapter VII of the said Treaty, certain sanctions directed at the licensee shall be enforced and the licensee has not followed the enforcement order in question, the police authority shall, upon the request of the competent Finnish authority, provide executive assistance, as required, in carrying out the aforementioned actions. If necessary, by request of the competent authority, a search of premises or persons shall be conducted to discover the aforementioned material, which shall be taken into the custody of the authorities.

The Coercive Measures Act (450/1987) shall be applied to the actions referred to above in subsection 1, unless otherwise provided by the Euratom Treaty.

Chapter 11 – **Sanctions**

Section 69 – *Reference provisions relating to sanctions* (593/1995; 415/2002)

Sections 4, 5, 7 and 8 of chapter 34 of the Penal Code provide a sanction for the use of nuclear energy in a way that endangers life or is hazardous to public health.

Sections 6–8 of chapter 34 of the Penal Code provide a sanction for activities that are in violation of section 4 of this Act.

Section 9 of chapter 34 of the Penal Code provides a sanction for the acquisition of equipment or material, or of formulae or drawings required in the making of nuclear explosives with the purpose of committing a nuclear energy offence.

Sections 1–4 of chapter 48 of the Penal Code provide a sanction for acts harmful to the environment that are in violation of this Act or of the provisions or regulations issued by virtue of this Act.

Section 10 of chapter 44 of the Penal Code (39/1889) provides a sanction for an offence involving use of nuclear energy that is in violation of this Act or of the provisions or regulations issued by virtue of this Act. (415/2002)

Sections 70-71 (593/95)

Sections 70–71 have been repealed.

Section 72 (415/2002)

Section 72 has been repealed.

Section 73 – *Forfeiture*

Nuclear explosive, nuclear material or nuclear waste that has been used to commit the offences referred to in section 69(1-4), as well as a device or material, or a formula or drawing mentioned in 69(3) shall be pronounced forfeit to the State. (415/2002)

In the case of an offence involving unauthorised use of nuclear energy as referred to in paragraph 1 of section 10(1) of chapter 44 of the Penal Code, any of the following can be declared wholly or partly forfeit to the State due to a violation of the Nuclear Energy Act or the provisions or regulations issued by virtue thereof:

(1) a nuclear facility built or used;

2) a mine or an enrichment plant which has begun operating and ore containing uranium or thorium which has been produced in such a mine or plant;

3) nuclear material or nuclear waste manufactured, possessed, produced, transferred, processed, used, stored or transported or imported or exported, as well as ore containing uranium or thorium which has been imported or exported; and

(4) a material, device, equipment or nuclear information possessed, fabricated, assembled, transferred, imported or exported. (415/2002)

Furthermore, the provisions of chapter 10 of the Penal Code (39/1889) shall apply as appropriate. (880/2001)

Section 74 – *Prosecution*

The public prosecutor shall not initiate an action for offences referred to in section 69, before having acquired a statement on the matter from the Radiation and Nuclear Safety Authority (STUK). Said statement shall be requested from the Ministry of Employment and the Economy if an offence referred to in section 10 of Chapter 44 of the Penal Code has been committed in connection with activities that fall within the scope of the Ministry of Employment and the Economy's authority.

Chapter 12 - **Miscellaneous provisions**

Section 75 - *Appeal and enforcement of decision*

Decisions-in-principle made by the Government under section 11 and decisions under section 46 cannot be appealed.

A decision by the Government, the Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority (STUK), other than that referred to in subsection 1, may be appealed against as laid down in the Administrative Judicial Procedure Act (586/1996), unless otherwise provided by the Euratom Treaty.

A decision on the determination of a fee made by the National Nuclear Waste Management Fund under section 53 a(2) and 53 b(2) and a decision on repayment of funds made by the Fund under section 53 e(4) and a decision on the collection of financing made by the Fund under section 53 e(3) may be appealed against as laid down in the Administrative Judicial Procedure Act. Provisions laid down in sections 34 and 35 of the Act on Discretionary Government Transfers shall apply to any decision on the financing of a project made by the Fund under section 53 d of this Act. Prior to making a decision on a claim for rectification, or replying to an appeal, the Fund shall request a statement on the matter from the Ministry of Employment and the Economy.

If a decision under section 42, 43(2) or (3), under section 44 and section 47, under section 49(1), under section 52(1—3) and (5), under section 53 a(2), 53 b(2), under paragraph 5 of section 63(1), under section 66 and section 68, and a decision under section 65 contains a provision to that effect, it can be enforced in spite of an appeal.

Section 75 a – *Right of appeal regarding a construction licence* (769/2004)

Further to the above provisions on appeals, a registered association or a foundation whose purpose is to promote environmental protection, public health service or nature conservation or satisfaction concerning the residential environment, where the environmental impact concerned occurs within the scope of operation of such an organisation, shall have the right of appeal regarding the construction licence decision referred to in sections 18 and 19.

Section 76 – *Notification obligation of a party exempted from obtaining a licence, and the use of nuclear energy without a licence*

A Government decree may be passed to the effect that written notification shall be submitted to the Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority (STUK) on any operation not requiring a licence under section 2(3). The provisions of this Act on the obligations of the licensee and the control and coercive measures of the authorities in relation to the licensee shall also apply to any person acting in contravention of the prohibition laid down in section 8(1) or engaging in research and development activities referred to in paragraph 2 of section 2(2).

Section 77 – *Fees*

Provisions on charging for procedures undertaken by authorities referred to in this Act are laid down in the Act on Criteria for Charges Payable to the State (150/1992) and the provisions issued thereunder.

Section 78 – *Obligation to observe secrecy*

Those who, in connection with the activities referred to in this Act, have obtained information contained in the documentation referred to in paragraph 5 of section 2(1) shall not disclose said information to an outsider. This obligation also applies to plans concerning security referred to in section 7 or to material compiled in said plans' preparation, or documents drawn up on the basis of

the plans, if the disclosure of such information to an outsider might jeopardise the achievement of the objectives of said security.

Otherwise the provisions of the Act on the Openness of Government Activities (621/1999) on the publicity of documents shall apply.

Unless punishable under section 5 of chapter 40 of the Penal Code, or, unless a more severe punishment is laid down elsewhere in the law, violation of the obligation to observe secrecy as provided in this section is punishable under section 1 or 2 of chapter 38 of the Penal Code.

Section 79 (342/2008)

Section 79 has been repealed.

Section 80 - *Material, object or information possessed by an authority*

Should any material, object or information referred to in paragraphs 3—6 of section 2(1) be detected and should no owner or possessor be identified, it shall belong to the State.

Any material, object or information referred to in subsection 1 above, as well as any nuclear facility or material, object or information which, under the provisions of this Act is taken by or comes into the custody of the authorities, shall be retained as required in section 6. Furthermore, any confiscated nuclear facility or vehicle containing such a facility, as well as any other confiscated object, material or information must be retained at the expense of the owner or the possessor, in a secure place under the seal of the authorities.

Section 81 (342/2008)

Section 81 has been repealed.

Section 82 – *Power to issue decrees*

More detailed provisions are given by Government decree on:

1) the procedure applying to seeking preliminary information as referred to in Chapter 3;

2) applying for a Government decision-in-principle as referred to in Chapter 4, the reports to be appended to the application, and the handling of the application;

3) the procedures to be applied in the planning and implementation of nuclear waste management arranged in compliance with the provisions under Chapter 6;

4) the procedures to be applied in provision for the costs of nuclear waste management arranged in accordance with the provisions under Chapter 7;

5) the borrowing of funds from the National Nuclear Waste Management Fund and the transferral of funds to the State finances in accordance with the criteria provided under section 52;

6) the procedures to be applied in the supervision of safety as referred to in this Act, particularly in:
a) constructing, commissioning and operating a nuclear facility;
b) transferring nuclear material and nuclear waste from one possessor to another;

c) importing, exporting and transporting nuclear material and nuclear waste, including transit via Finland; and
d) implementing the supervision of nuclear material necessary to the non-proliferation of nuclear weapons and other supervision of the use of nuclear energy required in accordance with international agreements to which Finland is a contracting party;

7) the qualifications required from the responsible manager as referred to in Section 7 k, and the operating organisation of a nuclear facility as referred to in section 20(1); and

8) information to be notified to the regulatory authority in cases where the use of nuclear energy is exempted from obtaining a licence, or where a measure or change concerning operations subject to a licence is made such that no separate licence need be applied for in compliance with this Act or the provisions laid down thereunder.

Section 83 - *Entry into force of this Act*

This Act, hereafter referred to as the *new Act*, enters into force on 1 March, 1988, and repeals the Atomic Energy Act (356/1957) issued on 25 October 1957, hereafter referred to as the *old Act*, with its subsequent amendments, and the provisions and regulations issued under it, as well as the Act on the prohibition of certain nuclear explosions (587/1963), issued on 20 December 1963.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 84 - *Transitional provisions*

Upon the entry into force of the new Act, the new Act shall be applied to pending licence applications.

A construction licence granted under section 3 of the old Act shall be considered to have been granted under the new Act. Other licences granted under the old Act shall be considered to have been granted under the new Act. However, they shall expire, at the latest, five years after the entry into force of the new Act.

If, when granting a licence under the old Act, the licence is considered to include operations requiring, contrary to the provisions of the old Act, a construction or operating licence under the new Act, and if such an operation referred to in the licence is started, at the latest, within five years after the entry into force of the new Act, the construction or operation licence in accordance with the new Act is considered to be included in the licence granted under the old Act.

Any person engaging in an operation referred to in section 2(1) of the new Act when the new Act enters into force must apply for a licence as required in the new Act within six months of the entry into force of the Act, unless otherwise provided in subsection 2 or 3.

When the new Act enters into force, the conditions and provisions in licences granted under the old Act shall expire to the extent they are contradictory to the new Act or provisions issued under it. Notwithstanding the above, the financial provision measures implemented according to the licence conditions and provisions issued under section 5 of the old Act shall, however, remain in force for a maximum of two years after the entry into force of the new Act, and according to the provisions of the decree on the implementation of the provisions in chapter 7 of the new Act.

Should a decision issued under the old Act allow the storage of spent nuclear fuel at the site of the nuclear facility or the processing, storage or disposal of nuclear waste in a manner intended to be permanent of nuclear waste included in the spent nuclear fuel at the site, a licence for construction of such a nuclear facility referred to in section 11 of the new Act may be granted notwithstanding the provision in paragraph 1 of section 18 of the new Act.