

Nuclear Energy Act 11.12.1987/990

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 **Suomeksi**

 **På svenska**

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Economic Affairs and Employment, Finland

(990/1987; amendments up to 964/2020 included)

By decision of Parliament, the following is enacted:

Chapter 1 Objectives and scope of application

Section 1 Objectives

In order 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 provisions on the 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, operation and decommissioning of a nuclear facility; (905/2017)
- 2) mining and milling operations aimed at producing uranium or thorium; (269/2011)
- 3) the possession, manufacture, production, transfer, handling, use, storage, transport and import of nuclear material; (342/2008)
- 4) the possession, manufacture, production, transfer, handling, use, storage, transport, export and import of nuclear waste; (342/2008)
- 4a) disposal of nuclear waste that is of a lesser extent than large-scale disposal of nuclear waste; (905/2017)
- 5) in cases to be provided for by a 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 tangible form and not generally available; and (342/2008)
- 6) export and import of uranium-containing or thorium-containing ores, to be specified under a Government decree. (342/2008)

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

- 1) the conclusion and execution of an agreement governed by private law, for implementation outside Finland in regard of any of the activities referred to in this section, 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 a Government decree that some parts of the provisions of this Act shall not apply to activities referred to in subsection 1, paragraphs 1–4 and 6, or in subsection 2, paragraph 1, should those activities bear little significance to the objectives of this Act.

Provisions on the export of nuclear material as well as material, devices, equipment and information referred to in subsection 1, paragraph 5 are laid down in Council Regulation (EC) 428/2009 setting up a community regime for the control of exports, transfer, brokering and transit of dual-use items as well as in the Act on the Control of Exports of Dual-Use Goods (562/1996). If nuclear or other material referred to above is simultaneously nuclear waste referred to in section 3 of this Act, the provisions of this Act shall apply to its export.

Section 2a Application of Radiation Act

The following provisions of the Radiation Act (859/2018) shall apply to the use of nuclear energy:

- 1) sections 5–7 on the general principles of radiation protection and section 8 on the granting of an exemption for a worker's radiation dose higher than the dose limit, section 9 on dose constraints and limitations concerning potential exposure, and section 10, subsection 1 on the right of the Government to issue further provisions on the optimisation of radiation protection and the grounds for determining radiation exposure, and subsection 2 on the dose limits for workers and members of the public;
- 2) section 27 regarding the categorization of radiation practices;
- 3) section 28 on the appointment and tasks of a radiation protection officer;
- 4) section 31 on the duty to provide information and to retain information;
- 5) section 32 on the use of radiation protection experts;
- 6) sections 33 and 34 on training and introduction of workers and supplementary training maintaining professional skills, and on the duty to keep records on these;
- 7) chapter 9 on radiation measurements;
- 8) chapter 12 on occupational exposure;

9) chapter 16 on the responsibilities of the licensee and on the radiation safety of workers in radiation safety incidents and in emergency exposure situations;

10) chapter 17 on investigating radiation exposure, limiting radiation exposure, the duty to clean the environment, the reference values to be obeyed in protective measures carried out and the need for a safety license.

What is provided in the legal provisions referred to in subsection 1 on undertaking and on activities requiring a safety license and on radiation practices also applies to licence holders and to the use of nuclear energy.

Section 3 Definitions

For the purposes of this Act:

1) *use of nuclear energy* means the operations specified in section 2, subsections 1 and 2; (342/2008)

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 (disposal), including measures pertaining to the decommissioning of a nuclear facility; (342/2008)

5) *nuclear facility* means facilities used for the generation of nuclear energy, including research reactors, facilities implementing the large-scale disposal of nuclear waste, and facilities used for the large-scale manufacturing, production, use, processing or storage of nuclear material and nuclear waste; nuclear facility shall, however, not mean:

a) mines or milling plants intended for the fabrication of uranium or thorium, or premises and sites, including their precincts, where nuclear waste from such facilities are stored or deposited for disposal;

b) facilities and premises that have been permanently closed and where nuclear waste has been disposed of in a manner approved as permanent by the Radiation and Nuclear Safety Authority; or

c) premises or parts of a nuclear facility that have been decommissioned in a manner approved by the Radiation and Nuclear Safety Authority;

5a) *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; (342/2008)

5b) *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; (342/2008)

6) *nuclear security* means the security arrangements needed to protect the use of nuclear energy against activities endangering nuclear or radiation safety at the nuclear facility and in its area and on other sites or vehicles where nuclear energy is used; (964/2020)

7) *emergency 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; (342/2008)

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; (342/2008)

9) *export* means export to another State from Finland or through Finnish territory; (410/2012)

10) *import* means import from another State to Finland; (410/2012)

11) *an inspection organisation* means an organisation that performs inspections to examine a product, process, service or installation, or the design thereof, and verifies their conformity to requirements; (410/2012)

12) *a testing organisation* means an organisation performing testing activities requiring special expertise; (410/2012)

13) *a qualification body* means an independent expert body which plans, conducts, assesses and witnesses qualifications of inspection systems; (905/2017)

14) *a licence holder* means the holder of a licence entitling to the use of nuclear energy. (905/2017)

More specific provisions will be laid down by a Government decree on what is nuclear material as referred to in subsection 1, paragraph 2, and nuclear waste as referred to in subsection 1, paragraph 3, and also on when the operations of a nuclear facility are deemed large-scale as referred to in subsection 1, paragraph 5. (342/2008)

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 and it shall not cause harm to people or damage to the environment or property.

Section 6a (1420/1994) 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 a Government decree, apply to: (342/2008)

1) small amounts of nuclear waste which will be, or have been, delivered abroad for research purposes; (342/2008)

1a) nuclear waste containing minor quantities of radioactive material and which is delivered to another country for treatment in the appropriate manner; or (342/2008)

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

The nuclear waste referred to above in subsection 2, paragraph 1 may be disposed of in a Member State of the European Union or third country that is the country of destination if, at the time of shipment, Finland has an agreement referred to in Article 4 of Council Directive 2011/70/EURATOM establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste in force. The European Commission shall be informed of the agreement with the third country and, prior to the shipment, the safety of the nuclear waste procedures of the country of destination shall be adequately ensured. Further provisions are laid down by Government decree on the measures that need to be implemented to ensure the safety of the nuclear waste procedures of the country of destination when the country of destination is a third country. (964/2020)

The waste referred to in subsection 2, paragraph 1a shall be returned to Finland for disposal. (905/2017)

Section 6b (1420/1994) 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 a 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, subsection 1.

Section 7 (964/2020) Security and emergency arrangements and other comparable arrangements

A prerequisite for the use of nuclear energy is that there are adequate security and emergency arrangements and other arrangements to limit nuclear damage and to protect the use of nuclear energy against activities that endanger nuclear or radiation safety.

Chapter 2a (342/2008) Requirements concerning safety

Section 7a (342/2008) 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.

The safety requirements and measures for ensuring safety shall be graded and targeted so as to be commensurate with the risks in the use of nuclear energy. (499/2013)

Section 7b (342/2008) 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 functional and structural safety of the plant.

Section 7c Restricting radiation exposure

Releases of radioactive substances caused by the use of nuclear energy shall be restricted in compliance with the optimisation principle of radiation protection laid down in section 6 of the Radiation Act. In the optimisation of radiation protection the dose limits under section 9 of the Radiation Act shall be used.

The dose constraints for radiation exposure caused to the member of the public caused by a nuclear facility or other use of nuclear energy shall be laid down by government decree.

A licence holder shall set radiation exposure dose constraints for nuclear facility workers and shall submit information about these constraints to the Radiation and Nuclear Safety Authority.

Limit values for releases of radioactive substances from a nuclear facility shall be approved by the Radiation and Nuclear Safety Authority in such a way that dose constraints laid down by government decree are not exceeded. Monitoring of releases of radioactive substances shall be organised in such a way that compliance with the limit values referred to in this section can be reliably demonstrated.

The Radiation and Nuclear Safety Authority shall, to the extent necessary, monitor and oversee the environment of a nuclear facility to verify the reliability of measurements of radioactive releases and to ascertain the environmental impact of the facility.

Once the Government has issued a permit referred to in section 16, subsection 1 for mining or milling operations aimed at producing uranium or thorium, the Radiation and Nuclear Safety Authority shall, to the extent necessary, control monitor and oversee the environment of the mining area or a milling facility to verify radiation safety.

Section 7d (342/2008) 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 a Government decree.

Section 7e (905/2017) Verification and assessment of safety

Compliance with the requirements concerning the safety of a nuclear facility shall be reliably proven.

The overall safety of a nuclear facility shall be assessed at least at 10-year intervals. The overall safety of a facility performing large-scale disposal of nuclear waste shall, however, be assessed at least at 15-year intervals.

Section 7f (342/2008) 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 7g (905/2017) Decommissioning

In design of a nuclear facility, provision shall be made for the decommissioning of the facility. In decommissioning of a nuclear facility, attention shall be paid primarily to safety. The dismantling of the facility and other measures for the decommissioning may not be postponed without due cause.

The licence applicant and the licence holder shall have a plan for the decommissioning of the nuclear facility. Unless otherwise provided in the licence terms, the licence holder shall, during the operations requiring a licence, present on a regular basis, at least at 6-year intervals, an up-date to the plan for the decommissioning of the nuclear facility for approval by the Ministry of Economic Affairs and Employment. During the operations requiring a licence for decommissioning, the plan shall be kept up-to-date and the up-dated plan shall be submitted for approval by the Radiation and Nuclear Safety Authority. The plan may be approved if it fulfils the requirements laid down for it. The requirements are laid down in Government decree issued under section 82, paragraph 3. (964/2020)

When the operation of a nuclear facility has been terminated, the licence applicant shall be liable to ensure that the nuclear facility is decommissioned in accordance with the terms of the licence referred to in section 20a, the safety requirements and the plan approved by the Radiation and Nuclear Safety Authority.

Further provisions on accounts to be included in the plans and the submission of the documents as well as the handling of the plans shall be issued by a Government decree.

Section 7h (342/2008) Nuclear material and nuclear waste

A nuclear facility shall have premises, equipment and other arrangements to ensure the safe handling and storage of nuclear material required by the facility as well any nuclear waste generated during operation and decommissioning. (905/2017)

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 disposal is implemented.

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

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

Section 7i (342/2008) Personnel

The holder of the licence giving the right to use nuclear energy shall have an adequate number of qualified personnel suitable for their tasks. (905/2017)

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

The licence holder shall appoint the persons responsible for ensuring the emergency arrangements and security arrangements and safeguards of nuclear material. Only people approved by the Radiation and Nuclear Safety Authority specifically for each task may be appointed as the persons responsible and as their deputies. (410/2012)

The licence holder shall ensure that the persons referred to above occupy the positions required for the task, have sufficient authority and a real opportunity to bear the responsibility vested in them.

The licence holder shall arrange adequate training for the maintaining and development of the expertise and skills of its personnel handling tasks relating to nuclear safety. (269/2011)

The licence holder shall ensure that contractors and subcontractors whose activities affect the nuclear safety of the nuclear facility have an adequate number of qualified and trained personnel suitable for the tasks. (905/2017)

The licence holder and the licence applicant shall ensure the integrity and reliability of the person engaged in an employment relationship or commission relationship with a security clearance or a security clearance certificate referred to in the Security Clearance Act (726/2014) if a security clearance regarding the person may be carried out in accordance with section 19, subsection 1, paragraphs 1 or 4 or section 21, subsection 1, paragraph 5 of said Act. The security clearance must be carried out before the person is granted an independent right to access an area referred to in section 21, subsection 1, paragraph 5 of the Security Clearance Act or access to information referred to in said paragraph which may be used to endanger nuclear or radiation safety, or before the participation of the person in the transport of nuclear material. The licence holder shall also ensure that a corresponding security clearance regarding the personnel of the contractors and subcontractors has been carried out. (964/2020)

Section 7j (905/2017) Management system

A nuclear facility shall have a management system. The management system of the nuclear facility shall take into account in particular the impact of the safety perceptions and attitudes of management and personnel on maintaining and development of safety, as well as systematic practices and their regular assessment and development.

Section 7k (342/2008) Responsible manager

The licence holder 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;
- 2a) for the decommissioning of a nuclear facility;
- 3) for mining and milling operations aimed at producing uranium or thorium; and (269/2011)
- 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 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 concerning the safe use of nuclear energy, security arrangements, emergency arrangements and the safeguards of nuclear material are complied with.

The licence holder shall ensure that the responsible manager is in such a position in his or her task that he or she has sufficient authority and a real opportunity to bear the responsibility vested in him or her.

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

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

Section 7l (964/2020) Security arrangements

A licence holder shall have security arrangements to secure the use of nuclear energy at the nuclear facility and in its area. The licence holder shall have security arrangements also on other sites or vehicles where nuclear energy is used. The security arrangements and the changes to be made in them shall be approved by the Radiation and Nuclear Safety Authority.

The security arrangements shall be adequate in relation to the threats against the use of nuclear energy and the need for protection.

The licence holder shall inform those working or conducting business in the area of the security arrangements.

Section 7m (964/2020) Nuclear security officers

A licence holder shall have an adequate number of nuclear security officers. The tasks of a nuclear security officer are to protect the operations of the nuclear facility and the transport and storage of nuclear material and nuclear waste associated with the operations of the nuclear facility against activities that endanger nuclear or radiation safety.

Nuclear security officers shall be used from the moment when a construction licence is granted for the construction of a nuclear facility until the nuclear materials have been removed from the facility and nuclear waste has been removed from the facility or placed in final disposal in the facility area. Nuclear security officers shall also be used for the transport of nuclear material or nuclear waste associated with the operations of the nuclear facility and for temporary transport-related storage.

The use of a nuclear security officer other than that referred to in subsections 1 and 2 is forbidden.

A nuclear security officer may only be a person who has:

- 1) a valid certification referred to in section 10 of the Act on Private Security Services (1085/2015);
- 2) the necessary training in the basics of the justifiability of use of force, their compliance in practical situations and in the use of necessary use of force equipment and who has completed the annual trainings in the use of physical force and use of force equipment and the related performance demonstrations;
- 3) the necessary training and knowledge of the special circumstances of the target to be secured; and
- 4) an employment relationship to the licence holder or to a private security -sector business licence holder.

Nuclear security officers shall be identifiable as nuclear security personnel from their uniforms. The uniforms and the insignia used on them shall be clearly distinguishable from the official uniforms and military uniforms used by the Police, the Border Guard, the Defence Forces, the Customs, the Criminal Sanctions Agency and the rescue service administration and from the official insignias and texts used thereon. The Radiation and Nuclear Safety Authority may forbid the use of a uniform, insignia, or text if it does not comply with this Act.

The licence holder shall, without delay, end using a person as a nuclear security officer if the person does not meet the requirements provided in this Act.

Section 7n (964/2020) Principles to be complied with in nuclear security officer tasks and powers

Nuclear security officers shall in their tasks comply with the general principles to be complied with in guarding tasks provided in section 6 of the Act on Private Security Services and the duty to notify the basis for an action to the person targeted by it or to his or her representative provided in section 7.

To perform the task referred to in section 7m, subsection 1, a nuclear security officer has the right:

- 1) to prevent access to the nuclear facility area;
- 2) to remove a person from the nuclear facility area;
- 3) to prevent a person from participating in or interfering with the transport of nuclear material or nuclear waste;
- 4) to prevent the escape of a person;
- 5) to apprehend a person;
- 6) to search the apprehended person and his or her personal goods;
- 7) to remove from a person any material or object suitable for harming a person or property;
- 8) to eliminate an obstacle;
- 9) to take possession of a remotely piloted aircraft system (RPAS) referred to in section 2, subsection 1, paragraph 22 of the Aviation Act (864/2014) temporarily, prevent its use or to otherwise intercept it in compliance with section 7v of this Act.

A nuclear security officer also has the right:

- 1) to bring along a dog by analogy with the provisions of the Act on Private Security Services on the right of a guard to bring along a dog and, if the nuclear security officer has the necessary qualification, use a dog, which, under his or her control, has successfully completed the training requirements set by the Police University College, for use of force;
- 2) to carry out a security search or intoxicant test referred to in section 7s.

The powers are in force in the nuclear facility area where movement and stay has been restricted under chapter 9, section 8 of the Police Act (872/2011) and elsewhere in the nuclear facility area to which entry is restricted. The powers provided in section 7v are, however, in force in areas where aviation is restricted under section 11 of the Aviation Act. The powers other than those provided in section 7v may also be exercised when securing the transport and storage of nuclear material and nuclear waste in order to avert a direct threat at them.

The police shall, without delay, be notified of any situation where activity endangering nuclear or radiation safety directed at the operations of a nuclear facility or at nuclear material or nuclear waste is detected or suspected. The command of the operations transfer to the police when the police officer in question declares of taking the lead.

Section 7o (964/2020) Security standing order

The licence holder of a nuclear facility shall have a security standing order that has to be kept up-to-date. The security standing order shall be approved by the Radiation and Nuclear Safety Authority. An approval is needed also before an amendment to the security standing order.

The security standing order shall present information on:

- 1) the risk management process and needs for protection;
- 2) the leadership of the organisation responsible for security arrangements and the arrangement of operations;
- 3) the tasks and responsibilities of the nuclear security officers in the organisation responsible for security arrangements and on the training required from the nuclear security officers; ;
- 4) security searches and intoxicant testing;
- 5) the securing of the nuclear facility and the transport of nuclear material and nuclear waste;
- 6) the key guidance given to the nuclear security officers;
- 7) the monitoring instruments, use of force equipment and other equipment used;
- 8) exercises relating to security arrangements and on the ascertaining of skills for using use of force equipment;
- 9) cooperation with the police;
- 10) other necessary arrangements to secure the use of nuclear energy.

The preconditions for the approval of the security standing order are:

- 1) submission of the information referred to in subsection 2 on an adequate scale;
- 2) the proportionality of the security arrangements to the threats relating to the use of nuclear energy;
- 3) the sufficient number of nuclear security officers and the satisfaction of the qualification criteria

The Radiation and Nuclear Safety Authority may require an amendment to the security standing order if the conformity of the security arrangements of nuclear facilities or ensuring the nuclear or radiation safety so require.

Before the approval and amendment of the security standing order, the Radiation and Nuclear Safety Authority reserves the Ministry of the Interior and the Advisory Commission referred to in section 56, subsection 3 the possibility to be heard unless this is clearly unnecessary due to the limited amendments to be made in the security standing order.

Section 7p (342/2008) Emergency arrangements

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

The nuclear facility shall have persons trained in the planning of emergency 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.

The emergency arrangements shall be coordinated with the emergency and preparedness plans drawn up by authorities taking into account the provisions of the Rescue Act (379/2011). (905/2017)

Section 7q (676/2015) General safety provisions

The Radiation and Nuclear Safety Authority shall issue further regulations on the technical details of the principles and requirements laid down in this chapter concerning the following matters:

- 1) demonstration of compliance with the safety requirements of a nuclear facility;
- 2) safety classification of a nuclear facility;
- 3) ageing management of a nuclear facility;
- 4) management of human factors relating to the safety of a nuclear facility;
- 5) site safety of a nuclear facility;
- 6) defence-in-depth of a nuclear facility;
- 7) engineered barriers for preventing the dispersion of radioactive substances from a nuclear facility;
- 8) safety functions and provisions to ensure them at a nuclear facility;
- 9) safety of fuel handling and storage at a nuclear facility;
- 10) safety of handling and storage of radioactive waste at a nuclear facility;
- 11) protection against external hazards affecting the safety of a nuclear facility;
- 12) protection against internal hazards affecting the safety of a nuclear facility;
- 13) safety of monitoring and control of a nuclear facility;
- 14) safety of construction of a nuclear facility;
- 15) safety of commissioning of a nuclear facility;
- 16) safety of operation of a nuclear facility;
- 17) taking operating experience and safety research into consideration in order to improve the safety of a nuclear facility;
- 18) operational limits and conditions of a nuclear facility;
- 19) condition monitoring and maintenance to ensure the safety of a nuclear facility;
- 20) structural radiation safety of a nuclear facility, radiation measurements and control and monitoring of releases of radioactive substances as well as assessment of radiation doses caused to members of the public; (905/2017)
- 21) management, organisation and personnel of a nuclear facility to the extent that provisions are needed in order to ensure the safety in the use of nuclear energy;
- 22) planning of the security arrangements in the use of nuclear energy , their implementation, personal security, information/cyber security, security control, uniform of the nuclear security officers, security standing order, preparedness for threats and actions during a threat and marking of the area of restricted movement and stay at the nuclear facility; planning of emergency arrangements of a nuclear facility, preparedness to act and response in an emergency situation; (964/2020)

- 23) planning of emergency arrangements of a nuclear facility, preparedness to act and response in an emergency situation;
- 24) taking the safety of the decommissioning of a nuclear facility into consideration in the design and the safety of the decommissioning of a nuclear facility;
- 25) design requirements relating to the safety of a nuclear waste facility;
- 26) long-term safety of the disposal of nuclear waste;
- 27) the safety of mining and milling operations carried out for the purpose of producing uranium or thorium;
- 28) the clearance levels for implementing European Union legislation.

Prior to issuing the regulations referred to in subsection 1, the Radiation and Nuclear Safety Authority shall hear the views of the licence holders, the Advisory Commissions referred to in section 56, the Ministry of Economic Affairs and Employment, the Ministry of the Interior, the Ministry of the Environment and the rescue authorities as well as other authorities to the extent necessary.

Section 7r (342/2008) Detailed safety requirements

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

Further, the Radiation and Nuclear Safety Authority 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.

The safety requirements of the Radiation and Nuclear Safety Authority are binding on the licence holder, while preserving the licence holder's right to propose an alternative procedure or solution to that provided for in the regulations. If the licence holder can convincingly demonstrate that the proposed procedure or solution will implement safety standards in accordance with this Act, the Radiation and Nuclear Safety Authority may approve the procedure or solution.

Section 7s (964/2020) Security search and intoxicant test

A nuclear security officer has the right to perform a security search of persons who work and who conduct business at the nuclear facility or in its area, their belongings, a vehicle that enters or is in the nuclear facility area and of a person who participates in the transport of nuclear material or nuclear waste and his or her belongings or vehicle to protect the use of nuclear energy. The search shall primarily be performed using a metal detector or other similar technical device. The search may also be performed by some other suitable method.

During the security search, a nuclear security officer shall also have the right to remove a substance or object suitable for harming a person or property. The objects or substances removed from a person in connection with the search shall, without delay, be handed over to the police or, unless precluded by the law, returned to the person upon his or her departure from the area.

A person who works and who conducts business at the nuclear facility and a person who participates in the transport of nuclear material or nuclear waste shall, upon the request of a nuclear security officer, be liable to undergo a test to determine the consumption of alcohol or any other intoxicating substance. The provisions of chapter 9, section 2 of the Coercive Measures Act (806/2011) shall apply to the performance of the test.

A person refusing to undergo a security search or a test to detect alcohol or any other intoxicating substance or who is under the influence of intoxicants shall be removed from the nuclear facility area or his or her participation in the transport of nuclear material or nuclear waste shall be prevented.

Section 7t (964/2020) Use of force and incident report

A nuclear security officer has the right to use force if a person escapes apprehension or offers resistance to avoid or prevent another measure referred to in section 7n, subsection 2. Force may also be used to eliminate an obstacle or to intercept a remotely piloted aircraft system. The force used shall be necessary, justifiable, and proportionate with a view to the situation and the interest to be protected. Excess use of force is governed by the provisions of chapter 4, section 6, subsections 2 and 3 of the Criminal Code of Finland (39/1889).

The apprehended person shall, without delay, be handed over to the police, and any objects or substances removed from the person shall be handed over to the police without delay or, unless precluded by the law, returned to the person.

The liability of the nuclear security officer to draw up an incident report relating to the apprehension or use of force incident and the liability of the licence holder to retain and destroy the incident reports is governed by the provisions of section 8 of the Act on Private Security Services on the liability of a guard to draw up an incident report and on the liability of the security-sector business licence holder to retain and destroy incident reports. In addition, the police shall be notified of the use of a firearm without delay.

If a nuclear security officer has, while on duty, learned of an offence referred to in chapter 15, section 10, subsection 1 of the Criminal Code of Finland already committed, he or she shall report it to the police without delay. The duty to report shall, however, not apply if the nuclear security officer would have to denounce a person referred to in subsection 2 of said section.

Section 7u (964/2020) Use of force equipment and use of firearms

In addition to physical force, the use of force equipment allowed for a nuclear security officer are a firearm referred to in section 2 of the Firearms Act (1/1998) and a gas spray referred to in section 11 of said Act, plastic or steel handcuffs, a baton of at most 70 centimetres in length, a telescopic baton, a dog trained in the use of force referred to in section 7n, subsection 3, paragraph 1 above, a projectile-launcher using compressed air, a stun gun, a restraint belt, and leg-irons.

Carrying use of force equipment is governed by the provisions of section 20 of the Act on Private Security Services on the manner of carrying use of force equipment of a guard. The manner of carrying may be deviated from if this is justified due to occupational safety or nuclear or radiation safety.

A nuclear security officer may carry a firearm only if, due to circumstances, the performance of the task requires it.

A firearm may be used only if the actions of a person may pose an immediate and serious danger to the life or health of another person or to nuclear or radiation safety and no more moderate means to avert the threat is available. A firearm may also be used when carrying out an urgent and important task to remove an object, animal, or other similar obstacle. A firearm may be used to disperse a crowd only if gas cartridges or other similar projectiles are used in the firearm in accordance with the regulations separately issued for them.

Use of a firearm means firing a firearm, warning of its use, and threatening with a firearm.

Section 7v (964/2020) Intercepting a remotely piloted aircraft system

A nuclear security officer of a nuclear power plant shall, in order to ensure nuclear or radiation safety, have the right to take temporary possession of a remotely piloted aircraft system by using a technical device or force, prevent its use or otherwise intercept it if the remotely piloted aircraft system enters unlawfully an area in permanent use of the licence holder where aviation is prohibited under section 11 of the Aviation Act.

A nuclear security officer of a nuclear power plant may, for a short period, in situations referred to in subsection 1, use a technical device which does not adversely affect nuclear or radiation safety or cause no more than minor harm to other radio communications or devices or services of a public communications network. A technical device may be used if it is justifiable with regard to the importance and urgency of the task, the danger posed by the action of the remotely piloted aircraft system, the resources available and to other factors influencing the overall assessment of the situation. A technical device may be used only to the extent and as long as it is necessary to perform the task. The nuclear security officer who exercises his or her powers shall have adequate knowledge and training in proportion to the task.

A nuclear security officer shall have the right to handle the radio communications, transmission data and location data relating to the use of a remotely piloted aircraft system to intercept the remotely piloted aircraft system referred to in subsection 1 or to identify the aircraft or a part of its overall system and to determine its location. The radio communications data, transmission data and location data shall be destroyed without delay after the completion of the task unless otherwise provided by law.

The licence holder shall hand over to the police the remotely piloted aircraft system taken into possession without delay.

An incident report shall be prepared of the interception, prevention of use and taking into possession of a remotely piloted aircraft system as provided in section 7t.

The licence holder shall inform the Finnish Transport and Communications Agency of the use of the technical device.

Section 7w (964/2020) Medical examinations and the right to inform of health care professionals

The licence holder shall annually, and otherwise where necessary, ensure with medical examinations implemented in occupational health care that the nuclear security officers and the persons acting as nuclear power plant operators in the control room of the nuclear power plant are suitable for their tasks with regard to their health. Section 13 of the Occupational Health Care Act (1383/2001) provides for the duty of an employee to attend a medical examination.

A doctor and another health care professional referred to in the Health Care Professionals Act (559/1994) have the right, notwithstanding the provisions on secrecy, to file a report to the responsible manager of the licence holder, the person responsible for security arrangements and the Radiation and Nuclear Safety Authority about a nuclear power plant operator and also to the police about a nuclear security officer whom he or she, on the basis of medical records and patient visit or examination, deems, for a justified reason, to be unsuitable, on the basis of health or behaviour, for his or her duty or to pose a risk to nuclear or radiation safety. Before filing the report, the person shall be informed of the right to file a report and the effect of health on the functional ability of a nuclear security officer or of a person acting as a nuclear power plant operator.

The report may provide information only on the fact that the person subject to the report may not be suitable for his or her task or that the person may pose a risk to nuclear or radiation safety.

The responsible manager of the licence holder, the person responsible for security arrangements, the Radiation and Nuclear Safety Authority and the police may use the information provided in the report only to undertake the necessary and direct measures required by nuclear or radiation safety. The information contained in the

report shall be destroyed immediately after they are no longer necessary for undertaking the measures relating to safety.

The licence holder shall ensure that the Radiation and Nuclear Safety Authority or the police has been informed of the report.

Section 7x (964/2020) Training of nuclear security officers in the use of force

The supplementary training required in the use of physical force and in the carrying and use of use of force equipment to the nuclear security officers referred to in section 7m is provided by an instructor approved as a use-of-force instructor and firearms instructor referred to in the Act on Private Security Services. With regard to other than physical force and use of force equipment that the guards in accordance with the Act on Private Security Services are entitled to use, the training is provided by the police or by an instructor authorised to give training in the use of said use of force equipment.

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 section 2, subsection 2, paragraph 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. (342/2008)

On request, the Ministry of Trade and Industry must give a binding advance ruling as to whether an application for a licence to the intended activity is required.

Section 9 (905/2017) Obligations of licence holders and of parties with a waste management obligation

The licence holder shall be under an obligation to ensure the safe use of nuclear energy. This obligation may not be delegated to another party. The licence holder shall ensure that the products and services of contractors and subcontractors which affect the nuclear safety of the nuclear facility meet the requirements of this Act. (905/2017)

It shall be the licence holder's obligation to carry out such security and emergency arrangements and other arrangements necessary for the limitation of nuclear damage which do not rest with the authorities.

A licence holder whose operations generate or have generated nuclear waste (party with 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 licence holder, 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.

Section 10a (905/2017) Licence holder's disclosure obligation

The licence holder shall keep a general description of the facility and the safety principles complied with available to the public.

Information that would, when entered in an official document, be secret under the Act on the Openness of Government Activities (621/1999), another act or under an international obligation binding on Finland may not be made available to the public.

Further provisions on the availability of the information referred to in subsection 1 may be given by government decree.

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 to the effect 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 used for the disposal of 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 a Government decree, that shall be deemed comparable with nuclear facilities as defined in paragraph 1. (342/2008)

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 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 (905/2017) Public hearing

Before making the Decision-in-Principle, the applicant shall publish an overall report, drawn up in accordance with the instructions of the Ministry of Economic Affairs and Employment and checked by it, of the facility project, the assessed environmental impacts of the facility and its safety so that the report is available to the public.

The Ministry of Economic Affairs and Employment shall reserve the residents and municipalities in the immediate vicinity of the nuclear facility, the authorities and the public the possibility to express their opinions on the project in writing before making the Decision-in-Principle. The Ministry shall also arrange a public event in the municipality of the intended site of the facility, at which oral or written opinions may be expressed on the issue. The opinions expressed shall be communicated to the Government prior to the making of the Decision-in-Principle.

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 has, in its statement referred to in section 12, expressed its support for the construction of the nuclear 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 14a (676/2015) Conditions of the Decision-in-Principle

The Decision-in-Principle referred to in section 11 shall include the conditions necessary to implement the general principles referred to in chapter 2 and the safety requirements in accordance with this Act.

The Government shall take into consideration the proposals presented in the preliminary safety assessment of the Radiation and Nuclear Safety Authority referred to in section 12.

Section 15 Notification to Parliament and Parliament's decision

A 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 in the matter, the applicant may not engage in any of the measures laid down by a Government decree, which, due to their economic significance, might impede the opportunity for Parliament and the Government to determine the issue at their own discretion. (342/2008)

Chapter 5 Licensing

Section 16 Licensing authorities

Licences for the construction, operation and decommissioning of a nuclear facility and for mining and milling operations aiming at producing uranium or thorium are granted by the Government. (905/2017)

Licences for the operations referred to in section 2, subsection 1, paragraph 1 and section 22, subsection 2 are granted by the Ministry of Employment and the Economy on the basis of an application. Licences for the operations referred to in section 2, subsection 1, paragraphs 3—6 are granted by the Radiation and Nuclear Safety Authority on the basis of an application. (342/2008)

More specific provisions on applying for the licences referred to in this chapter and on licensing procedures and any notifications and other measures necessary after the licence decision shall be given by a government decree. (342/2008)

Section 17 Licence holder

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)

On special grounds, corporations or authorities other than those referred to in subsection 1 may be granted a licence: (1420/1994)

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 (342/2008)

3) for temporary operation of a nuclear facility referred to in section 22, subsection 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 in the nuclear energy sector that is binding on Finland. (342/2008)

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; (342/2008)

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 security 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; (342/2008)

5) if the methods available to the applicant for arranging nuclear waste management, including the 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 in Finland and abroad by the Radiation and Nuclear Safety Authority as referred to in section 63, subsection 1, paragraph 3, and for the implementation of control as referred to in section 63, subsection 1, paragraph 4, 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; and
 - 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 after a licence has been granted for the construction of the 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; (342/2008)
- 2) the methods available to the applicant for arranging nuclear waste management, including 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 the licence granted for it until:

- 1) the Radiation and Nuclear Safety Authority has ascertained that the nuclear facility meets the safety requirements set, that the security and emergency arrangements are sufficient, that the control necessary to prevent the proliferation of nuclear weapons has been arranged appropriately, and that the nuclear facility operator has arranged, in the manner provided, indemnification regarding liability in the event of nuclear damage; and
- 2) 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 20a (905/2017) Decommissioning of a nuclear facility

After terminating the operation of a nuclear facility, the holder of the operating licence referred to in section 20 shall be under an obligation to undertake measures to decommission the nuclear facility in accordance with the plan for and the requirements set on decommissioning referred to in section 7g as well as apply for a licence for decommissioning of the nuclear facility. The licence shall be applied for well in advance so that the authorities have adequate time to assess the application before the termination of the operating licence of the nuclear facility.

A licence for decommissioning of a nuclear facility may be granted if:

- 1) the nuclear facility and its decommissioning meet the requirements relating to safety in accordance with this Act and if the safety of the employees and the population as well as environmental protection have been duly taken into account;
- 2) the methods available to the applicant for the decommissioning of the nuclear facility as well as other nuclear waste management are adequate and appropriate;

- 3) the applicant has the necessary expertise available, and especially if the competence of the nuclear facility personnel and the organisation of the nuclear facility are appropriate and suitable for decommissioning;
- 4) the applicant has the financial and other necessary requirements for carrying out the decommissioning safely and in accordance with Finland's international contractual obligations; and
- 5) the nuclear facility and its decommissioning fulfil the principles provided in sections 5, 6, 6a, 6b and 7.

The decommissioning of a nuclear facility may not be started before the granting of the related licence unless otherwise provided in the other licences of the licence holder. The decommissioning of a nuclear facility may not be started on the basis of the licence granted for it until:

- 1) the Radiation and Nuclear Safety Authority has ascertained that the nuclear facility meets the safety requirements for decommissioning, that the security and emergency arrangements are sufficient, that the control necessary to prevent the proliferation of nuclear weapons has been arranged appropriately, and that the nuclear facility operator has arranged, in accordance with the related provisions, indemnification regarding liability in the event of nuclear damage; and
- 2) the Ministry of Economic Affairs and Employment has ascertained that provision for the costs 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 section 2, subsection 1, paragraphs 2–6 and section 2, subsection 2, paragraph 1 may be granted, when required by operations, if: (342/2008)

- 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; (342/2008)
- 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 in Finland and abroad by the Radiation and Nuclear Safety Authority as referred to in section 63, subsection 1, paragraph 3, and for the implementation of control as referred to in section 63, subsection 1, paragraph 4, 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. (342/2008)

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 has ascertained, when so required by the operations, that the use of nuclear energy is in accordance with the safety requirements set, that the security and

emergency arrangements are sufficient, that the control necessary to prevent the proliferation of nuclear weapons has been arranged appropriately, and that indemnification regarding liability in the event 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 the operations referred to in section 2, subsection 1, paragraph 2, the provisions of subsection 1, paragraphs 1 and 3–5 of this section shall be applied so that the preconditions for the licence are fulfilled in that respect if the plans presented by the applicant are adequate, in addition to which the location of the mine site or the milling plant shall be appropriate with respect to the safety of the intended operations. In addition to the provisions of subsection 2, the Radiation and Nuclear Safety Authority shall ascertain that the operations referred to in section 2, subsection 1, paragraph 2 meet the requirements laid down in subsection 1, paragraphs 1 and 3–5 of this section. (269/2011)

The granting of a licence for the operations referred to in section 2, subsection 1, paragraph 2 requires that the municipality where the planned mine site or milling plant is to be located has supported the granting of the licence. (622/2011)

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

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, paragraphs 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, paragraphs 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 section 2, subsection 1, paragraphs 2–6 and in section 2, subsection 2, paragraph 1. (342/2008)

Section 23 (260/2017) Handling of a licence application

A statement on the licence application shall be requested from the Radiation and Nuclear Safety Authority and the Ministry of the Environment, unless this is clearly unnecessary with a view to the nature of the operations. The Radiation and Nuclear Safety Authority shall include in its statement a proposal for licence terms which are necessary in order to implement the safety requirements in accordance with chapter 2a. If the application relates to export referred to in section 2, the conclusion of a contract referred to in subsection 2, paragraph 1 of said section or temporary operation in Finland of a nuclear facility referred to in section 22, a statement of the Ministry for Foreign Affairs shall also be requested on the application unless this is clearly unnecessary.

Before a decision is made on an application for operations referred to in section 2, subsection 1, paragraph 2, the applicant shall submit a report appended to the licence application. The provisions of section 13, subsection 1 shall correspondingly apply to the preparation and publication of the report.

A licence application referred to in subsection 2 and a mining permit application referred to in the Mining Act (621/2011) relating to the same operations shall be handled together by the Government, which shall decide on the applications in a single decision in compliance, correspondingly, with the provisions of this Act and chapters

5 and 6 of the Mining Act. The licence decision shall correspondingly be governed by the provisions thereon in sections 56–58 of the Mining Act. If the licence application relates to a mining project which has been granted a mining permit referred to in the Mining Act, the provisions of sections 38–40 and 42 on the permit procedure as well as of sections 56–58 on the permit decision of the Mining Act shall apply in addition to the provisions of this Act. If the operations referred to in subsection 2 are not governed by the Mining Act, the procedure laid down in section 13 of this Act shall be applied in its entirety.

The obligation to enclose to a permit application relating to a project referred to in the Act on Environmental Impact Assessment Procedure (252/2017) an environmental impact assessment report and a reasoned conclusion of a competent authority shall be provided in said act.

A public notice shall be given of the permit application relating to a project referred to above in subsection 4. Provisions on a public notice are laid down in the Administrative Procedure Act (434/2003). The public notice shall, however, be kept available for at least 14 days. In addition, municipalities shall publish the application as a municipal announcement. Information on the public notice shall be published in the municipality in question. Provisions on municipal announcements are laid down in section 108 of the Local Government Act (410/2015). The Centre for Economic Development, Transport and the Environment shall also be reserved a possibility to issue a statement on the application. A registered association or foundation, the purpose of which is to promote environmental, health or nature protection or the attractiveness of the living environment and in the operating area of which said environmental impacts will emerge may express its opinion on the application. (964/2020)

The public notice shall also, in addition to that provided in section 62a of the Administrative Procedure Act, indicate information on the communication and the handling of the obligations relating to hearings and their deadlines referred to in subsection 4 and section 13. (964/2020)

Section 23a (905/2017) Expression of opinions and an explanation of the applicant

Before granting a nuclear facility construction licence and operating licence as referred to in this chapter, or a licence for decommissioning a nuclear facility, the Ministry of Economic Affairs and Employment shall reserve the public an opportunity to express their opinions in writing in the matter relating to the licence. An adequate time limit shall be set for expressing an opinion.

The applicant shall be reserved an opportunity to submit an explanation on the opinions expressed on the application as well as on the statements requested in accordance with this Act.

Section 24 (905/2017) Validity of the licence

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

Section 25 (260/2017) Terms of the licence and their amendment

The licence shall include the terms that are necessary in order to implement the general principles referred to in chapter 2. The licensing authority shall also observe the proposals relating to safety presented in the statement of the Radiation and Nuclear Safety Authority referred to in section 23. The licence shall include the measures presented by the licence applicant for preventing or reducing significant detrimental environmental impacts in the case of a project which is governed by the Act on Environmental Impact Assessment Procedure. Provisions on the obligation of the licensing authority to include in the licence decision the coordinating authority's

statement with justifications referred to in the Act on Environmental Impact Assessment Procedure and to take the documents of the assessment procedure into consideration in the decision-making are laid down in chapter 4 of the Act on Environmental Impact Assessment Procedure.

The licence terms may be amended in order to maintain the general principles for the use of nuclear energy and the preconditions for the granting of a licence provided in this Act, especially when this is necessary in order to ensure the safe use of nuclear energy, to secure nuclear waste management, to implement security or emergency arrangements, to fulfil the international agreements in the nuclear energy sector to which Finland is a contracting party or to prevent the proliferation of nuclear weapons.

When amending the licence terms, the same procedure shall be complied with, where applicable, as when granting a licence.

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

A decision on a construction licence shall be notified through service by public notice in accordance with separate provisions.

The decision shall be delivered to those parties that have separately requested 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 licence holder violating the licence conditions or regulations issued by an authority by virtue of this Act;
- 2) the licence holder 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 (342/2008)
- 3) the licence holder 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 licence holder to correct the deficiency, where this is possible by means of the licence holder'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 licence holder has acted contrary to this Act or the regulations under it, or for reasons referred to in section 26, subsection 1, paragraphs 2 or 3. 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 out in section 20, subsection 1, paragraph 4.

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, compensation must be sought as provided in the Act on the Venue for Certain Administrative Litigation Matters (446/1954) within two years following the decision on which the compensation claim is based has become legally valid. If compensation is not applied for within the time specified, the right to compensation shall be forfeited.

Act 446/1954 was repealed by Act 242/1989.

Chapter 6 Nuclear waste management

Section 27a (499/2013) Leading principle of nuclear waste management

The amount of nuclear waste generated in the use of nuclear energy shall be kept as small as reasonably achievable with practical measures with regard both to the activity and the amount without endangering the implementation of the general principles in accordance with sections 5, 6 and 7.

Section 27b (905/2017) National nuclear waste management programme

A national nuclear waste management programme shall be drawn up of the national nuclear waste management policy and the management of spent nuclear fuel, presenting the general goals and principles of nuclear waste management, the amounts of nuclear waste, their sites as well as an estimate of the costs and schedule of nuclear waste management.

The national nuclear waste management programme shall be drawn up by the Ministry of Economic Affairs and Employment together with the Radiation and Nuclear Safety Authority. When drafting the programme, the public shall be reserved an opportunity to express their opinions. The Ministry of Economic Affairs and Employment shall publicise the start of the programme drafting.

The national nuclear waste management programme shall be updated on the basis of the assessments referred to in section 54a.

Further provisions on the contents of the national nuclear waste management programme may be given by a government decree.

Section 27c Release from regulatory control

Nuclear waste other than spent nuclear fuel may, regardless of its radioactive nature, be reused, recycled, recovered and disposed of in accordance with the provisions of the Waste Act (646/2011) if the amount of radioactive substances within it does not exceed the clearance level provided by the virtue of section 7 q, subsection 1, paragraph 28.

If the amount of radioactive substances within the waste referred to in subsection 1 is greater than the clearance level, the operations referred to in subsection 1 will require the approval of the Radiation and Nuclear Safety Authority.

Approval may be issued if:

- 1) the exposure and potential exposure caused by the operation are so minor that they would not be detrimental to health;
- 2) the operation has determined to be justified; and

3) the operation is inherently safe.

The approval may be withdrawn if the prerequisites for release from regulatory control are not met or the conditions for release from regulatory control have not been complied with and the deficiencies have not been rectified within the specified time despite a request to do so.

Further provisions on the prerequisites for release from regulatory control for the purpose of implementing European Union legislation are issued by a Government decree.

Section 27d Clearance levels

Clearance levels shall be set in such a way that the exposure caused to members of the public is of minor significance. Clearance levels may apply to the facility site or building referred to in subsection 2, section 33 or waste referred to in section 27 c.

Section 27e Dilution prohibition

Nuclear waste shall not be deliberately diluted to release it from regulatory control under this Act.

Section 28 (342/2008) Decision on implementation of waste management obligation

The Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority, 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, subsection 3 is to be implemented. For this purpose, the party with a waste management obligation shall present, for assessment by the body granting the licence, a plan for carrying out nuclear waste management.

The plan for the implementation of nuclear waste management shall, for the duration of licensed operations, be presented regularly at three-year intervals unless otherwise provided in the licence terms. The plan shall also include a general plan for the next six years. (905/2017)

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 cooperation

The Ministry of Trade and Industry may order various parties with 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 (269/2011) Transfer of waste management obligation

When a nuclear facility, a mine intended for the production of uranium or thorium, a milling facility, or nuclear waste is transferred to another party, the Ministry of Economic Affairs and Employment may, on request, transfer the management obligation to the transferee in part or in full if the transfer of the obligation does not endanger the implementation of the nuclear waste management.

Section 31 Transfer of nuclear waste to the State

If the Ministry of Trade and Industry considers that a party with a waste management obligation has substantially failed to observe the confirmed time-schedules for nuclear waste management of the nuclear waste it 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 licence holder'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 licence holder. If the Government finds that nuclear waste management completely or in part cannot be carried out by the licence holder, 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 party with 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, subsection 2, the party with a waste management obligation has not fulfilled the financial provision obligation laid down in this Act below. 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, having granted a licence for operations that generate nuclear waste, shall order that the waste management obligation has expired when: (342/2008)

- 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 6a, subsection 2; or (1420/1994)
- 3) the disposal of nuclear waste and the decommissioning of a nuclear facility have been carried out in accordance with section 33, and the party with a waste management obligation has paid a lump sum to the State for the monitoring and control of the nuclear waste. (342/2008)

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 party with a waste management obligation.

Section 33 Disposal and decommissioning (342/2008)

Disposal of nuclear waste is considered implemented when the Radiation and Nuclear Safety Authority has confirmed the nuclear waste to be permanently disposed of in a manner it has approved.

A nuclear facility is considered decommissioned when the Radiation and Nuclear Safety Authority 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. (342/2008)

Section 34 Responsibility for nuclear waste after its disposal

When the licence holder's waste management obligation has ceased by virtue of section 32, subsection 1, paragraph 3, 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 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 party with a waste management obligation shall make financial provision for the costs referred to in section 9, subsection 3 in the manner laid down below in this chapter.

In applying the provisions of this chapter, nuclear waste shall be considered to also include such materials, objects and structures referred to in section 3, paragraph 3, subparagraph b 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 party with 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 collateral security 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 party with a waste management obligation;
- 2) *fund target* means the amount that the fund holding of the party with a waste management obligation must reach in each calendar year;
- 3) *fund holding* means the amount that the National Nuclear Waste Management Fund confirms the party with 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 party with 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 party with a waste management obligation must reach in each calendar year in order to cover the future costs of nuclear waste management for the nuclear waste which the party with a waste management obligation has been ordered, under 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 the party with 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 the 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 7a 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. The tasks and administration of the National Nuclear Waste Management Fund shall be defined more precisely by government decree. (342/2008)

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 party with 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 liability of the previous calendar year. In order to disperse the cost impact of nuclear waste management to cover several operating years of the nuclear facility, the Fund target shall, however, be smaller if the preconditions referred to in subsection 2 or 3 are met. (905/2017)

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 party with 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 amount of liability for any calendar year deviates significantly from the amount of liability that has been decided on earlier in accordance with section 43, subsection 2, part of the change in the liability may be disregarded when confirming the Fund target for the two years following the calendar year in question. (905/2017)

Section 41 Fund holding of the party with a waste management obligation

The fund holding shall include:

- 1) the most recently confirmed fund holding of the party with a waste management obligation;
- 2) the fund contribution received by the Fund from the party with a waste management obligation after the last confirmed fund holding, and any additional fund contribution referred to in section 44, subsection 4; and
- 3) any amount notified by the Ministry of Trade and Industry on the basis of section 43, subsection 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 party with 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 party with 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, subsection 3.

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

Section 42 Fund contribution and surplus

The party with 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 party with a waste management obligation shall be refunded this surplus no later than on the first working day in April of the same calendar year. The receivable the Fund has from the party with 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 licence holder. (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, and on the procedure to be followed in calculating the fund target in cases referred to in section 40, subsections 2 and 3, as well as on other principles of the financial provision. (1078/1996)

At the end of each calendar year, the Ministry of Economic Affairs and Employment shall confirm the liability of each party with a waste management obligation for the current calendar year and make a decision on the liability for the following two years. At the same time, the Ministry shall confirm the Fund target for the following year. The Ministry may derogate from the schedule referred to above on reasonable grounds. (410/2012)

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 party with 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 licence holder to the fund holding of the transferee as referred to in section 30.

Section 44 Collateral security arrangements

A party with a waste management obligation shall supply the State with collateral security fulfilling the conditions provided in section 45 before commencing waste-generating operations and otherwise always by the end of June so that the total of collateral equals the difference between the liabilities for the calendar year and the Fund target. (905/2017)

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 collateral security within three months from the confirmation of the assessed liability.

In the event of unforeseeable nuclear waste management expenses, the Government shall order that the amount of collateral to be supplied in accordance with this section be raised. The amount of collateral may be raised at most by an amount equal to 10 per cent of the liability of the party with the waste management obligation decided on in accordance with section 43, subsection 2. (905/2017)

Should the party with a waste management obligation fail to provide the State with collateral security for the amount laid down in this section, the licence holder 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 security

The Ministry of Trade and Industry may accept as collateral security 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 collateral security referred to in paragraph 1 or 2.

Collateral 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 specified as lower than that required by the provisions in section 40, for a period of no more than five years at a time.

Section 47 Required share and State 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 amount of liability corresponding to the nuclear waste management expenses for the nuclear waste ordered to be transferred and the nuclear waste management expenses for nuclear waste generated by the party with 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 amount of liability corresponding to such nuclear waste by the amount laid down in section 44, subsection 3.

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

Section 48 Actual share and meeting the State claim

When the State claim has been determined, it shall primarily be met by separating from the Fund holding of the party with a waste management obligation such part of the Fund holding as corresponds to the amount of liability represented by the transferred nuclear waste as a proportion of the combined liabilities referred to in section 47, subsection 1, to form the actual share in the National Nuclear Waste Management Fund. The party with a waste management obligation shall pay the rest of the State claim to the Fund, to be added to the Fund holding within three months of the establishment of the State claim.

Insofar as the party with a waste management obligation fails to remit into the Fund the outstanding claim referred to in subsection 1 within the time specified, a corresponding amount of the collateral security provided to the State by the party with 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 section 45, subsection 1, paragraph 1 or 2 which granted such collateral security so require, the Fund shall lend the assets obtained from the security for a fixed period to the insurance company or bank at an interest rate referred to in section 52, subsection 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. (342/2008)

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, subsection 2 and section 47, subsection 2.

The party with 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 required share.

Section 50 Use of the actual share

Should the actual share exceed the required share as at the last day of December of the ongoing calendar year, separately assessed by the Ministry of Trade and Industry, 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 laid down in section 52, subsection 3.

Should the balance referred to in subsection 1 not be sufficient to pay the said compensation and interest, the party with 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 licence holder.

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

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 relevant party with the waste management obligation 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 party with a waste management obligation is entitled to receive a loan against collateral security 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 party with a waste management obligation. The shareholders of the party with a waste management obligation shall have the right to exercise the above-mentioned right of the party with a waste management obligation to the extent not exercised by the party itself. 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 subsection 1 or section 48, subsection 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 has not been granted as a loan under subsection 1 or section 48, subsection 2, 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 party with 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 the event that the Fund capital remains unused in the manner provided in subsections 1–3, the Fund shall invest such capital against collateral security 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 party with 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 (905/2017) Limitations on returning collateral security and surplus

If, at the time when the liability for the previous calendar year is confirmed, it is discovered that more collateral security has been supplied to the State by the party with a waste management obligation than required by said amount of collateral, the excess amount shall be returned by the end of June of the current calendar year

provided that the party with the waste management obligation has fulfilled its obligations relating to the payments referred to in this chapter.

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

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

Anyone who is licensed to operate a nuclear facility of considerable general significance referred to in section 11, subsection 2, paragraph 1 shall participate in the financing of research activity and infrastructure aiming at ensuring that if new factors concerning the safe use of nuclear facilities emerge that could not have been foreseen, the authorities have, at their disposal, such adequate and comprehensive nuclear engineering expertise and other facilities as can be used, where necessary, to analyse the significance of such factors without delay. The same obligation shall also be binding on a party licensed to construct such a nuclear facility but not yet licensed to operate the facility, and on a party on whose application the Government has made a Decision-in-Principle concerning such a nuclear facility that is in force but for which a construction licence based on the Decision-in-Principle has not been granted. (676/2015)

The obligation provided in subsection 1 above shall be fulfilled by paying an annual fee to the National Nuclear Waste Management Fund which is EUR 570 in 2016–2020 and EUR 390 in 2021–2025 for each rated thermal output megawatt given in the license or for each thermal output megawatt laid down in the Decision-in-Principle if higher or, if a construction license has been applied for under the Decision-in-Principle, for each rated thermal output megawatt stated in the license application. The euro amount provided may be lowered by government decree. (676/2015)

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

The nuclear safety fee shall be determined on 1 January each year. Should the operator at that time have a valid Decision-in-Principle or a license to construct or operate, the operator shall be liable to pay the fee for said year. The non-implementation of a project to which a Decision-in-Principle or construction license applies may be notified to the Ministry of Economic Affairs and Employment by the end of the year, in which case the liability to pay shall also be valid for the following year. (905/2017)

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

In order to implement the general principle provided in section 5, a party to which a liability has been confirmed in accordance with section 43, subsection 2, shall participate in the financing of such research activity and infrastructure as well as further training aiming at ensuring that the authorities have at their disposal such adequate and comprehensive nuclear engineering expertise and other facilities as are needed to assess the various practices and methods of nuclear waste management. (676/2015)

The obligation laid down in subsection 1 above shall be fulfilled by paying an annual fee to the National Nuclear Waste Management Fund amounting to 0.13 per cent in 2016–2020 and 0.10 per cent in 2021–2025 of the liability confirmed in accordance with section 43, subsection 2. (676/2015)

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

Section 53c (1131/2003) Separate funds

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

- 1) the assets on which a decision has been made concerning their allocation from the separate funds concerned, and which have been paid out;
- 2) the funds paid back to persons liable for payment subject to section 53e, subsection 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 53a and 53b above are accrued from the fees and also 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 53d, subsection 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. (342/2008)

Section 53d (905/2017) Financing of the research, research infrastructure and further training projects

The National Nuclear Waste Management Fund shall finance projects referred to in this section with funds available for allocation each year so that:

- 1) a project entity to be financed by the separate funds referred to in section 53a, subsection 3 supports the purpose of the research activity and infrastructure in accordance with subsection 1 of said section in an appropriate manner;
- 2) a project entity to be financed by the separate funds referred to in section 53b, subsection 3 supports the purpose of the research activity and infrastructure and further training referred to in subsection 1 of said section in an appropriate manner.

The research projects referred to in subsection 1 shall be of high scientific standard, and their results shall be publishable. The research infrastructure projects shall promote the capabilities of the research activity in accordance with section 53a, subsection 1 and section 53b, subsection 1. The further training operations shall efficiently promote the access of new persons to expert tasks of nuclear waste management. The projects to be financed do not include research that is directly linked to the supervision of the use of nuclear energy, the handling of licenses or the preparation of license application material referred to in this Act.

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

The Ministry of Employment and the Economy shall present a proposal to the Fund for the allocation of the funds referred to in section 53d, subsection 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. (342/2008)

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 53a or 53b to use all the funds allocable subject to 53c, subsection 3 for financing the research projects referred to in section 53d, subsection 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 (269/2011) Supreme management and regulation of the nuclear energy field

The Ministry of Economic Affairs and Employment shall be responsible for the supreme management and regulation of the nuclear energy field.

Unless otherwise provided in an act or decree, the competent authority referred to in the Euratom Treaty shall be the Ministry of Economic Affairs and Employment.

The Ministry of Economic Affairs and Employment shall arrange the self-assessment of the national framework of nuclear safety once every 10 years and invite an international peer review of the national framework of nuclear safety. The Radiation and Nuclear Safety Authority shall self-assess its operations relating to nuclear safety. The Ministry of Economic Affairs and Employment shall also arrange international peer review of the nuclear safety of nuclear facilities in the event of an accident the consequences of which are significant from the point of view of radiation protection or nuclear safety. (905/2017)

The Ministry of Economic Affairs and Employment shall arrange self-assessment of the national framework and national programme relating to nuclear waste management and its implementation, and shall invite international peer reviews of the national framework, the competent regulatory authority and the national programme. The Radiation and Nuclear Safety Authority shall self-assess its operations relating to nuclear waste management. (499/2013)

Section 54a (905/2017) Self-assessments and international peer reviews

A self-assessment shall be performed of the national system, consisting of the national framework of nuclear safety as well as the national framework of nuclear waste management, and an international peer review shall be invited.

National self-assessment shall be performed:

- 1) on the national framework and regulatory framework of nuclear safety once every 10 years;
- 2) on a specific topic related to nuclear safety once every six years;

- 3) in the event of an accident the consequences of which are significant from the point of view of nuclear safety or radiation protection;
- 4) on the national framework and regulatory framework of nuclear waste management once every 10 years; and
- 5) on the national nuclear waste management programme and its implementation once every 10 years.

An international peer review on the following shall be invited:

- 1) the national framework of nuclear safety once every 10 years;
- 2) a specific topic related to nuclear safety once every six years;
- 3) the national framework of nuclear waste management as well as of the national nuclear waste management programme once every 10 years; and
- 4) the nuclear safety of nuclear facilities in case of an accident the consequences of which are significant from the point of view of nuclear safety or radiation protection.

Section 55 Regulatory authority

The Radiation and Nuclear Safety Authority is responsible for the oversight of safe use of nuclear energy. In addition, STUK shall be responsible for attending to the oversight of security and emergency arrangements, and for the necessary control of the use of nuclear energy to prevent proliferation of nuclear weapons.

In order to carry out the tasks referred in subsection 1 above, the Radiation and Nuclear Safety Authority shall in particular: (342/2008)

- 1) participate in the processing of licence applications pursuant to this Act;
- 2) oversee the observance of licence conditions as well as set detailed requirements concerning the operations referred to in the licence;
- 3) issue the general safety regulations referred to in section 7q and impose the detailed safety requirements referred to in section 7r; (676/2015)
- 4) issue detailed regulations as necessary, and oversee compliance with these regulations; (342/2008)
- 5) set qualification requirements for persons involved in the use of nuclear energy and verify that the requirements are met;
- 6) provide expertise for other authorities;
- 6a) act as the competent authority required in the Directive referred to in section 21, subsection 1, paragraph 7; (1420/1994)
- 7) carry out research and development activities necessary for oversight and participate in international cooperation in the field; and (1420/1994)
- 8) make proposals and issue statements required by the regulatory task; (905/2017)
- 9) engage in cooperative activities on the nuclear safety of nuclear facilities with the regulatory authorities of other States; (905/2017)
- 10) attend to the arrangement of a national self-assessment based on a specific topic related to the nuclear safety of nuclear facilities once every 6 years. (905/2017)

The Radiation and Nuclear Safety Authority 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 oversight that indemnification regarding liability in case of a nuclear damage has been arranged as provided.

The Radiation and Nuclear Safety Authority 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, security and emergency arrangements.

After Parliament has decided to leave in force a Decision-in-Principle relating to the construction of a nuclear facility of considerable general significance, the Radiation and Nuclear Safety Authority may, on request of the holder of the Decision-in-Principle, carry out inspections on the nuclear facility and its systems, inspect and approve plans relating to devices and structures as well as inspect and oversee the manufacture of individual devices and structures. No work relating to structures affecting nuclear safety may, however, be started at the site before the granting of the construction licence. The structures and devices inspected and approved by the Radiation and Nuclear Safety Authority may be used for the construction of a nuclear facility only if they comply with the construction licence. (410/2012)

Section 56 Advisory Commissions

Subsection 1 was repealed by Act 342/2008.

An advisory commission appointed by the Government shall work to prepare matters concerning the safe use of nuclear energy in conjunction with the Radiation and Nuclear Safety Authority.

In the handling of matters concerning security in the use of nuclear energy, an advisory commission appointed by the Government works in conjunction with the Radiation and Nuclear Safety Authority. (342/2008)

More detailed provisions on the advisory commission referred to in this section shall be laid down in a Government Decree. (342/2008)

Chapter 9 Other legislation and cooperation between authorities

Section 57 Other legislation

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

Section 58 (342/2008) Construction and planning of land use

What is laid down elsewhere by law on the planning of land use in an area intended for the site of a nuclear facility shall apply. 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.

What is laid down elsewhere by law on the construction of a nuclear facility shall apply. Notwithstanding the above, the Radiation and Nuclear Safety Authority shall have the right, to the extent required by the supervision duty referred to in section 55, subsection 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)

Whenever the need to ensure safety at work entails 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 oversight, by the Radiation and Nuclear Safety Authority. (342/2008)

Section 60 (905/2017) Pressure equipment

The Radiation and Nuclear Safety Authority shall control the pressure equipment of a nuclear facility, which includes:

- 1) pressure equipment, failure of which may cause an emission of radioactivity (*nuclear pressure equipment*); and
- 2) pressure equipment of a nuclear facility other than the pressure equipment referred to in paragraph 1 that is classified to be controlled on the basis of its significance to safety (*ordinary pressure equipment*).

Unless otherwise provided in or under this Act, the pressure equipment of a nuclear facility shall be governed by the Pressure Equipment Act (1144/2016).

In derogation from the Pressure Equipment Act, with regard to the pressure equipment of a nuclear facility:

- 1) the control authority shall be the Radiation and Nuclear Safety Authority;
- 2) the licence holder shall apply for registration of pressure equipment with the Radiation and Nuclear Safety Authority;
- 3) a registration number or the following in-service inspection shall not be marked on the pressure equipment or its data plate.

The obligations of a licence holder shall be governed by the provisions of the Pressure Equipment Act on the obligations of an owner and a holder. A commissioning inspection shall be governed by the provisions of the Pressure Equipment Act on the first in-service inspection.

Section 60a (905/2017) Control and inspections of pressure equipment, structures and mechanical devices

The Radiation and Nuclear Safety Authority shall approve the manufacturer of nuclear pressure equipment for its duties and the inspection organisation, the testing organisation and the qualification body for performing duties that are part of the inspection activity for pressure equipment, steel and concrete structures and mechanical devices of nuclear facilities to the extent indicated by the Radiation and Nuclear Safety Authority. The Radiation and Nuclear Safety Authority shall oversee the operations of the manufacturer, the inspection organisation, the testing organisation and the qualification body.

A precondition for the approval of the inspection organisation, the testing organisation and the qualification body shall be that they are operationally and financially independent and that they have taken out liability insurance. In addition, the manufacturer, the inspection organisation, the testing organisation and the qualification body shall have an advanced quality system, competent and experienced personnel and duly qualified methods, facilities and equipment required by manufacture and operations. Further provisions on the approval procedure referred to in subsection 1 shall be issued by a government decree.

If the manufacturer of pressure equipment, the inspection organisation, the testing organisation or the qualification body no longer fulfils the preconditions of approval or if it has materially neglected or breached an obligation or restriction provided in or under this Act or a provision issued in a decision and the cautions or reprimands issued have not led to rectification of the shortcomings in the operations, the Radiation and Nuclear Safety Authority may cancel its approval. If there are reasonable grounds with a view to ensuring safety, the Radiation and Nuclear Safety Authority may, after reserving for the body or facility a possibility to be heard, change the requirements or terms set in the decision on approval.

The Radiation and Nuclear Safety Authority shall determine nuclear pressure equipment of minor significance with regard to safety, the manufacturer or testing organisation of which need not be approved for their tasks as provided in subsection 1 as well as, on corresponding grounds, the steel and concrete structures and mechanical devices the testing organisation of which need not be approved for its duty as provided in subsection 1. In this respect, the Radiation and Nuclear Safety Authority shall set the necessary requirements regarding the competence of the manufacturer and the testing organisation whose fulfilment shall be indicated by the licence holder.

The Radiation and Nuclear Safety Authority may require that a recognized third-party organisation controlling the manufacture of nuclear pressure equipment of significance to safety shall have the competence of a notified body or other corresponding applicable competence.

When attending to the public administrative duties referred to in this Act, the inspection organisation shall comply with the provisions of the Act on the Openness of Government Activities, the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act (434/2003), the Language Act (423/2003) and the Sami Language Act (1086/2003). An employee of an inspection organisation shall be governed by the provisions on public criminal liability when he or she performs the duties referred to in this Act. The liability for damages shall be governed by the Tort Liability Act (412/1974).

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 Cooperation 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 prior to its settlement.

Chapter 10 Supervision and coercive measures

Section 63 Supervisory rights

The Radiation and Nuclear Safety Authority shall, in order to carry out the oversight required in this Act and the provisions and regulations issued thereunder as well as by international treaties in the field of nuclear energy binding on Finland, be entitled to:

1) inspect and control operations referred to in section 2, subsection 1, paragraphs 1–6, and in section 2, subsection 2, paragraph 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; (342/2008)

2) oblige the licence applicant to arrange entry for the Radiation and Nuclear Safety Authority to carry out inspections and measurements and to take samples on the premises where, according to the application, the operation referred to in section 2, subsection 1, paragraphs 1–6 would be carried out; (342/2008)

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

4) receive necessary information and be provided with the plans and contracts and their grounds concerning the manufacturing, quality control or processing of nuclear material, nuclear waste, the nuclear facility and its structures and equipment, as well as any material, device and equipment referred to in section 2, subsection 1, paragraph 5; (342/2008)

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 accounting and operating records in said standard format, and to audit these accounts; (342/2008)

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 section 3, paragraph 5, subparagraph b. (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 material 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; (342/2008)

8) collect environmental samples and use radiation detection and measurement devices for the supervision required for the non-proliferation of nuclear weapons in order to ensure that the operations referred to in section 2, subsection 1 or 2 are not carried out unauthorised/illegally and that the information given is truthful; (410/2012)

9) investigate an abnormal event or procedure in the use of nuclear energy which has or may have essential significance to the safety of the use of nuclear energy; the investigator may also hear persons other than those who are employed by the licence holder, who are involved in the matter or who otherwise have knowledge thereof. (410/2012)

The oversight 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. (738/2000)

The licence holder shall see to it that its obligation to give notification referred to in chapter VII of the Euratom Treaty is fulfilled, and it shall keep nuclear material accounting and operating records as required in the Treaty. The licence holder shall, to the extent required by supervisory activities, provide access for inspectors

mentioned in Article 81 of the Treaty to facilities and quarters in its 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 or otherwise that, in order to secure the safe use of nuclear energy, to maintain appropriate security or emergency arrangements 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 licence holder, oblige it 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 shall request a statement from the Advisory Commission on Nuclear Safety mentioned in section 56, subsection 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, security or emergency arrangements laid down in this Act or hereunder have not been observed in the use of nuclear energy, the Radiation and Nuclear Safety Authority shall issue, upon consulting the licence holder, instructions to remove the defects or faults, and at the same time oblige the licence holder 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 a Government decree. (342/2008)

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, subsection 1, in section 44, subsection 4 and section 49, subsection 2, and the interest and compensation referred to in section 50, subsection 2, may be collected from the licence holder 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 (342/2008) Interruptions or limitations of operation

Having consulted the licence holder, the Radiation and Nuclear Safety Authority 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 licence holder has failed to comply with regulations issued by STUK, based on the provisions of this Act or issued under this Act, or if the licence holder has failed to comply with its 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.

Upon request by the Ministry of Employment and the Economy or the Radiation and Nuclear Safety Authority, 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. (342/2008)

Otherwise, the Coercive Measures Act (450/1987) shall be applied to search of premises, physical examination and confiscation (1148/2013).

Section 68a (1420/1994) Executive assistance to ensure compliance with the Euratom Treaty

If, under the Euratom Treaty, ores or nuclear material that contain uranium or thorium which are in the possession of the licence holder are to be removed from its possession or if, under chapter VII of the said Treaty, certain sanctions directed at the licence holder are to be enforced and the licence holder 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. (342/2008)

The Coercive Measures Act shall be applied to the actions referred to in subsection 1 unless otherwise provided by the Euratom Treaty. (861/2011)

Chapter 11 Sanctions

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

Provisions on punishment for the use of nuclear energy in a way that endangers life or is hazardous to public health are laid down in chapter 34, sections 4, 5, 7 and 8 of the Criminal Code.

Provisions on punishment for activities that are in violation of section 4 of this Act are laid down in chapter 34, sections 6–8 of the Criminal Code.

Provisions on punishment for nuclear device offences involving procurement, possession and preparation of substances, instruments and formulas or plans relating to the production of a nuclear device are laid down in chapter 34, section 9 of the Criminal Code. (725/2008)

Provisions on punishment 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 are laid down in chapter 48, sections 1–4 of the Criminal Code.

Provisions on punishment 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 are laid down in chapter 44, section 10 of the Criminal Code (39/1889). (415/2002)

Sections 70–71 Sections 70–71 were repealed by Act 593/1995.

Section 72 (415/2002) Section 72 was repealed by Act 415/2002.

Section 73 Forfeiture

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

As a result of an offence concerning the use of nuclear energy without authorisation referred to in chapter 44, section 10, subsection 1, paragraph 1 of the Criminal Code, the following shall be declared forfeit to the State contrary to the Nuclear Energy Act or the provisions or regulations issued thereunder:

- 1) a nuclear facility built or used;
- 2) a mine or a milling plant in operation and the ore containing uranium or thorium produced in such mine or plant; (269/2011)
- 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 (342/2008)
- 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 Criminal Code (39/1889) shall apply as appropriate. (880/2001)

Section 74 (483/2011) Prosecution

The public prosecutor shall not bring charges for the offences referred to in section 69 before obtaining a statement of the Radiation and Nuclear Safety Authority on the matter. If an offence referred to in chapter 44, section 10 of the Criminal Code has been committed in connection with activities falling within the scope of supervision by the Ministry of Economic Affairs and Employment, a statement shall be requested from the Ministry of Economic Affairs and Employment.

Chapter 12 Miscellaneous provisions

Section 75 (964/2020) Appeal and enforcement of decision

An administrative review of a decision of an inspection organisation may be requested. Provisions on a request for an administrative review are laid down in the Administrative Procedure Act.

Appeal to an administrative court is governed by the Administrative Judicial Procedure Act (808/2019). Said act shall, however, be applied to appeal subject to the provisions of the Euratom Treaty

A government resolution made under section 11 and a government decision made under section 46 shall be ineligible for review by appeal

Eligibility for appeal against a government decision relating to operations referred to in section 2, subsection 1, paragraph 2 and to which the Mining Act applies shall, however, be subject to the provisions on right of appeal of section 165 of the Mining Act

Appeal against a decision made by the National Nuclear Waste Management Fund under section 53d relating to the funding of a project shall, however, be subject to the provisions of sections 34 and 35 of the Act on Discretionary Government Transfers.

With regard to appeal against a decision of the National Nuclear Waste Management Fund, the Fund shall, prior to making a decision on a claim for rectification or replying to an appeal, request a statement from the Ministry of Economic Affairs and Employment.

A decision made under section 42; section 43, subsections 2 and 3; sections 44 and 47; section 49, subsection 1; section 52, subsections 1-3 and 5; section 53a, subsection 2; section 53b, subsection 2; section 63, subsection 1, paragraph 5; and sections 66 and 68 of this Act and a decision made under section 65, if so ordered therein, may be enforced despite appeal.

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

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 (342/2008) 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 on any operation not requiring a licence under section 2 subsection 3.

The provisions of this Act on the obligations of the licence holder and the control and coercive measures of the authorities in relation to the licence holder shall also apply to any person acting in contravention of the prohibition laid down in section 8, subsection 1 or engaging in research and development activities referred to in section 2, subsection 2, paragraph 2.

Section 77 (342/2008) 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 (635/1999) Non-disclosure obligation

Those who, in connection with the activities referred to in this Act, have obtained information contained in the documentation referred to in section 2, subsection 1, paragraph 5 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. (342/2008)

Anyone who is in possession of information referred to in subsection 1 shall protect it so that third parties cannot have unlawful access to it. The Radiation and Nuclear Safety Authority shall issue regulations on the methods for protecting information. (269/2011)

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

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

Section 79 (342/2008) Section 79 was repealed by Act 342/2008.

Section 80 Material, object or information possessed by an authority

Should any material, object or information referred to in section 2, subsection 1, paragraphs 3—6 be detected and should no owner or possessor be identified, it shall belong to the State. (342/2008)

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 was repealed by Act 342/2008.

Section 82 (342/2008) 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 transferal of funds to the State finances in accordance with the criteria provided under section 52;
- 6) the procedures to be complied with in the supervision of safety as referred to in this Act, particularly:
 - a) when constructing, commissioning, operating and decommissioning a nuclear facility; (905/2017)

- 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 7k, and the operating organisation of a nuclear facility as referred to in section 20, subsection 1; and
- 8) information to be notified to the regulatory authority in cases where the use of nuclear energy is exempted from licensing or a measure or change relating to licensed operations is undertaken or made for which no separate licence needs to be applied under this Act or the provisions issued thereunder; (622/2011)
- 9) a licence application relating to mining or milling operations or its handling as well as the information to be submitted in the licence application and the publication relating to the licence decision; (676/2015)
- 10) restricting the radiation exposure and the release of radioactive substances from a nuclear facility as well as on restricting the radiation exposure and the release of radioactive substances from mining or milling activities; (676/2015)

Paragraph 11 was repealed by Act No. 964/2020.

- 12) the time when the commanding responsibility shall transfer to the relevant rescue authorities regarding the emergency rescue measures to be taken in accident conditions at the site of the nuclear facility. (676/2015)

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 operating 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, subsection 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 section 18, paragraph 1 of the new Act.

AMENDMENTS:

29.12.1988/1271

8.9.1989/797

29.12.1994/1420

21.4.1995/593

12.12.1996/1078

18.12.1998/1077

21.5.1999/635

27.8.1999/870

20.4.2000/396

30.6.2000/738

26.10.2001/880

24.5.2002/415

23.8.2002/742

19.12.2003/1131

13.8.2004/769

23.5.2008/342

14.11.2008/725

25.3.2011/269

13.5.2011/483

10.6.2011/622

22.7.2011/861

29.6.2012/410

28.6.2013/499

30.12.2013/1148

22.5.2015/676

7.8.2015/1019

5.5.2017/260

14.12.2017/905

9.11.2018/862

11.12.2020/964

In co-operation