

Finland

Implementation of Article 14, (1) and (2)

Veikko Kujala

Finnish Safety and Chemicals Agency

Seveso surveillance in Finland

- Tukes (Finnish Safety and Chemicals Agency) is the competent Seveso authority in Finland (both licences and inspections)
- Before the Seveso establishment may begin to operate they have to have **Tukes licence**. In the license process e.g. risk assesment and accident scenarios play an important role
 - Public hearing of the application
 - Public hearing of the resolution/decision
 - Start-up/comissioning review before operation can be started
- Safety report and list of hazardous substances are appendices for the license application

Who implements Article 14(1) and (2)*

	Competent authority (Please indicate which authority or authorities)	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)		X		
Article 14 (1) (Annex V, Part 2)		X		
Article 14 (2) Determining “persons likely to be affected”		X		
Article 14 (2) (Information for Upper tier sites)		X		

How are Article 14(1) and (2) implemented?

	Competent authority	Operator	Both competent authority and operator	Other
Article 14, (1) (Annex V, Part 1)	Tukes reviews these items in licence process (new facilities, typically during the start-up review) and periodic inspections (existing facilities).	The items listed in Annex V, part 1 must be collected to a single document and made available at least on web page (operator, municipality or local emergency planning). Sites in the same industrial park are responsible for making co-operation in providing the information to the public.		
Article 14 (1) (Annex V, Part 2)		Same as above. For upper-tier sites, in addition to webpage, the information must be delivered to near-by buildings etc. in paper form (or other methods). This is done every five years (or sooner if there are major changes).		
Article 14 (2) Determining “persons likely to be affected”		Persons likely to be affected is determined by the operator, based on the impacts of the major accident . The information must be shared to such people (houses), schools, hospitals, production plants or any public use buildings which might be affected by the accident. In general, the paper document containing information stated in Annex V is mailed/delivered to near-by buildings (postal code areas might be used).		
Article 14 (2) (Information for Upper tier sites)		Operator is responsible for setting the safety report and chemical list available to the public. Usually, paper copy of the safety report is available at the gate of the facility. In some cases they share a link to electric safety report if asked. It is stated in the “information to the public” document, where safety report and chemical list are available .		

Evaluating implementation –

Authority - Please briefly describe any rules or guidance followed **by authorities** in implementing their duties

- Implementation of Article 14 is considered both in the licence process (for new facilities) and periodic inspections (for existing facilities).

Operator - How does the authority evaluate that the implementation **by the operator** is effective the requirement, (e.g., criteria, minimum information, frequency, methods)?

- Items listed in Annex V are included in Finnish regulation (685/2015, Annex VI) → minimum information requirement.
- Lower-tier sites: document containing information stated in Annex VI is available on web page (operator, municipality or local rescue service)
- Upper-tier sites: Same as above. Paper copy mailed/distributed to near-by buildings (renewed every 5 years). In the document, it is stated where safety report and chemical list are available.
- Co-operation is obligated for facilities located in same industrial area

Confidentiality - How do we deal with the requests for confidentiality? What information do we consider as confidential? Are there any criteria developed for declaring information as confidential?

- This is a current issue in Finland at the moment. Legislation regarding **security** requirements for Seveso sites in the legislative process (limiting the access to safety/security critical information).
- Issue is present both with the licence process (public hearing of the licence application) and safety reports. Tukes has made initial criteria regarding what information should be available for public hearing. Decisions about confidentiality are made case-by-case **by the authority**.
- Criteria are based on publicity law and administrative law in Finland. Criteria for confidentiality include trade secrets, detailed information about safety critical equipment and systems, and personal information.
- Typically, there is a public version of the safety report and confidential appendices.

Guidance and tools

If you have any guidance online, please provide the links here.

A few examples of information to the public documents in Finland:

[Kilpilahden-turvallisuustiedote_Kilpilahti-sakerhetsinformation_2019.pdf](#)

[KIP-turvallisuustiedote-297x210mm-2020-08-21.pdf](#)

(Alternatively, documents (e.g., .pdfs) can be shared via the MAHB Minerva Website)