

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Social Affairs and Health

(Versio 20.5.2016)

Act on Certain Requirements Concerning Asbestos Removal Work
(684/2015)

Section 1

Scope of application

- (1) This Act lays down provisions on the competence of an asbestos worker and licences for asbestos removal work and any related registers.
- (2) In this Act, *asbestos removal work* refers to such demolition or removal of asbestos-containing structures or technical systems, protection of structures to be retained, demolition site clearance and other such work directly connected with demolition and removal of structures that involves a risk of exposure to asbestos dust and that is covered by the Occupational Safety and Health Act (738/2002). The provisions of this Act concerning asbestos removal work also apply to such work in maintenance and service of structures and equipment in buildings and on vessels where asbestos dust is created.
- (3) Separate provisions shall be issued on occupational safety and employee health examinations in asbestos removal work.

Section 2

Competence of asbestos removal workers

- (1) Only such workers may be used in asbestos removal work who have the required qualifications and who are registered in the register of persons competent to carry out asbestos removal work referred to in section 12.
- (2) The qualification requirement for an asbestos removal worker is a suitable vocational degree or an applicable part thereof.
- (3) The Act on Recognition of Professional Qualifications (1093/2007) lays down provisions on the recognition of vocational competence acquired in a Member State of the European Economic Area. Further provisions may be issued by Government decree on the competence required from workers carrying out asbestos removal work.
- (4) The provisions in this section regarding a worker also apply to self-employed persons carrying out asbestos removal work.

Section 3

Licence for asbestos removal work

- (1) Asbestos removal work may be carried out by a legal or natural person who has been granted a licence for that purpose.
- (2) However, a licence is not required for:

- 1) short, non-continuous maintenance activities in which only non-friable materials are handled;
- 2) encapsulation or sealing of asbestos-containing materials which are in good condition
- 3) mapping of asbestos and other collection of samples.

Section 4

Licensing authority

Applications for a licence for asbestos removal work are submitted to the occupational safety and health authority.

Section 5

Conditions for granting a licence for asbestos removal work

- (1) The licensing authority shall grant a licence for asbestos removal work in the case of a natural person who:
 - 1) has attained the age of 18 years;
 - 2) is not bankrupt, whose legal capacity is not restricted and who has not a guardian;
 - 3) is not, temporarily or permanently, prohibited from engaging in business ;
 - 4) in the work subject to a licence, has access to any equipment and devices necessary for safe asbestos removal work and a room for safe maintenance and service of the equipment and devices;
 - 5) and whose earlier activities do not demonstrate, with regard to occupational safety provisions, that he or she is manifestly unfit to carry out duties subject to a licence
- (2) A licence must be granted to a legal person if the members of its administration or its Managing Director, or in a partnership the co-partners or in a limited partnership the responsible partners, meet the requirements laid down by section 5(1)(1–3 and 5), and if the legal person meets the requirements laid down by section (5)(1)(4–5).

Section 6

Granting a licence for asbestos removal work

- (1) A licence for asbestos removal work shall be granted without delay and not later than within 14 days of the date on which the licensing authority has found that the applicant meets the conditions for granting the licence.
- (2) Licences for asbestos removal work are granted for a fixed period or until further notice. The licences are valid nationally.
- (3) Separate provisions shall be issued on charges collectible for granting licences.

Section 7

Obligation to report changes

The licence holder shall without delay inform the licensing occupational safety and health authority on termination of the activities subject to the licence and on any essential changes that affect the granting of a licence for asbestos removal work referred to under section 5.

Section 8

Renewal of licence for asbestos removal work

- (1) The provisions of this Act concerning the application of a licence for asbestos removal work also apply to renewal of a licence granted for a fixed period.
- (2) If the renewal process has been started one month before the expiry date of the licence, at the latest, the licence holders may continue their activities subject to a licence on the basis of their earlier licence until a decision is made in the matter.

Section 9

Withdrawal of a licence for asbestos removal work

- (1) The licensing authority must withdraw a licence to remove asbestos if:
 - 1) the licence holder so requests; or
 - 2) the applicant has provided erroneous information that significantly contributed to the granting of the licence.
- (2) The licensing authority may withdraw a licence for asbestos removal work if:
 - 1) the requirements for granting the licence are no longer being met;
 - 2) this Act, the Occupational Safety and Health Act, the Occupational Health Care Act (1383/2001) or the statutes or provisions issued under those Acts have been violated in activities subject to the licence; or
 - 3) statutes or provisions on the disposal of asbestos waste have been violated in activities subject to the licence.
- (3) If the deficiencies or failures referred to in section 9(2)(1–3) can be remedied, the licensing authority shall set a deadline for the licence holder to remedy the deficiency or failure. The licensing authority can withdraw the licence if the licence holder has not remedied the deficiency or failure within the specified time limit.
- (4) The licensing authority may in their decision order that the decision shall be observed despite appeal.

Section 10

Register on licences for asbestos removal work

- 1) The licensing authority maintains a register for handling licence matters and for promoting occupational health and safety as well as for monitoring the activities of the licence holder. When a licence holder is registered, the licensing authority gives a register number for the licence holder.
- 2) The following data will be entered in the register: licence holder's name or business name, contact information, business identity code (business ID), domicile, register number and the date of granting the licence, period of validity, and withdrawal.
- 3) The data entered will be kept in the register for two years after the expiry of the licence or termination of the licensed activities.

Section 11

Public information service

- 1) The licensing authority may, with the consent of the registered and by using a public information network, disclose data referred to in section 10(2) from the register of asbestos removal work licences kept pursuant to section 10(1).
- 2) The licensing authority shall without delay remove the data concerning a licence holder from the public information service if the licence holder so requests or when the licence is withdrawn or when the licensing authority has been notified of termination of activities subject to a licence.

Section 12

Register of persons competent to carry out asbestos removal work

- 1) In order to enforce and promote occupational safety and health, the licensing authority keeps a register of persons competent for asbestos removal work. The following data will be entered in the register: the person's name, date of birth, register number and the date of completion of a vocational degree or an applicable part thereof.
- 2) The licensing authority enters the data referred to in section 12(1) into the register:
 - 1) by request of the person to be registered;
 - 2) by request of the applicant or holder of the licence for asbestos removal work and with the consent of the person to be registered.
- 3) A registration can only be made if the licensing authority is given a degree certificate of other reliable verification of the competence of the person to be registered, as referred to in section 2(2).
- 4) Any data concerning the registered shall be removed from the register if the registered so requests or when the licensing authority has been notified of the death of the registered.

Section 13

Disclosure of data, processing of personal data and the rights of the registered person

The licensing authority may disclose data included in the registers referred to in sections 10 and 12 with the aid of a technical interface or by other electronic means to an authority who needs the information for performing their duties stipulated by law.

Section 14

Appeals

- 1) Decisions of the licensing authority taken under this Act may be appealed to the Administrative Court in compliance with the provisions in the Administrative Judicial Procedure Act (586/1996).
- 2) Decisions of the Administrative Court in matters concerning withdrawal of licences for asbestos removal work may be appealed in compliance with the provisions in the Administrative Judicial Procedure Act. Other decisions of the Administrative Court are open to appeal only if the Supreme Administrative Court grants leave to appeal.

Section 15

Penal provision

Anyone who deliberately or through negligence uses any other workers for asbestos removal work than workers referred to under section 2, or carries out asbestos removal work without a valid licence for asbestos removal work, shall be sentenced to pay a fine for committing an *asbestos removal work violation*, unless a more severe penalty for the act has been provided elsewhere in the law.

Section 16

Enforcement

- 1) The occupational safety and health authorities shall enforce this Act. Provisions on the enforcement are laid down by the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006).
- 2) The duties of a licensing authority and register holder, stipulated by this Act to an occupational safety and health authority, may be assigned, in accordance with section 6(2) of the Act on Regional State Administrative Agencies (896/2009), to one or several occupational safety and health divisions operating in Regional State Administrative Agencies. duties assigned

Section 17

Entry into force

- 1) This Act enters into force on January 1, 2016.
- 2) If a worker or self-employed person has received the training for asbestos work referred to in section 17 of Government Decision on Asbestos Work (1380/1994) but does not have the competence referred to section 2(2) of this Act, he or she has the right to carry out asbestos removal work during two years after the entry into force of this Act.
- 3) Authorisations granted for demolition and restructuring of asbestos-containing structures under section 16 of the Government Decision on Asbestos Work remain valid for two years after the entry into force of this Act. During that period, section 9 of this Act shall be applied on authorisation withdrawals.