

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Environment, Finland

Government Decree on the Separate Collection and Recovery of Discarded Tyres

(527/2013; amendments up to 1025/2021 included)

By decision of the Government, the following is enacted under the Waste Act (646/2011):

Section 1

Objectives and scope of application

This Decree lays down provisions on the obligation of a producer of tyres referred to in section 48, subsection 1 of the Waste Act (646/2011) to organise the separate collection, preparing for re-use, recycling and other recovery of discarded tyres referred to in the subsection.

This Decree does not, however, apply to tyres of aeroplanes or other aircraft, bicycles, wheelchairs or equivalent vehicles or equipment.

Section 2

Separate collection and recovery of discarded tyres

The producer of tyres shall organise the separate collection and recovery of discarded tyres so that at least a quantity of tyres that equals 95 per cent by weight of the quantity of tyres placed on the market by the producer are prepared for re-use, recycled or recovered in other ways each year.

Section 3 (1025/2021)

Organisation of reception of discarded tyres

To comply with its obligation laid down in section 49, subsection 1 of the Waste Act, the producer shall organise reception of discarded tyres that is free of charge and effortless for waste holders throughout the country. Accordingly, the producer shall organise at least 350 reception points so that every municipality has as least one reception point.

By way of derogation from subsection 1 above, in municipalities where there is no point of sale of a tyre distributor, the reception point may be replaced with a pick-up service, mobile collection or

collection organised in another manner if collection organised in that manner is easily accessible by waste holders.

General requirements concerning the establishment, maintenance and management of waste reception points are laid down in section 10 of the Government Decree on Waste (978/2021).

Provisions on the tyre distributor's reception obligation are laid down in section 56 of the Waste Act and provisions on the possibility of charging a reimbursement fee for additional waste management costs incurred from discarded tyres are laid down in section 60 of the Act.

Provisions on the obligation to promote preparing for re-use in the context of waste collection are laid down in section 11a of the Waste Act.

Section 4 (1025/2021)

Provision of information on the reception of discarded tyres

In its provision of information referred to in section 51, subsection 1 of the Waste Act, the producer shall through public information campaigns and through its other information provision ensure that the holders of tyres and discarded tyres receive the necessary information on the separate collection obligations and instructions concerning discarded tyres as well as on available arrangements for re-use, separate collection and recovery as well as on the prevention of littering.

Provisions on the tyre distributor's obligation to provide information are laid down in section 57 of the Waste Act.

Provisions on the producer's obligation to publish information on the fulfilment of its obligations concerning the separate collection and recovery of waste are laid down in section 54 of the Waste Act. Provisions on the obligation of a producer responsibility organisation to publish information on its owners and members, on payments levied from producers as well as on the general principles and procedures followed in its service procurement are laid down in sections 63 and 66 of the Act.

Section 4a (1025/2021)

Authorised representative's obligation to provide information

An authorised representative authorised by such an operator established in another country that supplies tyres to the Finnish market by means other than distance selling directly to end users shall, without delay, provide information about its authorisation and acceptance into a producer register as well as about any amendment or cancellation of the authorisation or acceptance to a

producer that, in the absence of the authorisation received, would be responsible for the producer responsibility obligations for those tyres. If the above-mentioned producer on whose behalf the authorised representative carries out the producer responsibility obligations for the tyres concerned is a member of a producer responsibility organisation, the authorised representative shall, in addition, inform the producer responsibility organisation without delay of its authorisation and the date of the authorisation.

The authorised representative shall provide information in accordance with the provisions of subsection 1 on the type, nature and quantity of the products it places on the market and state how compliance with producer responsibility obligations is organised. The producer responsibility organisation shall, in addition, be informed who would have been responsible for the producer responsibility obligations for the said products in the absence of the authorisation received.

Section 4b (1025/2021)

Self-monitoring

The plan for self-monitoring referred to in section 53a of the Waste Act shall contain:

- 1) an account of the compilation of the monitoring data referred to in section 9 and an assessment of the reliability of the data as well as a plan to improve the reliability of the data;
- 2) an assessment of the fulfilment of the producer's cost responsibility referred to in section 46 of the Waste Act;
- 3) an account of the producer's payment contributions referred to in section 63a of the Waste Act and of the criteria for their adaptation as well as of their monitoring;
- 4) procedures for the regular reassessment and development of the payment contributions and their adaptation referred to in paragraph 3;
- 5) a plan for the implementation and organisation of self-monitoring as well as for audits conducted to support self-monitoring.

Audits to support self-monitoring shall be conducted by an auditor who is an impartial third party independent of the producer, producer responsibility organisation and its owners. The auditor shall have the necessary knowledge, skills or other qualifications for the performance of the task. Audits may be conducted in multiple parts, taking account of the auditor's special expertise, or included in

another equivalent external audit of the activities of the producer responsibility organisation. If the producer has a certified management system, the audit may be incorporated into that system.

Section 4c § (1025/2021)

Producers' payment contributions

Provisions on criteria for producers' payment contributions and their adaptation are laid down in section 63a of the Waste Act.

When determining administrative charges, the adaptation of payment contributions referred to in section 63a, subsection 2 is not used as a criterion. Administrative charges shall be determined in such a way that their share is not unreasonably high compared with the quantity of tyres placed on the market by the producer and with the payments based on their waste management and other producer responsibility obligations.

Section 5 (1025/2021)

Report on financial arrangements and action plan on organising re-use and waste management

The producer responsibility organisation or the producer ordered by the Centre for Economic Development, Transport and the Environment for Pirkanmaa under section 64, subsection 2 of the Waste Act shall, by the end of June each year, submit to the Centre for Economic Development, Transport and the Environment for Pirkanmaa the report referred to in subsection 1 of the said section on its sufficient financial arrangements as well as an action plan on organising re-use and waste management.

The report on sufficient financial arrangements shall include the adopted financial statements for the most recent financial period, the budget for the financial period underway and, where necessary, interim financial statements or a financial statements forecast. If the said documents cannot be submitted, other reliable proof shall be provided of sufficient financial arrangements.

Section 6 (1025/2021)

Producer's application for acceptance into the producer register

A producer's application for acceptance into the producer register shall contain:

1) the producer's name, contact details and business identity code;

- 2) the contact person's name and contact details;
- 3) information on the tyres placed on the market by the producer as well as an assessment of their quantity in tonnes per year;
- 4) information on the separate collection and reception point network, transport, preparing for re-use, recycling and other types of recovery as well as disposal of discarded tyres organised by the producer;
- 5) an assessment of the quantity in tonnes of discarded tyres included annually within the scope of the waste management organised by the producer;
- 6) an account of the provision of information about reception of discarded tyres;
- 7) an account of agreements concerning preparing for re-use and organisation of waste management and of the environmental permits and environmental management systems of the contractual partners;
- 8) the self-monitoring plan;
- 9) a declaration stating that the information provided is true;
- 10) the date on which the application was made.

Section 7 (1025/2021)

Producer responsibility organisation's application for acceptance into the producer register

A producer responsibility organisation's application for acceptance into the producer register shall contain:

- 1) information on the producer responsibility organisation equivalent to section 6, paragraphs 1, 2 and 4–8;
- 2) information on tyres placed on the market by producers belonging to the producer responsibility organisation as well as an assessment of their quantity in tonnes per year;
- 3) the name, business identity code and scope of activity of each founder of the producer responsibility organisation;

- 4) the names and business identity codes of the producers belonging to the producer responsibility organisation and the dates on which they joined the producer responsibility organisation;
- 5) the rules of the producer responsibility organisation and, where necessary, another account of the division of obligations between the producers and of how new producers can agree on the carrying out of producer responsibility with the producer responsibility organisation;
- 6) the report referred to in section 5 on the producer responsibility organisation's sufficient financial arrangements for the appropriate organisation of its activities;
- 7) a declaration stating that the information provided is true;
- 8) the date on which the application was made.

Section 8

Notification of changes in activities

The notification in accordance with section 106 of the Waste Act concerning substantial changes in activities and changes of members of the producer responsibility organisation shall be submitted within one month of any change.

Provisions on when to submit the report on sufficient financial arrangements and the securing of activities as well as the action plan if the activities of the producer responsibility organisation substantially change are laid down in section 64 of the Waste Act. (1025/2021)

Section 9 (1025/2021)

Notification of monitoring data

A producer or a producer responsibility organisation acting on behalf of its members shall notify the Centre for Economic Development, Transport and the Environment for Pirkanmaa by the end of June of each year of the following information on its activities during the previous year:

- 1) the quantity in tonnes of new and retreaded tyres placed on the Finnish market;
- 2) the quantity in tonnes of discarded tyres separately collected in Finland;

- 3) the quantity in tonnes of tyres prepared for re-use, recycled or in other ways recovered or disposed, specified by treatment facility as well as the name and location of the treatment facility;
- 4) the attained rate of preparing for re-use, recycling and any other recovery as well as an account of the assessment and calculation principles for the data provided;
- 5) an account of the provision of information about reception of discarded tyres;
- 6) information on the measures and audits required by the self-monitoring plan.

Section 10

Entry into force

This Decree enters into force on 8 July 2013.

This Decree repeals the Government Decision on the Recovery and Disposal of Discarded Tyres (1246/1995).

Section 2 of the Decree applies for the first time to the separate collection, preparing for re-use and recovery of discarded tyres as of 2015. Until then, section 1 of the Government Decision referred to in subsection 2 applies.

A producer shall fulfil its obligation concerning the number of reception points laid down in section 3, subsection 1 no later than 1 January 2015.

A producer, or a producer responsibility organisation representing the producer, that has submitted an application for acceptance into the producer register prior to the entry into force of the Decree shall check that the information provided in the application meets the requirements laid down in the Decree and, where necessary, shall submit the revised information to the Centre for Economic Development, Transport and the Environment for Pirkanmaa within three months from the entry into force of this Decree.

Entry into force and application of transitional provisions:

(1025/2021):

This Decree enters into force on 1 December 2021.