

Finland

Act No 346
on the Approval of Certain Provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and on its Application

In accordance with the decision of Parliament pursuant to the procedure provided for in section 69, subsection 1 of the Parliament Act, it is hereby enacted:

Section 1
Entry into force of the Convention

The provision of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, shall be applied as agreed thereupon, if they fall within the sphere of legislation.

Section 2
Authorities

In Finland the highest implementing authority of the Convention, bearing the supreme responsibility for the management of its application and supervision, is the Ministry for Foreign Affairs.

The Ministry for Foreign Affairs may assign tasks related to the inspections under the Convention and section 5 of this Act and other tasks related to the application of the Convention to the Finnish Institute for Verification of the Chemical Weapons Convention at the University of Helsinki.

The Ministry of Trade and Industry is responsible for the export supervision required under the Convention. The Ministry of Defence is nevertheless responsible for the tasks falling within the scope of application of the Act (242/1990) on the Export and Transit of Defence Materiel.

National Agency for Medicines functions as the licensing authority referred to in section 4.

Section 3
Exchange of information between authorities

Authorities charged with supervision under this Act shall have, notwithstanding the provisions on confidentiality, the right to obtain from other authorities the information necessary for supervision carried out in accordance with the Convention or this Act.

The authorities referred to in section 2 above may, notwithstanding the provisions on confidentiality, forward information required by the Convention and obtained by virtue of this Act to national authorities of other States Parties referred to in Article VII of the Convention and to the Organization referred to in Article VIII of the Convention.

Section 4
Activities subject to licence

The production, acquisition, retention or use of the chemicals and their precursors included in Schedule 1 of the Annex on Chemicals of the Convention is allowed in Finland only for research, medical, pharmaceutical or protective purposes with the licence of the National Agency for Medicines, as provided in more detail by decree.

Section 5
Inspection and monitoring rights

In order to carry out the inspection provided in Articles VI and IX of the Convention, the Ministry for Foreign Affairs and the Institute mentioned in section 2, subsection 2 and, in the presence of a representative of the Ministry for Foreign Affairs, the inspectors of the Organization for the Prohibition of Chemical Weapons and the Observer referred to in Article IX, paragraph 12 of the Convention have, in accordance with the Convention, the right

- 1) to have access to an area, a building, a factory or other facility which may be subject to an inspection under the Convention,
- 2) to stop and inspect goods traffic to and from the inspection site,
- 3) to receive or take samples and photographs or other visual records of the inspection site,
- 4) to bring to the inspection site measuring devices or other technical devices necessary for the acquisition or registration of information, and to use such devices therein, and
- 5) to obtain from the establishment to be inspected or from a person in its employ the information necessary for the carrying out of the inspection.

In order to supervise compliance with the Convention the Ministry for Foreign Affairs has the right to order an inspection at the site referred to in subsection 1. The provisions in subsection 1 shall be applied to the inspection.

Before carrying out the inspection the establishment shall be given an opportunity to express an opinion, if it is possible without jeopardizing the objectives of the inspection or without violating the inspection obligations under the Convention.

This section does not give right to carry out inspections in private residences.

Section 6
Executive assistance

The police, the supervising authorities referred to in the Chemicals Act (744/1989) and, in respect of the import and export of chemicals, the Customs and the Frontier Guard Service shall provide executive assistance for the supervision of compliance with, and the implementation of, this Act and rules and regulations issued by virtue thereof.

Section 7
Obligation to give information

The establishment shall give to the Institute mentioned in section 2, subsection 2 the information necessary for the supervision of compliance with the obligations imposed by the Convention, as provided in more detail by decree.

Decree No 353

on the Amendment of the Decree on the Application of Chapter 1, Section 7 of the Penal Code

On the submission of the Minister for Foreign Affairs,

points 11 and 12 in section 1, subsection 1 of the Decree of 16 August 1996 (627/1996) on the Application of chapter 1, section 7 of the Penal Code are hereby amended, and

point 13 to section 1, subsection 1 is added as follows:

Section 1

11) such detention, serious unlawful detention, kidnapping, exposure to danger or other punishable act that amounts to an offence referred to in the European Convention on the Suppression of Terrorism;

12) such killing, act of violence, illegal detention or depredation directed against a person on board a ship or aircraft, or such hijacking, theft or causing of damage directed against a ship or aircraft or property on board such ship or aircraft that shall be regarded as piracy referred to in the United Nations Convention on the Law of the Sea; and

13) such violation of the prohibition of chemical weapons that is referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

This Decree shall enter into force on 29 April 1997.

President of the Republic

Minister for Foreign Affairs

Decree No 352

on the Entry Into Force of the Act on the Amendment of the Penal Code

On the submission of the Minister for Foreign Affairs, it is hereby enacted:

Section 1

The Act of 14 March 1997 (351/1997) on the Amendment of the Penal Code shall enter into force on 29 April 1997.

Section 2

This Decree shall enter into force on 29 April 1997.

In Helsinki, 18 April 1997

President of the Republic

Minister for Foreign Affairs

Act No 351

on the Amendment of the Penal Code

In accordance with the decision of Parliament, the following section 7a is hereby added to chapter 11 of the Penal Code:

Chapter 11

On War Crimes and Offences Against Humanity

Section 7a

Violation of the prohibition of chemical weapons

Whosoever, contrary to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction,

- 1) uses a chemical weapon otherwise than in the manner referred to in sections 1 to 3 of this chapter;
- 2) develops, produces or otherwise acquires, stockpiles or retains or transfers a chemical weapon; or
- 3) engages in a military preparation to use a chemical weapon,

shall be sentenced to imprisonment for at least four months and at most six years for violation of the prohibition of chemical weapons.

This Act shall enter into force on the date stipulated by decree.

In Helsinki, 14 March 1997

President of the Republic

Minister for Foreign Affairs

President of the Republic

Minister for Foreign Affairs

Decree No 348

on the Implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and on the entry into force of the Act on the Approval of Certain Provisions of the Convention

On the submission of the Ministry for Foreign Affairs and by virtue of the Act on the Approval of Certain Provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and on its Application, it is hereby enacted:

Section 1

The Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, done at Paris on 13 January 1993, certain provisions of which have been approved by the Act of 3 February 1995 (346/1997), amended by the Act of 14 March 1997 (347/1997), and which has been ratified by the President of the Republic on 3 February 1995, the instrument of ratification being deposited with the Secretary General of the United Nations on 7 February 1995, shall enter into force on 29 April 1997 as agreed.

Section 2

The single small-scale facility referred to in Section C of Part VI of the Verification Annex is the Research Centre of the Defence Forces. The other facility referred to in Section C of Part VI of the Verification Annex is the Finnish Institute for Verification of the Chemical Weapons Convention at the University of Helsinki (hereinafter the Institute for Verification).

Section 3

The production, acquisition, retention or use of the chemicals or their precursors included in Schedule 1 of the Annex on Chemicals of the Convention for research, medical, pharmaceutical or protective purposes, if the total quantity of the chemicals included in Schedule 1 is more than 100g a year per facility, is only allowed with the licence of the National Agency for Medicines. A licence from the National Agency for Medicines is always required for the import or delivery of the chemicals or their precursors included in Schedule 1 of the Convention, irrespective of their quantity.

The National Agency for Medicines may grant the licence referred to in subsection 1 upon the recommendation of the Institute for Verification referred to in section 2, subsection 2 of the Act on the Approval of Certain Provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and on its Application.

An application for the licence referred to in subsection 1 above shall be handed in at least 45 days before the activity requiring the licence begins. The quantities of the chemicals listed in Schedule 1 of the Annex on Chemicals of the Convention and their using purpose, as well as general information on the facility where the production, retention or use of chemicals takes place, shall be included in the application.

Section 4

The person carrying out the activity shall make a yearly report by the end of January to the Institute for Verification, including the quantities of production, treatment, consummation, export and import of a

chemical included in Schedule 2 of the Annex on Chemicals of the Convention in respect of the previous calendar year.

The person carrying out the activity shall make a yearly report by the end of January to the Institute for Verification, including the quantities of production, export and import of a chemical included in Schedule 3 of the Annex on Chemicals of the Convention in respect of the previous calendar year.

The person carrying out the activity shall make a yearly report by the end of January to the Institute for Verification in case the person in question has during the previous calendar year produced more than 200 tonnes of discrete organic chemicals referred to in the Verification Annex or more than 30 tonnes of a discrete organic chemical containing phosphorus, sulphur or fluoride. (498/1997)

In addition the person carrying out the activity shall provide the Institute for Verification with all other information necessary for the supervision of the obligations set out in the Convention. The Institute for Verification shall request the information referred to in this subsection in writing, set a reasonable time limit for providing the information and shall in its request indicate the provisions of the Convention on which the request is based.

Section 5

The chemicals and their precursors listed in Schedule 1 of the Annex on Chemicals of the Convention, with the exception of ricin and saxitoxin, may be exported outside the European Community or to another Member State of the European Union only for research, medical, pharmaceutical or protective purposes with an export licence granted by the Ministry of Defence, and ricin and saxitoxin only with an export licence granted by the Ministry of Trade and Industry. An application for either type of export licences shall be handed in at least 45 days before the planned date of export or delivery.

The chemicals and precursors listed in Schedules 2 and 3 of the Annex on Chemicals of the Convention may be exported outside the European Community or, in respect of the dual use goods listed in Annex IV of the Council Decision No 94/942/CFSP, to another Member State of the European Union only with an export licence granted by the Ministry of Trade and Industry.

The provisions in the Act (242/1990) on the Export and Transit of Defence Materiel and in the Act (562/1996) on the Export Control of Dual Use Goods and in the rules issued under them shall be applied to the licence procedure and to the control related to the procedure, where appropriate.

Section 6

The Ministry for Foreign Affairs shall issue more detailed provisions on the implementation of this Decree.

Section 7

The Act of 3 February 1995 (346/1997) on the Approval of Certain Provisions of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction and on its application, the Act of 14 March 1997 (347/1997) on its amendment and this Decree shall enter into force on 29 April 1997.

In Helsinki, 18 April 1997

Section 8
Confidentiality duty

Whosoever, in the performance of work connected with this Act or with the application of the Convention, has obtained information regarding a professional or business secret of another person, shall not reveal or use such information without authorization.

Information received from the Organization for the Prohibition of Chemical Weapons and defined as confidential shall not be revealed or used contrary to the Convention.

Section 9
Sentences

(347/1997) Sentence for a violation of the prohibition of chemical weapons is provided in chapter 11, section 7a of the Penal Code.

Sentence for a violation of the confidentiality duty referred to in section 8 shall be ordered under chapter 38, section 1 or section 2 of the Penal Code unless the offence is punishable under chapter 40, section 5 of the Penal Code or a stricter sentence is provided for the offence elsewhere in the law.

Section 10
Import and export of chemicals

Provisions on the restrictions under the Convention, concerning the import and export of chemicals governed by the Convention, will be enacted by decree.

The provisions in the Act (157/1974) on the Safeguarding of Foreign Trade and Economic Growth and in the Act (242/1990) on the Export and Transit of Defence Materiel and in the rules issued under them shall be applied to the import and export of chemicals governed by the Convention, where appropriate.

Section 11
Prohibitions and orders by the supervising authority

If the establishment violates the provisions of section 4 or 7 or rules or regulations issued by virtue thereof, the Ministry for Foreign Affairs or the competent supervising authority, not, however, the Institute for Verification mentioned in section 2, subsection 2, may prohibit the establishment from continuing or repeating the operations in violation of the rules and regulations, and order the establishment otherwise to meet the obligations set out in the rules and regulations.

Section 12
Conditional fine

The supervising authority may ensure the observance of a prohibition or order issued by it under section 11 with the conditional imposition of a fine. The order for payment of a conditionally imposed fine shall be issued by a provincial government.

Section 13

unless a more severe penalty for the act is provided elsewhere in law, for *negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

Power to issue a decree

More detailed provisions on the implementation of this Act shall be enacted by decree.

Section 14

Entry into force

This Act shall enter into force on the date stipulated by decree. Measures needed to enforce this Act can be taken before it comes into effect.

In Helsinki, 3 February 1995

President of the Republic

Minister for Foreign Affairs