

**Alþingi**  
**Erindi nr. P 143/1211**  
**komudagur 7.3.2014**

Alþingi  
Nefndasvið  
Austurstræti 8-10  
150 Reykjavík



NEYTENDASTOFA

Reykjavík, 07.03.2014  
Tilv. 2012/0852 - 0.0.01  
HS

**Efni: Umsögn vegna tillögu, umhverfis- og samgöngunefndar, til þingsályktunar um áhættumat vegna ferðamennsku, 216. mál.**

Neytendastofa vísar til umsagnarbeðnar varðandi tillögu til þingsályktunar um áhættumat vegna ferðamennsku sem barst stofnuninni með tölvubréfi þann 18. febrúar 2014. Neytendastofa þakkar fyrir veitt tækifæri.

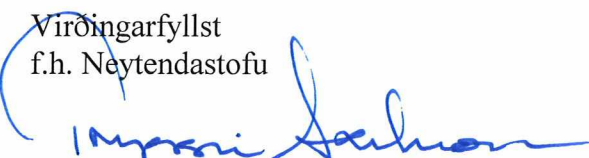
Neytendastofa vill hér með taka fram að stofnunin gegnir veigamiklu eftirlitshlutverki á sviði vöruöryggismála, sbr. lög nr. 134/1995, um öryggi vöru og opinbera markaðsgæslu. Stofnunin er jafnframt tengiliður við RAPEX tilkynningakerfi þar sem m.a. eru gerðar ítarlegar kröfur til áhættu greininga.

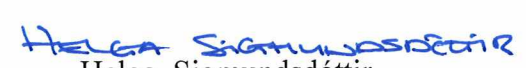
Í meðfylgjandi umsögn Neytendastofu, dags. 22. október 2012, þar sem bent er á mikilvægi þess að eftirlit á sviði þjónustuviðskipta verði aukið hér á landi eins og reyndar stofnunin lagði til þegar að lögu nr. 134/1995 var breytt, sbr. frumvarp þskj. 1090 – 734. mál á 130.löggjafarþingi. Neytendastofa telur að með hliðsjón af reynslu s.l. 10 ára hefði verið mikil framför ef frumvarp þetta hefði verið samþykkt á þeim tíma og eftirlit aukið á þessu sviði þar með talið ferðaþjónustu. Neytendastofa vísar að öðru leyti til meðfylgjandi gagna en telur sjálfsagt og eðlilegt að samráð verði einnig haft við Neytendastofu við gerð áhættumats fyrir Ísland með tilliti til ferðamennsku ásamt þeim aðilum sem taldir eru upp í þingsályktunartillögunni, sbr. 216. mál.

Fylgiskjal:

- Bréf Neytendastofu til nefndarsviðs Alþingis, dags. 22. október 2012, ásamt forsiðum þeirra fylgiskjala sem þá fylgdu með umsögninni.

Virðingarfyllst  
f.h. Neytendastofu

  
Tryggvi Axelsson  
Forstjóri

  
Helga Sigmundsdóttir  
Lögfræðingur

Alþingi  
Nefndasvið  
Austurstræti 8-10  
150 Reykjavík

AFRIT



NEYTENDASTOFA

Reykjavík, 22.10.2012  
Tilv. 2012/0852 - 0.0.01  
EG

**Efni: Frumvarp til laga um skipan ferðamála - 128. mál. þskj. 128**

Á Alþingi hefur verið lagt fram frumvarp til laga um breytingu á lögum nr. 73/2005, um skipan ferðamála, með síðari breytingum, sbr. þskj. 128, 128. mál.

Í frumvarpinu er að finna ákvæði sem varðar öryggi ferðaþjónustu, sbr. ákvæði 7. gr. frumvarpsins.

Árið 2004 var lagt fram á Alþingi frumvarp til laga um breytingu á lögum nr. 134/1995, um öryggi vöru og opinbera markaðsgæslu. Í frumvarpinu var það nýmæli að finna að Neytendastofu skyldi falið að hafa eftirlit með þjónustu til viðbótar því meginhlutverki hennar að hafa eftirlit með öryggi vöru og þjónustu sem veitt er í tengslum við vörur hér á landi. Fyrirmynd að þessari tillögu eru ákvæði í finnskum og sænskum lögum sem fela systurstofnunum Neytendastofu að hafa eftirlit með þjónustu.

Við meðferð málsins á Alþingi lagði Neytendastofa (áður Löggildingarstofa) einnig fram ítarlegar upplýsingar um hvernig að slíku eftirliti með þjónustu væri háttað, sjá bréf til Alþingis dags. 21.04.2004, dbnr. 1993. Niðurstaða á Alþingi árið 2004 þegar að Alþingi samþykkti breytingarfrumvarpið var að fella brott öll ákvæði sem fjölluðu um öryggi þjónustu fyrir neytendur.

Neytendastofa telur að það hafi verið miður að Alþingi ákvað ekki að fara þessa leið árið 2004 enda mikil þörf á auknu öryggi neytenda á sviði þjónustuviðskipta eins og reynslan hefur sýnt á undanförunum árum bæði vegna ótímabærra dauðsfalla og slysa.

Þess má geta að á alþjóðlegum vettvangi fer nú mjög vaxandi umræða um auknar og samræmdar kröfur sem þurfi að gera varðandi öryggi þjónustu á mörgum sviðum, s.s. frístundaþjónustu, o.m.fl. Á vettvangi Evrópusambandsins er einnig rætt um að auka verði gerð samevrópskra staðla sem taka á öryggi þjónustu þannig að öryggi neytenda sé ekki aðeins tryggt er þeir kaupa vörur heldur einnig þjónustu.

Meðfylgjandi þessari umsögn eru finnsk lög á ensku um starfsemi finnska vöruöryggiseftirlitsins og

hvaða þjónustugeirar eru undir eftirliti þess, sbr. einkum 4 - 8. gr. laganna en þau má einnig finna á eftirfarandi vefslóð: [http://www.tem.fi/files/31314/Kuluttajaturvallisuuslaki\\_en.pdf](http://www.tem.fi/files/31314/Kuluttajaturvallisuuslaki_en.pdf)

Í 6. gr. finnsku laganna er skilgreint hvaða þjónustuaðilar hafa skyldu til þess að gera öryggisáætlanir og hvernig eftirliti með þeim skuli háttað. Neytendastofa bendir á að öryggisáætlanir verða allir þjónustuveitendur að gera samkvæmt lögnum en þær eiga að vera aðgengilegar því stjórnvaldi sem fer með eftirlit.

Meðfylgjandi eru afrit af upplýsingum frá sænsku neytendastofunni sem varðar öryggi á sviði köfunarþjónustu.

Í frumvarpi því sem hér liggur fyrir er einnig tekið fram að áætlanir skuli byggja á „áhættumatsgreiningu“. Á sviði vöruöryggis er almennt byggt á áhættumatsgreiningum þegar unnið er að töku ákvarðana hjá stjórnvöldum hvort eigi að afturkalla vöru af markaði eða setja sölubann. Þessar greiningar eru flóknar og rafræn verkfæri hafa verið þróuð fyrir sérfræðinga á EES svæðinu sem nota RAPEX tilkynningakerfið. Æskilegt er því að nánari ákvæði verði sett um hvernig skuli staðið að þessum greiningum á sviði ferðapjónustu og ákvæði frumvarpsins því gerð ítarlegri að þessu leyti. Fyrirhuguð ákvæði í 9.gr.b. er mjög óljós og alltof almenn, sbr. t.d að óskýrt er hvaða upplýsingar skal veita til þátttakenda, o.m.fl.

Í frumvarpi þessu virðast öll ákvæði varðandi framkvæmd öryggisáætlana mjög opin og óljós. Þannig er ekki ljóst innan hvaða tímamarka allir þjónustuveitendur eiga að skila inn öryggisáætlunum til Ferðamálastofu. Í frumvarpinu er gert ráð fyrir að öryggisáætlun eigi að vera á íslensku og uppfærð „þegar tilefni er til“ sem þykir óskýrt. Bent er á að nauðsynlegt er að hafa upplýsingar á fleiri tungumálum en íslensku fyrir erlenda ferðamenn og ákvæði um uppfærslur er óskýrt og ekki hnitmiðað.

Í frumvarpinu og gildandi lögum um skipan ferðamála er eina úrræðið vegna brota leyfishafa á lögnum að svipta hann leyfi til starfseminnar. Neytendastofa telur af fenginni margra ára reynslu að starfi á sviði eftirlits með lögum um öryggi vöru að mun ítarlegri ákvæði þurfi að vera s.s. um beitingu stjórnvaldssekta, dagsekta og eftir atvikum bann við starfsemi gerist þess þörf.

Á það skal bent að það er jafnframt ekki hluti af kjarnastarfsemi Ferðamálastofu sem er leyfisveitandi á sviði ferðamála að hafa eftirlit með öryggi neytenda. Það verkefni er hins vegar hluti af kjarnastarfsemi Neytendastofu sem einnig tekur þátt í norrænu og evrópsku samstarfi þeirra stofnana sem fara með svipuð verkefni. Neytendastofa gerir ekki athugasemdir við að Alþingi ákveði að byggja upp slíka starfsemi víðar hjá opinberum aðilum ef það þykir hagkvæmt en vill hins vegar með bréfi þessu benda á hvernig að málum er varða öryggi neytenda er skipað í þeim nágrannaríkjum okkar sem hafa lögfest ákvæði að þessu leyti.

Auk þess vill stofnunin minna á áður nefnt bréf sem stofnunin sendi til Alþingis í apríl 2004 en því bréfi fylgdu upplýsingar um verklagsreglur og öryggisráðstafanir sem finnska neytendastofan hefur lagt fram varðandi öryggi neytenda á sundstöðum, líkamsræktarstöðvum, o.fl. Einnig er hér meðfylgjandi bæklingur sem norska systurstjórnvald Neytendastofu á sviði vöruöryggismála í samstarfi við önnur stjórnvöld í Noregi hefur nýlega gefið út í um fimm milljónum eintaka. Tilgangur er að upplýsa ferðamenn sem koma til Noregs um áhættu sem fylgir því að stunda fiskveiðar úti fyrir ströndum Noregs.

Loks vill Neytendastofa minna á að samkvæmt ákvæði 14. gr. laga nr. 76/2011 um þjónustuviðskipti á innri markaði Evrópska efnahagssvæðisins er að finna ákvæði sem lögbærum stjórnvöldum hér á landi ber einnig að fara eftir.

Neytendastofa er tilbúin að veita frekar upplýsingar eftir því sem unnt er og óski Alþingi eftir því.

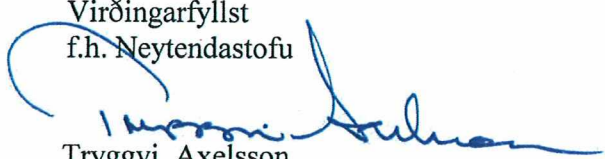
Fskj.

Afrit af finnskum lögum um öryggi vöru og þjónustu nr. 920/2011.

Afrit af upplýsingum frá Svíþjóð um köfunarþjónustu og öryggisáætlanir.

Afrit af norskum bæklingi um öryggi ferðamanna við fiskveiðar.

Virðingarfyllt  
f.h. Neytendastofu



Tryggvi Axelsson  
Forstjóri

Rapport

2010:20

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# Sammanställningsrapport av projektet fritidsdykning

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# INFORMATION FOR TOURISTS

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Norwegian Maritime Authority in  
collaboration with the Directorate of  
Fisheries, the Directorate for Civil  
Protection and Emergency Planning,  
Norwegian Hospitality Association and  
Innovation Norway

MINISTRY OF EMPLOYMENT AND THE ECONOMY

Issued in Naantali on 22 July 2011

**Consumer Safety Act**

(Finnish Statute Book (920/2011))

NB: Unofficial translation

In accordance with the decision of the Finnish Parliament, it is hereby enacted as follows:

**Chapter 1**

**General provisions**

**Section 1**

**Object and purpose of the Act**

The object and purpose of this Act is:

- 1) to ensure the safety of consumer goods and services;
- 2) to prevent risks to health and property involved in consumer goods and services;
- 3) to ensure that when risks mentioned above in subsection 2 occur, such risks be abolished in a sufficiently efficient manner;
- 4) to secure high-quality consumer safety control;
- 5) to improve, on its part, operators' operating conditions.

**Section 2**

**Scope of application**

This Act applies to:

- 1) consumer goods that are manufactured, marketed, sold or otherwise supplied, imported, exported, or transited through Finland, as well as to consumer goods being transferred by an operator acting as an intermediary;



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NEYTENDASTOFA

Reykjavík, 22.10.2012  
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### **Efni: Frumvarp til laga um skipan ferðamála - 128. mál. þskj. 128**

Á Alþingi hefur verið lagt fram frumvarp til laga um breytingu á lögum nr. 73/2005, um skipan ferðamála, með síðari breytingum, sbr. þskj. 128, 128. mál.

Í frumvarpinu er að finna ákvæði sem varðar öryggi ferðaþjónustu, sbr. ákvæði 7. gr. frumvarpsins.

Árið 2004 var lagt fram á Alþingi frumvarp til laga um breytingu á lögum nr. 134/1995, um öryggi vöru og opinbera markaðsgæslu. Í frumvarpinu var það nýmæli að finna að Neytendastofu skyldi falið að hafa eftirlit með þjónustu til viðbótar því meginhlutverki hennar að hafa eftirlit með öryggi vöru og þjónustu sem veitt er í tengslum við vörur hér á landi. Fyrirmynd að þessari tillögu eru ákvæði í finnskum og sænskum lögum sem fela systurstofnunum Neytendastofu að hafa eftirlit með þjónustu.

Við meðferð málsins á Alþingi lagði Neytendastofa (áður Löggildingarstofa) einnig fram ítarlegar upplýsingar um hvernig að slíku eftirliti með þjónustu væri háttað, sjá bréf til Alþingis dags. 21.04.2004, dbnr. 1993. Niðurstaða á Alþingi árið 2004 þegar að Alþingi samþykkti breytingarfrumvarpið var að fella brott öll ákvæði sem fjölluðu um öryggi þjónustu fyrir neytendur.

Neytendastofa telur að það hafi verið miður að Alþingi ákvað ekki að fara þessa leið árið 2004 enda mikil þörf á auknu öryggi neytenda á sviði þjónustuviðskipta eins og reynslan hefur sýnt á undanförunum árum bæði vegna ótímabærra dauðsfalla og slysa.

Þess má geta að á alþjóðlegum vettvangi fer nú mjög vaxandi umræða um auknar og samræmdar kröfur sem þurfi að gera varðandi öryggi þjónustu á mörgum sviðum, s.s. frístundaþjónustu, o.m.fl. Á vettvangi Evrópusambandsins er einnig rætt um að auka verði gerð samevrópskra staðla sem taka á öryggi þjónustu þannig að öryggi neytenda sé ekki aðeins tryggt er þeir kaupa vörur heldur einnig þjónustu.

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Meðfylgjandi eru afrit af upplýsingum frá sænsku neytendastofunni sem varðar öryggi á sviði köfunarþjónustu.

Í frumvarpi því sem hér liggur fyrir er einnig tekið fram að áætlanir skuli byggja á „áhættumatsgreiningu“. Á sviði vöruöryggis er almennt byggt á áhættumatsgreiningum þegar unnið er að töku ákvarðana hjá stjórnvöldum hvort eigi að afturkalla vöru af markaði eða setja sölubann. Þessar greiningar eru flóknar og rafræn verkfæri hafa verið þróuð fyrir sérfræðinga á EES svæðinu sem nota RAPEX tilkynningakerfið. Æskilegt er því að nánari ákvæði verði sett um hvernig skuli staðið að þessum greiningum á sviði ferðapjónustu og ákvæði frumvarpsins því gerð ítarlegri að þessu leyti. Fyrirhuguð ákvæði í 9.gr.b. er mjög óljós og alltof almenn, sbr. t.d að óskýrt er hvaða upplýsingar skal veita til þátttakenda, o.m.fl.

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Í frumvarpinu og gildandi lögum um skipan ferðamála er eina úrræðið vegna brota leyfishafa á lögnum að svipta hann leyfi til starfseminnar. Neytendastofa telur af fenginni margra ára reynslu að starfi á sviði eftirlits með lögum um öryggi vöru að mun ítarlegri ákvæði þurfi að vera s.s. um beitingu stjórnvaldssekta, dagsekta og eftir atvikum bann við starfsemi gerist þess þörf.

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Auk þess vill stofnunin minna á áður nefnt bréf sem stofnunin sendi til Alþingis í apríl 2004 en því bréfi fylgdu upplýsingar um verklagsreglur og öryggisráðstafanir sem finnska neytendastofan hefur lagt fram varðandi öryggi neytenda á sundstöðum, líkamsræktarstöðvum, o.fl. Einnig er hér meðfylgjandi bæklingur sem norska systurstjórnvald Neytendastofu á sviði vöruöryggismála í samstarfi við önnur stjórnvöld í Noregi hefur nýlega gefið út í um fimm milljónum eintaka. Tilgangur er að upplýsa ferðamenn sem koma til Noregs um áhættu sem fylgir því að stunda fiskveiðar úti fyrir ströndum Noregs.

Loks vill Neytendastofa minna á að samkvæmt ákvæði 14. gr. laga nr. 76/2011 um þjónustuviðskipti á innri markaði Evrópska efnahagssvæðisins er að finna ákvæði sem lögberum stjórnvöldum hér á landi ber einnig að fara eftir.

Neytendastofa er tilbúin að veita frekar upplýsingar eftir því sem unnt er og óski Alþingi eftir því.

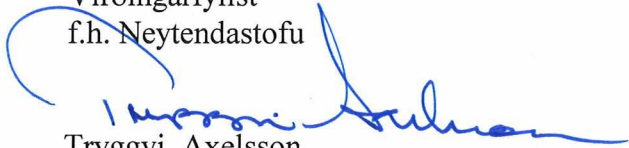
Fskj.

Afrit af finnskum lögum um öryggi vöru og þjónustu nr. 920/2011.

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Virðingarfyllt  
f.h. Neytendastofu



Tryggvi Axelsson  
Forstjóri

Rapport

2010:20

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# Sammanställningsrapport av projektet fritidsdykning

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Konsument  
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**Sammanställningsrapport av projektet fritidsdykning**  
Rapport 2010:20  
Konsumentverket 2010

## Sammanfattning

Med anledning av de dykolyckor med dödlig utgång som inträffat i samband med fritidsdykning påbörjade Konsumentverket under 2007 ett projekt för att förbättra säkerheten. Projektet har bestått av olika delar som kan sammanfattas i följande punkter.

- Marknadskontroller och tillsynsbesök hos dykföretag
- Samarbete och återkommande branschmöten med företrädare från dykbranschen och med andra myndigheter
- Branschförhandlingar och framtagande av Konsumentverkets rekommendationer för säkra dyktjänster inom fritidsdykning
- Framtagande av information till konsumenter som ska börja dyka.
- Nordiskt möte och samarbete

Arbetet har ställts samman och dokumenterats i form av rapporter, skrivelser, minnesanteckningar och tryckt informationsmaterial. En redovisning av arbetet finns i denna rapport.

## Innehållsförteckning

Sammanfattning .....	3
Innehållsförteckning.....	4
Inledning och bakgrund.....	5
Syfte .....	6
Mål .....	6
Genomförande.....	6
Marknadskontroll 2007 .....	6
Marknadskontroll 2008 .....	7
Nordiskt möte dyksäkerhet .....	7
Möte med rikspolisstyrelsen .....	8
Utbildningsdag i systematiskt säkerhetsarbete.....	8
Branschöverenskommelse säkerhet vid fritidsdykning.....	8
Framtagande av konsumentinformation – Dyk säkert .....	9
Resultat och diskussion .....	10
Bilagor.....	11

## Inledning och bakgrund

Konsumentverket ansvarar för tillsynen av säkerheten vid fritidsdykning. Mot bakgrund av de dödsolyckor som inträffat inom fritidsdykning påbörjade Konsumentverket 2007 ett flerårigt arbete med syfte att förbättra säkerheten när de gäller tjänster som erbjuds konsumenter i form av dykutbildningar och dykutfärder.

I genomsnitt inträffar cirka 4 dödsolyckor årligen. Konsumentverket har sett allvarligt på att även elever förolyckats i samband med att de genomgått en dykutbildning. Mörkertalet när det gäller incidenter är stort och statistiken från dykolyckor är bristfällig. Den incidentrapportering som finns idag är frivillig.

Projektet inleddes med diskussioner med dykbranschen i början av 2007. Då framkom behovet att förbättra säkerheten genom att anpassa dykutbildningen efter svenska dykförhållanden och genom tydligare riktlinjer för egenkontrollen hos leverantörer av dyktjänster.

Konsumentverket har samarbetat med andra myndigheter och företrädare från dykbranschen i detta projekt. Samarbetet har bland annat skett med tillverkare av dykutrustning men framförallt med företrädarna för de största utbildningsorganisationerna inom fritidsdykning i Sverige, SSDF<sup>1</sup> och PADI<sup>2</sup>. Myndigheter som deltagit är Polisen, Försvarsmaktens dykeri och navalmedicinska centrum (DNC), Myndigheten för samhällsskydd och beredskap (MSB), Transportstyrelsen/Sjösäkerhetsrådet och Arbetsmiljöverket.

Enligt produktsäkerhetslagen (PSL) ska varor och tjänster som näringsidkare erbjuder till konsumenter vara säkra. För att bedöma om säkerhetskravet är uppfyllt använder sig Konsumentverket bland annat av de säkerhetskrav som tas upp i svenska standarder, rekommendationer inom EU och god sed inom området. Inom fritidsdykning finns ett antal standarder som tar upp säkerhetskrav vid dykutbildning samt övriga dyktjänster som dykutfärder. Mot bakgrund av att elever omkommit i samband med utbildning årligen mellan 2003-2009 gjorde Konsumentverket bedömningen att dessa standarder behövde förtydligas och anpassas efter svenska dykförhållanden.

Målet med Konsumentverket arbete har varit att tillsammans med dykbranschen ta fram riktlinjer och rekommendationer för tjänsteföretag inom säkerheten för fritidsdykning i Sverige.

I denna rapport har Konsumentverket sammanställt arbetet med dyksäkerhet och delprojekten som genomfördes mellan 2007-2010.

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<sup>1</sup> SSDF; Svenska Sportdykarförbundet

<sup>2</sup> PADI; Professional Association of Diving Instructors



## Syfte

Syftet med denna rapport är att göra en sammanställning av det arbete som Konsumentverket lagt ned mellan 2007- 2010 inom området säkerheten för fritidsdykning i Sverige.

## Mål

Målet med arbetet inom området fritidsdykning har varit att:

- minska antalet olyckor, framförallt de med dödlig utgång
- tillsammans med företrädare från dykbranschen nå en branschöverenskommelse och en gemensam riktlinje för säkra dyktjänster
- påbörja samarbetet med övriga nordiska länder
- ta fram en konsumentinformation

## Genomförande

I samband med de dödsolyckor som inträffat under dykutbildningar bestämde Konsumentverket sig för att starta upp ett flerårigt projekt för att förbättra säkerheten vid fritidsdykning och särskilt då säkerheten i samband med de dyktjänster som erbjuds konsumenterna.

Projektet inleddes med ett branschmöte den 19 mars 2007. På mötet deltog bland annat representanter från andra berörda myndigheter samt representanter från utbildningsorganisationer och tillverkare av dykutrustning. Syftet med mötet var i första hand att informera om Konsumentverkets roll och om det kommande projektet inom dyksäkerhet.

## Marknadskontroll 2007

Under hösten 2007 genomfördes den första marknadskontrollen med inriktning mot dykluft. 20 inspektioner genomfördes på dykföretag. I samband med inspektionerna kontrollerades företagens rutiner för luftfyllning och skötsel av kompressorn. Luftprover som togs vid inspektionerna analyserades med avseende på de säkerhetskrav som finns i standarden för dykluft<sup>3</sup>. Resultatet av marknadskontrollen har sammanställts i Konsumentverkets rapport 2007:16, se bilaga 1. Rapporten har även översatts till engelska, se bilaga 2.

Dykbranschen informerades av resultatet av marknadskontrollen på ett branschmöte den 5 januari 2008.

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<sup>3</sup> SS EN 12021 Andningsskydd - Komprimerad luft för andningsapparater

### Marknadskontroll 2008

Under försommaren 2008 inträffade på kort tid tre dykolyckor med dödlig utgång. Två av olyckorna skedde i samband med arrangerade dykutfärder och en i samband med dykutbildning. Med anledning av det inträffade inriktades marknadskontrollen hösten 2008 på kontroll av det förebyggande säkerhetsarbetet på varje enskilt dykföretag.

Ett problem i samband med de inträffade olyckorna var att ingen av de företag som varit inblandade hade underrättat Konsumentverket om olyckorna eller om vilka åtgärder man vidtagit för att förebygga och för att förhindra ytterligare personskador. Enligt produktsäkerhetslagen har näringsidkaren en skyldighet att omedelbart underrätta tillsynsmyndigheten. Näringsidkare har dålig kunskap om sina skyldigheter enligt produktsäkerhetslagen. Med anledning av detta valde Konsumentverket att lägga ut information om underrättelseskyldigheten via ett dykforum på webben [www.dykarna.nu](http://www.dykarna.nu).

Hösten 2008 inspekterades 14 dykföretag och två dykklubbar. Förutom säkerhetsrutiner kontrollerades även CE-märkning och certifikat på dykregulatorer. Resultatet av marknadskontrollen finns sammanställt i Konsumentverkets rapport 2009:1, se bilaga 3. Rapporten är översatt till engelska, bilaga4.

### Nordiskt möte dyksäkerhet

Dykförhållanden skiljer sig inom olika delar av världen. I svenska och nordiska vatten är vattnet ofta kyligt och sikten på många håll begränsad. De utbildningsmanualer och de standarder som finns är enligt Konsumentverkets bedömning inte anpassade efter svenska förhållanden. För att få synpunkter från tillsynsmyndigheterna i övriga nordiska länderna bjöd Konsumentverket in till ett nordiskt samrådsmöte den 16 april 2009. På mötet deltog tillsynsmyndigheter från Finland, Norge och Danmark. Island lämnade återbud.

Tillbud och dödsolyckor inom fritidsdykning förekommer i alla nordiska länder. Skillnaden mot Sverige är att olyckorna inte har skett i samband med dykutbildning. Både Finland och Norge har dessutom tagit fram rekommendationer som täcker in alla fritidstjänster som erbjuds konsumenterna. I Finland har man tagit fram säkerhetsanvisningar för konsumenttjänster<sup>4</sup> och i Norge täcks dyktjänster in av en internkontrollföreskrift<sup>5</sup>. En annan skillnad är att dykutbildning i Norge och Finland sker till stor del inom dykförbunden och ideella klubbar och inte som i Sverige via kommersiella dykföretag.

<sup>4</sup> [www.tukes.fi/sv](http://www.tukes.fi/sv) ; Se "Anvisningar för främjande av säkerheten för kringaktiviteter"

<sup>5</sup> [www.dsb.no](http://www.dsb.no) ; Se "Forskrift om systematisk helse-, miljø- og sikkerhetsarbeid i virksomheter" (Internkontrollforskriften)

### **Möte med rikspolisstyrelsen**

I maj 2009 träffades Konsumentverket och Rikspolisstyrelsen för att diskutera ett förbättrat samarbetet mellan myndigheterna. En anledning var bland annat de problem, i samband med dykolyckor, som Konsumentverket haft att få information och kännedom från det polisdistrikt som har hand om utredningen. Informationen fås istället ofta via medias rapportering.

På mötet konstaterades att anledningen kan vara att inte alla av polisens utredare har kännedom om Konsumentverkets uppgift som tillsynsmyndighet. Det är dessutom förundersökningsledaren i varje enskilt fall som beslutar om vilka åtgärder som vidtas.

För att öka polisens kunskap om Konsumentverkets roll som tillsynsmyndighet diskuterades möjligheten till artiklar i tidningarna Svensk Polis och Kriminalteknik samt på polisens intranät. Det finns även en fälthandbok som kan innehålla något om rutinerna vid dykolyckor. Polisen håller också på att ta fram ett nytt avrapporteringsstöd där det skulle kunna läggas in instruktioner om vilka myndigheter som måste meddelas om en dykolycka inträffat.

### **Utbildningsdag i systematiskt säkerhetsarbete**

För att skapa en förståelse för det förebyggande säkerhetsarbetet bjöd Konsumentverket i april 2009 in ett antal representanter från dykbranschen till en utbildningsdag i systematiskt säkerhetsarbete. Sex dykföretag, två dykklubbar och representanter från SSDF och PADI deltog i utbildningen. Utbildningsmaterialet<sup>6</sup> som användes finns utlagt på [www.konsumentverket.se](http://www.konsumentverket.se) och kan användas av alla näringsidkare som levererar tjänster inom friluftssektorn.

### **Branschöverenskommelse säkerhet vid fritidsdykning**

Konsumentverkets slutsats efter marknadskontrollerna var att säkerheten inom fritidsdykningen ytterligare behövde förbättras. I februari 2009 bjöd Konsumentverket därför in dykbranschen på ytterligare ett möte för att diskutera resultatet av marknadskontrollerna och för att diskutera det fortsatta arbetet.

På mötet redovisade Svenska sportdykarförbundet resultatet av arbetet de lagt ned tillsammans med övriga utbildningsorganisationer att granska dykolyckor med dödlig utgång de senaste 25 åren. De förebyggande åtgärder utbildningsorganisationerna föreslog för att förbättra säkerheten var att under utbildning

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<sup>6</sup> Säkrare friluftstjänster - utbildningsmaterial som består av en elevhandledning, lärarhandledning, mall för riskanalys och en mall för en säkerhetsplan.

låta eleverna träna mer på att lösgöra vikter och att minska antalet elever per instruktör.

Konsumentverket beslöt att gå vidare och att arbeta för att nå en skriftlig överenskommelse med företrädare från dykbranschen där bland annat följande punkter skulle ingå:

- Tydliggörande av begreppet ”säker övervakning av elever”, speciellt under de förhållanden som råder i svenska vatten där sikten är begränsad.
- Kompletterande övningar som bör göras eller ökade repetitioner av vissa övningar i syfte att förbättra säkerheten.
- Omfattning av egenkontrollen hos dykföretag (skriftliga rutiner och dokumentation av kontroller som görs)
- Tydliggörande av krav på förkunskaper som ställs när en certifierad dykare planerar att delta i en dyktjänst, t ex en fortsättningskurs eller en dykutfärd.
- Utformning av skriftlig säkerhetsinformation i samband med dyktjänster.

I september 2009 inleddes förhandlingarna för att nå en branschöverenskommelse som Konsumentverket och branschen kunde enas om. På mötena deltog representanter från SSDF och PADI Nordic. I slutet av 2009 enades parterna. Överenskommelsen undertecknades av SSDF och Konsumentverket i början av 2010, se bilaga 5. PADI Nordic valde att inte underteckna dokumentet.

Överenskommelsen har översatts till engelska (bilaga 8). En inbjudan har även gått ut till andra utbildningsorganisationer inom fritidsdykning att ansluta sig till överenskommelsen, bilaga 7.

- Överenskommelsen publicerades på Konsumentverkets hemsida som Konsumentverkets rekommendationer för säkra dyktjänster i maj 2010.

### **Framtagande av konsumentinformation – Dyk säkert**

Samtidigt med att Konsumentverket gick ut med sina rekommendationer för säkra dyktjänster tog verket fram informationsmaterial som vänder sig till konsumenterna som ska börja dyka. Underlaget utarbetades av Konsumentverket. Synpunkter och kommentarer på innehållet har hämtats in från ett antal företrädare från dykbranschen. Ansvarig utgivare av informationen är Konsumentverket i samarbete med SSDF och Transportstyrelsen/sjösäkerhetsrådet. Information består av en tryckt informationsbroschyr och ett antal artiklar på [www.konsumentverket.se](http://www.konsumentverket.se) där även broschyren kan beställas, se bilaga 8.

Distribution av broschyren har skett i samarbete med SSDF:s dykklubbar och konsumentvägledare i kommunerna. Målsättningen har varit att foldern ska finnas i kommunernas badhus och bibliotek. Informationsbroshyren har även distribuerats via PADI Nordic till samtliga PADI-anslutna dykföretag. Konsumentverket planerar att under hösten 2010 skicka med broschyren som en bilaga till tidningen Dyk.

## **Resultat och diskussion**

Projektet inom fritidsdykning har bland annat resulterat i ett nära och givande samarbete med företrädare från dykbranschen och med andra myndigheter. Konsumentverket har genom branschöverenskommelsen som tecknats med Svenska sportdykarförbundet tagit fram rekommendationer för säker fritidsdykning.

I det kommande arbetet är det viktigt att det sker en regelbunden uppföljning av hur dykföretagen och dykkubbarna anpassat sig till rekommendationerna.

## Bilagor

Bilagorna bifogas inte i denna sammanställningsrapport. De finns utlagda på [www.konsumentverket.se](http://www.konsumentverket.se)

1. Rapport 2007:16. Marknadskontroll av dykluft inom fritidsdykning
2. Rapport 2007:16. Market surveillance of diving air services for recreational diving
3. Rapport 2009:1. Marknadskontroll säkerhet vid fritidsdykning
4. Rapport 2009:1. Safety within recreational diving
5. Överenskommelse beträffande säkerheten vid fritidsdykning
6. Agreement regarding safety within recreational diving
7. Inbjudan till utbildningsorganisationer inom fritidsdykning
8. Informationsbroschyr ”Dyk säkert”

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Konsumentverket

Box 48

651 02 Karlstad

Telefon: 0771-42 33 00

Webbplats: [www.konsumentverket.se](http://www.konsumentverket.se)

E-post: [konsumentverket@konsumentverket.se](mailto:konsumentverket@konsumentverket.se)

# Säkerhetsplan

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*Företagets namn*  
2008-XX-XX



## Innehåll

Innehåll .....	2
Råd inför ifyllandet .....	3
Säkerhetspolicy .....	4
Företagets verksamhet .....	5
Företagets organisation och ansvarfördelning .....	5
Kunskapsöversikt .....	6
Utbildningsplan .....	6
Kommunikationstablå .....	7
Larmöversikt .....	7
Säkerhetsutrustning .....	1
Säkerhetsutrustning .....	8
Deltagarkort .....	10
Deltagarinformation .....	10
Krishanteringsplan .....	11
Räddningsplan .....	11
Mediaplan .....	12
Riskanalys .....	13
Avtal med underleverantörer .....	14
Uppföljning och utvärdering .....	15

## Råd inför ifyllandet

Skriv så beskrivande som möjligt, komplettera gärna planen med egna rubriker och delar som är relevanta för er egen verksamhet. Sök och titta gärna på andra organisationer och företags säkerhetsplaner för att få exempel på bl.a krishanteringsplan, räddningsplan mm. Förvara säkerhetsplanen i en pärm för att underlätta användandet.

*Kursiv text och "handskriven text" är exempel och skall raderas vid ifyllande.*  
Detta gäller även undertexten till rubrikerna.

## Rapporteringskyldighet till Konsumentverket

Enligt §23, Produktsäkerhetslagen, skall en näringsidkare som får kännedom om att en vara eller tjänst som de tillhandahåller eller har tillhandahållit är farlig, *dvs. det har hänt en allvarlig olycka*, omedelbart underrätta tillsynsmyndigheten om det och om de åtgärder som har vidtagits för att förebygga skadefall. Tillsynsmyndigheten behöver dock inte underrättas, om det uppenbart skulle vara utan betydelse.

Blankett för detta finns på [www.konsumentverket.se](http://www.konsumentverket.se) under *För företagare*.

## **Säkerhetspolicy**

Författa och skriv ned företagets säkerhetspolicy här.

## Företagets verksamhet

Gör en kort beskrivning av företagets verksamhet och var företaget bedriver sin verksamhet

## Företagets aktiviteter

Gör en kort beskrivning av de aktiviteter företaget erbjuder

## Företagets organisation och ansvarsfördelning

Beskriv företagets organisation och ansvarsfördelning

Namn	Befattning	Ansvarsområde
<i>Lisa</i> <i>Tel:</i>	<i>Chef</i>	<i>Verksamhet, ekonomi, personal</i>
<i>Inge</i> <i>Tel:</i>	<i>Instruktör</i>	<i>Isklättring och klättringsverksamhet Grottguidning Utrustning XX</i>

## Kunskapsöversikt

Gör en översikt av befintlig kunskap inom företaget

Namn	Utbildning/kunskap	Senast genomförd/ uppdaterad år	Erfarenhet
<i>Inge</i>	<i>Utbildad fjälledare SKF</i>	<i>2007</i>	<i>15 års erfarenhet av klättring</i>
	<i>WMI första hjälpen,</i>	<i>2006</i>	
	<i>Klippklätterinstruktör SKF</i>	<i>1998</i>	

## Utbildningsplan

Gör en utbildningsplan över vilken kunskap personalen behöver

Namn	Omgående	År 2009	År 2010	År 2011
<i>Inge</i>	<i>Vattenräddning</i>		<i>Repetition Första hjälpen</i>	

## Kommunikationstablå

Gör en tablå med företagets och personalens telefonnummer och kommunikationsutrustning för respektive event/aktivitet

### Kommunikationstablå Personal

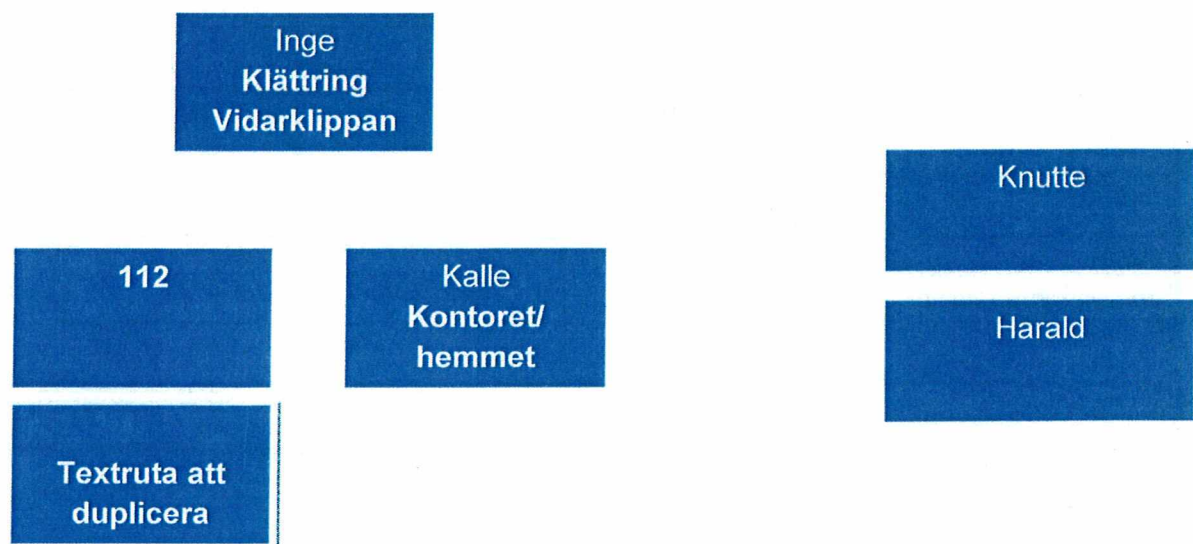
Namn	Telefon: mobil	Telefon Hem
<i>Inge</i>	<i>070-321 XX XX</i>	<i>0921- 234 XX</i>
<i>Kalle</i>		

### Kommunikationstablå Aktivitet

Aktivitet	Sambandsmedel	Alternativt sambandsmedel
<i>Klättring Vidarklippan</i>	<i>Mobiltelefon</i>	<i>Telefon vid raststugan Vidarfallet</i>

## Larmöversikt.

Gör en larmöversikt hur man larmar om det händer något inom företaget. Den bör ha två olika alternativvägar om någon inte skulle svara på anrop.



## Säkerhetsutrustning

Upprätta lista på utrustning för aktiviteten samt en loggbok över utrustningens användning. Förändra och anpassa nedanstående till respektive aktivitet. Säkerhetsutrustning är här ett sammanfattande namn för Säkerhetsutrustning, Skyddsutrustning, Räddningsutrustning.

Aktivitetens namn			
<i>Vadning vid Vidarån</i>			
Säkerhetsutrustning	Grupputrustning	Personlig utrustning	Kontrollerad av
Vandringskäpp 2 m		X	Knutte
Vattentät packad ryggsäck		X Egen rygga, kontroll!!	Knutte
Vindsäck	X		Knutte
Lätt sovsäck +/- 0 grader	X		Knutte
Första Hjälpensats för omhändertagande i fält	X		Knutte
Skyddsutrustning	Personlig utrustning		Kontrollerad av
Räddningsutrustning	Grupputrustning	Personlig utrustning	Kontrollerad av
Kastlina 2 st	X		Kalle
Fånglina 2 st 25 m klättrerrep stumt	X		Kalle





## Deltagarkort

Skapa ett deltagarkort med frågor som är anpassade till aktiviteten.

Deltagarkort	Aktivitet
Namn	
Adress	
Personnummer	
Hälsotillstånd mm.	
Medicinering	
Telefon anhörig	
Övrigt	

## Deltagarinformation

Skriv en deltagarinformation för respektive aktivitet med säkerhetsinformation . Konsten är att delge denna information på ett så tryggt sätt som möjligt. Informationen hämtas från riskanalysen.

Information till deltagare	
Allmän information om aktiviteten	
Information om svåra moment och där risker föreligger	<i>Klättring fuktiga stenar medför halkrisk. Risk för nedfallande stenar</i>
Säkerhetsbestämmelser för aktivitetens genomförande.	<i>Alla bär hjälm Ingen av deltagarna får vistas i området nedanför den som klättrar.</i>

## **Krishanteringsplan**

Beskriv åtgärder som skall vidtas om olyckan är framme för deltagare och egen personal.  
(Här är det främst det psykosociala omhändertagandet av grupp och ledare som skall betonas.)

Skadad deltagare; Åtgärd

Skadad ledare/guide; Åtgärd

## **Räddningsplan**

Gör en plan för respektive aktivitet.

(Här skall framgå mötesplatser för räddningsfordon, ambulanser, egen räddningsutrustning, möjliga helikopterlandningsplatser, körbara stråk och vägar mm. Komplettera gärna med karta. Ta gärna kontakt med räddningstjänsten )

## **Medieplan**

Gör en plan för hur företaget skall hantera media i händelse av en olycka.

## **Riskanalys**

Gör övergripande beskrivning av vilken typ av risker som verksamheten har. En mer detaljerad riskanalys för respektive aktivitet görs i särskilt avsnitt.

## **Avtal med underleverantörer**

## **Uppföljning och utvärdering**

Genomför årligen en utvärdering av säkerheten och en revidering av säkerhetsplanen.  
(Här skall så alla olyckor och tillbud redovisas)

Olyckor och incidenter/tillbud under året

Vidtagna åtgärder för att förbättra säkerheten (förs över till nästa års säkerhetsplan)

Andra viktiga delar som påverkat säkerheten. ( Erfarenheter, nya regelverk mm)



MINISTRY OF EMPLOYMENT AND THE ECONOMY

Issued in Naantali on 22 July 2011

**Consumer Safety Act**

(Finnish Statute Book (920/2011))

NB: Unofficial translation

In accordance with the decision of the Finnish Parliament, it is hereby enacted as follows:

**Chapter 1**

**General provisions**

**Section 1**

**Object and purpose of the Act**

The object and purpose of this Act is:

- 1) to ensure the safety of consumer goods and services;
- 2) to prevent risks to health and property involved in consumer goods and services;
- 3) to ensure that when risks mentioned above in subsection 2 occur, such risks be abolished in a sufficiently efficient manner;
- 4) to secure high-quality consumer safety control;
- 5) to improve, on its part, operators' operating conditions.

**Section 2**

**Scope of application**

This Act applies to:

- 1) consumer goods that are manufactured, marketed, sold or otherwise supplied, imported, exported, or transited through Finland, as well as to consumer goods being transferred by an operator acting as an intermediary;



- 2) consumer services that are supplied, performed, marketed, sold or otherwise provided;
- 3) CE markings or absence thereof, unless further provisions on this subject are found elsewhere under law.

### **Section 3**

#### **Definitions**

In this Act:

- 1) 'consumer goods' are goods intended for or, to an essential degree, actually used for private consumption;
- 2) 'consumer services' are services intended for or, to an essential degree, actually used for private consumption;
- 3) 'supplier of goods' means a natural person or a private or public legal entity who manufactures, imports, exports, transits through Finland, markets, supplies, sells or otherwise provides or acts as an intermediary in the supply of consumer goods;
- 4) 'service provider' means a natural person or a private or public legal entity who performs, supplies, markets, sells or otherwise provides or acts as an intermediary in the provision of consumer services;
- 5) 'operator' means both the suppliers of goods and the service providers;
- 6) 'risk assessment means identifying risk factors, assessing the extent of identified risks and evaluating their significance to safety;
- 7) 'surveillance authority' means the authorities referred to in Sections 13-16 and Section 18 hereto;
- 8) 'CE marking' means a marking used by manufacturers to indicate that the good or product is in compliance with the applicable requirements set out in the EU harmonisation legislation concerning the affixing of the marking, as stipulated in Regulation (EC) No 765/2008 of the European Parliament and of the Council setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93.

'Supplier of goods' or 'service provider' shall not mean a natural person who delivers goods or provides services, insofar as he or she delivers goods or provides services provided in the course of an activity other than commercial activity.

Neither shall 'service provider' mean an association or any other institution, insofar as the association or institution in question provides services to its members in the course of an activity other than commercial activity.

## **Section 4**

### **Secondary and supplementary nature of the Act**

The Act applies to consumer goods and services insofar as other legislation does not ensure at least the same level of safety, taking into consideration all factors affecting the safety of the consumer goods and services concerned, in regard to preventing risks to health and property involved in those goods or services.

## **Chapter 2**

### **Obligations of operators**

## **Section 5**

### **Duty to take care**

Operators shall, by observing the care and skills required by the circumstances, ensure that a consumer good or service does not involve any risk to the health or property of any person. Operators shall have sufficient and correct information on the consumer good or service, and shall duly evaluate the risks involved therein.

## **Section 6**

### **Obligation to notify**

Before commencing the provision of the following consumer services, service providers shall make a written notification thereof to the surveillance authorities of the municipality in which they intend to provide the service:

- 1) amusement parks, family parks, zoos, domestic animal zoos, funfairs and circuses;
- 2) gyms;
- 3) downhill skiing centres and other ski slope centres;
- 4) playgrounds and comparable indoor playgrounds;
- 5) skateboarding venues and cycling venues;
- 6) adventure, experience and nature services and other programme services comparable to them, unless the risk involved can be considered insignificant;
- 7) climbing centres;
- 8) horse riding stables and other horse riding services;

- 9) carting tracks;
- 10) indoor and outdoor swimming pools, spas and entertainment spas;
- 11) beaches intended for swimming, and winter bathing and swimming sites;
- 12) tattoo parlours, piercing studios, and other body modification or alteration services;
- 13) safety phone services and other similar services;
- 14) events involving a significant risk that could, should it materialise, endanger someone's safety due to the large number of persons participating in the service, or for some other specific reason.

The following information shall be included in the notification:

- a) the name, domicile and contact information of the service provider;
- b) the place of performance or provision of the service;
- c) a description of the service;
- d) the most significant risks involved in the service and the measures taken to ensure due preparedness for those risks;
- e) information about the drafting of the safety document and the date of its most recent update.

A similar notification shall be made before making any substantial changes to the activities referred to in paragraph 1.

The municipal surveillance authority shall be informed of any change of the service provider.

After receiving a notification, the municipal surveillance authority shall promptly send the service provider an acknowledgement of receipt.

## **Section 7**

### **Safety document**

Service providers obliged to make a notification to the supervisory authorities in accordance with Section 6 shall also draw up a safety document containing a plan for identifying and controlling risks, and for providing notification of said risks to parties participating in the provision of the service in question. In drafting the plan, the service provider must take account of the nature of the service and the scale of the activities in question.

Where provided for elsewhere under law that a rescue, preparedness or other such plan shall be drawn up for the same service, it shall not be necessary to draw up a safety document required under paragraph 1. Instead, information corresponding to the information that would otherwise be included in the safety document may be compiled and included in a plan required under another act.

A service provider providing various kinds of services or the same service in various locations may draw up a joint safety document for the services. The special characteristics related to the safety of each service shall, as necessary, be described in the joint document.

The safety document shall be kept up-to-date.

Service providers shall ensure that the persons or parties participating in the provision and performance of the service are familiar with the contents of the safety document. Where necessary, service providers shall organise training for the persons and parties participating in the provision and performance of the service.

The safety document shall be presented and delivered to the surveillance authority whenever the surveillance authority so requests.

Further provisions on the contents of the safety document may be issued by a Government Decree.

## **Section 8**

### **Notifications concerning dangerous consumer goods and services**

If an operator becomes aware or, on the basis of professional knowledge, should be able to draw the conclusion that, a consumer good or consumer service involves a risk to anyone's health or property, he or she shall immediately inform the surveillance authority of said risk. The operator shall at the same time report on the measures he or she has already taken with regard to the risk, such as suspension of operations, suspension of the distribution of the dangerous good or product, or withdrawal of the dangerous good or product from the market.

Concerning dangerous consumer goods and dangerous products used in providing consumer services, the notification required under paragraph 1 above shall be made to the Finnish Safety and Chemicals Agency. Concerning dangerous consumer services, said notification shall be made to the municipal surveillance authority.

Entrepreneurs and service providers shall cooperate with the surveillance authority in order to eliminate a risk whenever the latter so requests.

Further provisions on the form and contents of the notification required under paragraph 1 may be issued by a Government Decree.

## **Section 9**

### **Providing information to consumers**

Operators shall, in a clear and comprehensible manner, provide consumers and persons comparable to consumers with the information necessary for the assessment of possible risks involved in consumer goods and services. The surveillance authority can request the operator to provide consumers with proper instructions for use, other instructions, warnings and other information necessary to preventing or avoiding risks involved in consumer goods or services.

Further provisions on necessary information to be supplied to consumers or persons comparable to consumers in respect of consumer goods and services may be issued by a Government Decree.

## **Chapter 3**

### **Compliance with requirements**

#### **Section 10**

##### **Dangerous and safe consumer goods and services**

The following are considered hazardous to health:

- 1) any consumer good that can, because of a flaw or imperfection in its structure or composition or because of any false, misleading or inadequate information supplied in respect of said consumer good, or because of its misleading appearance, cause injury, poisoning or illness or pose some other danger to health;
- 2) any consumer service that can, because of a flaw or imperfection either in the way the service is performed or in the structure or composition of any product used in providing the service, or any false, misleading or inadequate information supplied in respect of the service, cause injury, poisoning or illness or pose some other kind of danger to health.

A consumer good shall be deemed to represent a risk to property if it can, owing to the circumstances mentioned in paragraph 1, cause damage to another object or type of property. A consumer service shall be deemed to present a risk to property, if it can, owing to any of the circumstances mentioned in paragraph 1, cause damage to property.

Consumer goods and services that are not dangerous in the way described in paragraphs 1 and 2 above are considered safe.

#### **Section 11**

##### **Criteria for assessing the compliance of consumer goods and services with safety requirements**

Consumer goods or services shall not be deemed to represent a risk to health or property insofar as they comply with European harmonised standards, the references of which have been published in the Official Journal of the European Union, if not otherwise provided in paragraph 3 below.

In assessing the compliance of a consumer good or consumer service with safety requirements, the surveillance authorities shall also have regard to

- 1) other standards than those international or national safety standards referred to in paragraph 1;
- 2) Recommendations issued by the European Commission containing guidelines on product safety assessment;
- 3) guidelines and recommendations issued by supervising authorities;

4) codes of conduct in respect of health and safety in the sector concerned;

5) the state of the art and technology.

Even if a consumer good or service meets the criteria for assessing compliance set out in paragraphs 1 and 2 above, the supervising authorities may impose a ban or an obligation referred to in Sections 34–44, if the good or service, despite meeting the criteria, poses a risk to health or property.

## **Section 12**

### **Requirement concerning the CE marking**

Consumer goods that do not have a statutory CE marking may not be placed on the market.

## **Chapter 4**

### **Surveillance authorities**

## **Section 13**

### **The Finnish Safety and Chemicals Agency**

The Finnish Safety and Chemicals Agency is responsible for the surveillance of the compliance with the Act and the provisions and decisions issued by virtue of it, and for the planning of, the guidance on and the development of the surveillance. The Finnish Safety and Chemicals Agency shall also forward the notifications referred to in Article 11 of the Directive 2001/95/EC of the European Parliament and of the Council on general product safety to the European Commission.

Specific provisions shall be issued on notifications to the European Commission of measures taken in order to restrict the placing on the market, marketing and use of goods involving serious risks.

## **Section 14**

### **Customs**

Customs is responsible for the surveillance of compliance with the Act and the provisions and decisions issued by virtue thereof, as concerns consumer goods or products to be used in connection with the performance of consumer services, when:

- 1) goods or products are imported to Finland from outside the European Union;
- 2) goods or products are exported from Finland;
- 3) goods or products are transited through Finland.

Furthermore, Customs is responsible for the surveillance of compliance with the Act and the provisions and decisions issued by virtue of it as concerns consumer goods or products to be used in connection with the performance of consumer services, when goods or products are delivered to Finland from another EU member state at the place of unloading and storage in Finland of the lot.

## **Section 15**

### **Regional consumer safety surveillance**

Regional State Administrative Agencies are responsible for steering consumer safety surveillance activities within their regions, as well as for assessing and monitoring the implementation of municipal consumer safety surveillance plans.

Regional State Administrative Agencies are also responsible for the surveillance of consumer safety within their respective regions.

## **Section 16**

### **Municipal consumer safety surveillance**

Within each municipality, the municipality is responsible for the surveillance of compliance with the Act and the provisions and the decisions issued by virtue of it. In municipalities, this responsibility rests with a Committee or some other collegial body appointed by the municipality. What is provided in this Act concerning municipalities shall also apply to associations of municipalities and to bodies referred to in the Act on the Environmental Health Care Co-operation District (410/2009) in the exercise of their monitoring tasks prescribed in this Act.

The Municipal Council may give the municipal surveillance authority the right to delegate its powers to a subordinate official or section that accordingly may decide to apply measures of administrative compulsion referred to in Sections 34–38 or to impose a threat against default or a threat of suspension referred to in Section 45(1). The municipal supervising authority is not, however, entitled to delegate its powers concerning the approval of the surveillance plan referred to in Section 22 to a subordinate official.

A municipality may agree with another municipality or an association of municipalities that a duty, which according to the Act falls under the responsibility of the municipality or its authorities and whereby powers can be delegated to an official, may be entrusted to an official working with the other municipality or the association of municipalities. An association of municipalities may conclude the above agreement with another association of municipalities, if the member municipalities have given their consent to such an agreement.

## **Section 17**

### **Urgent action**

In urgent matters, regardless of not having been delegated powers to exercise administrative compulsion in accordance with Section 16, municipal officials performing tasks assigned to the municipality under this Act are entitled to apply administrative coercive measures referred to in Sections 34–38.

Decisions made by officials by virtue of paragraph 1 on measures referred to in Sections 34 and 36 shall be brought before the municipal surveillance authority. The municipal surveillance authority shall decide on the matter at its earliest convenience.

Decisions made by officials by virtue of paragraph 1 on measures referred to in Sections 35, 37 and 38 shall be brought before the Finnish Safety and Chemicals Agency. The Finnish Safety and Chemicals Agency shall decide on the matter at its earliest convenience.

## **Section 18**

### **Other surveillance authorities**

With the exception of the provisions of Sections 6 and 7, the provisions of this Act concerning operators' obligations and the surveillance authority's powers and rights shall be applied to authorities who, by virtue of other legislation, monitor the safety of such consumer goods and services, unless such other legislation contains provisions ensuring at least the same level of safety when all factors affecting the consumer goods and services concerned are taken into account.

## **Chapter 5**

### **Consumer safety surveillance**

## **Section 19**

### **Performing of duties and order of priority**

The surveillance authorities shall perform their duties as efficiently as possible, and in a manner that is most appropriate based on the risk assessment. If circumstances so require, the tasks shall be weighed in order of priority.

## **Section 20**

### **National surveillance programme**

For the steering and coordination of surveillance of this Act's enforcement, the Finnish Safety and Chemicals Agency shall draw up a national surveillance programme. The programme shall define inspections to be conducted, the frequency of inspections of different types of surveillance subjects, and present a national sampling plan. The programme shall also state the grounds for risk assessment of different types of surveillance subjects, and methods for the follow-up of the implementation of the programme.

Further provisions on the national surveillance programme and its contents may be issued by a Government Decree.



The national surveillance programme governed by this Act constitutes part of a national programme for the surveillance of environmental health care that, for its part, also includes national surveillance programmes governed by other legislation on environmental health care.

## **Section 21**

### **Plans of the Regional State Administrative Agencies**

Each Regional State Administrative Agency shall draw up a plan for the implementation of tasks assigned to it. The plan shall take account of the national surveillance programme drawn up by the Finnish Safety and Chemicals Agency, and the Regional State Administrative Agencies shall steer the surveillance activities of the municipalities in this respect.

The plan shall be revised each year.

## **Section 22**

### **Municipal surveillance plans**

For the surveillance of consumer safety, each municipality shall draw up a surveillance plan ensuring that surveillance measures comply with general requirements for surveillance measures and prevent such risks to health and property that are involved in consumer goods and services. The municipal surveillance plan shall take account of the national surveillance programme drawn up by the Finnish Safety and Chemicals Agency. The surveillance plan shall be revised by a municipal panel every three years and also otherwise, when considered necessary.

Further provisions on the contents of the surveillance plan referred to in paragraph 1 may be issued by a Decree of the Council of State.

## **Section 23**

### **Customs surveillance plan**

Customs shall draw up a plan for the implementation of surveillance duties assigned to it, taking into account the national surveillance programme drawn up by the Finnish Safety and Chemicals Agency, and the Customs shall steer the surveillance activities in this respect.

The surveillance plan shall be revised each year.

## **Section 24**

### **Preparing for special circumstances**

The Finnish Safety and Chemicals Agency shall draw up a plan for the protection of the lives and health of consumers and persons comparable to consumers in cases of major accidents and in other similar special circumstances.

The municipal surveillance authorities shall plan all contingency and precautionary measures necessary to prevent, determine, and eliminate health risks caused by special circumstances, and they shall cooperate with other authorities in order to prepare in advance for such circumstances.

Further provisions on the contents and drafting of plans concerning preparedness for special circumstances may be issued by a Government Decree.

## **Section 25**

### **Official communications**

Surveillance authorities may, where necessary, publish notices and communications on matters relevant to the safety of consumers and persons comparable to consumers.

## **Section 26**

### **Surveillance authorities' obligation to notify and to provide information**

Should special circumstances referred to in Section 24 arise, the municipal surveillance authorities shall notify the Finnish Safety and Chemicals Agency of such circumstances and, where necessary, of any other circumstances which are detected while carrying out surveillance duties and which could have a significant impact on the safety of consumers.

The municipal surveillance authorities and the Regional State Administrative Agencies shall, upon request and free of charge, submit information to the Finnish Safety and Chemicals Agency concerning inspections, surveillance measures, fees, and staff responsible for carrying out surveillance tasks, as well as other information concerning surveillance activities to enable the Finnish Safety and Chemicals Agency to carry out its tasks under this Act with regard to steering, surveillance, reporting, and compiling statistics.

The surveillance authorities shall submit the information referred to in paragraphs 1 and 2 in the manner prescribed by the Finnish Safety and Chemicals Agency.

Further provisions on the surveillance authorities' obligation to notify and to provide information may be issued by a Decree of the Ministry of Employment and the Economy.

## **Section 27**

### **Right to receive information**

Surveillance authorities are entitled to receive from both state and municipal authorities, as well as from the operators and other parties obligated by the provisions of this Act, any and all information necessary for carrying out the surveillance authorities' surveillance duties.

The right to receive information also applies to information that would otherwise be confidential due to the fact that it concerns private business or professional activity or the financial status or state of health of a private party, if such information is necessary for carrying out a task or duty assigned under this Act.

## **Section 28**

### **Right to carry out inspections**

Surveillance authorities shall have access to any area, premises or other space where it is necessary, with a view to discharging their surveillance function, to carry out inspections and take any other measures required by their surveillance function. The surveillance functions may, however, be extended to premises used as residences of a permanent nature only if there is reason to believe that a health offence referred to in Chapter 44, Section 1, of the Criminal Code (39/1889) has been committed. The right to inspect premises used as residences of a permanent nature may not be given to an outside expert referred to in Section 30 below.

## **Section 29**

### **Sampling for surveillance purposes**

Surveillance authorities are entitled to sample consumer goods and products used in providing consumer services, and to use consumer services, where deemed necessary for surveillance compliance with this Act and the provisions and regulations issued by virtue thereof.

Any samples taken and consumer services used pursuant to paragraph 1 shall, upon demand by the operator, be remunerated to the operator at an equitable price, except if the investigation shows that the consumer good or service does not comply with this Act or the provisions issued by virtue thereof. If, however, a fee is charged for the sample or analysis thereof, as separately required by law, no remuneration shall be paid for the sample.

If a consumer good or service does not meet the requirements set out in this Act or the provisions issued by virtue of the Act, the surveillance authority may oblige the operator to pay the costs incurred by purchasing, testing and analysing the consumer good or service.

In regard to the taking of samples, the provisions of Section 28 on the extension of surveillance functions to premises used as residences of a permanent nature shall apply.

## **Section 30**

### **Outside experts**

The surveillance authority may appoint outside experts to assist the authority in its monitoring duty. Such outside experts may, upon the surveillance authority's request, carry out inspections, surveys and investigations for official control under this Act. Outside experts who carry out inspections, surveys and investigations must have the particular knowledge and competence required for the job. Outside experts must be able to prove their competence and the reliability of the inspection and research methods used by them to the authority commissioning the service.

With regard to the outside experts, the provisions of the Administrative Procedures Act (434/2003), the Language Act (423/2003), the Sámi Language Act (1086/2003), the Act on the Openness of Government Activities (621/1999), and the Act on Electronic Services and Communication in the Public Sector (13/2003) shall apply. In the performance of their duties under this Act, provisions on the criminal responsibility of officials for the legality of their actions shall be applied to persons

employed by and holding managerial positions in the organisations of such outside experts. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

A laboratory that carries out tests or analyses necessary for the surveillance of compliance with this Act or provisions issued by virtue of said Act shall have the expertise and preparedness necessary for carrying out such tests or analyses. The laboratory shall have an appropriate quality assurance scheme and must be able to demonstrate the reliability of the determinations made by it.

Further provisions on the competence of the outside experts referred to in paragraph 1 and on the laboratories referred to in paragraph 3 that carry out tests and analyses relating to product safety may be issued by a Decree of the Ministry of Employment and the Economy.

### **Section 31**

#### **The competence of officials performing consumer safety surveillance tasks**

Municipal officials that perform consumer safety surveillance tasks must hold a suitable academic degree. The municipality and the Regional State Administrative Agency shall ensure that officials performing consumer safety surveillance tasks participate in suitable updating training with sufficient frequency.

Further provisions on the qualifications of and updating training for officials performing consumer safety surveillance tasks may be issued by a Government Decree.

### **Section 32**

#### **Fees charged for the performance of measures by the municipal surveillance authorities**

In accordance with a tariff approved by the municipality, the municipality shall charge each operator a fee for inspections carried out in accordance with the surveillance plan referred to in Section 22, for inspections concerning compliance with decisions issued, as well as for receiving notifications referred to in Section 6 on the commencement of the provision of services, on substantial changes to the activities, and on any change of the service provider. Fees shall also be charged, in accordance with the aforementioned tariff, for informing the operators of the receiving of aforementioned notifications.

Each municipality shall determine the fees for its performance of measures so that these fees are limited in amount to the costs incurred.

The state shall reimburse the municipalities for any and all costs incurred by inspections, sampling, surveys and investigations delegated to the municipalities by the Finnish Safety and Chemicals Agency, where such measures are assigned to the sole responsibility of the Finnish Safety and Chemicals Agency under this Act.

### **Section 33**

#### **Criteria for and collection of fees**

Provisions on fees payable for government services provided under this Act are laid down in the Act on Criteria for Charges Payable to the State (150/1992).

The fees referred to in this Act may be collected without a judgement or decision in the order prescribed in the Act on Enforcement of Taxes and Charges (706/2007).

Penalty interest shall be charged for the late payment of fees charged for measures undertaken by virtue of this Act in accordance with the interest rate specified in Section 4(1) of the Interest Act (633/1982) when the fee has fallen due and has not been paid by the deadline. The due date may not be earlier than two (2) weeks from the performance of the service based on which the fee was determined. Instead of charging penalty interest, the authorities may charge a penalty payment to the amount of five (5) euros if the amount of penalty interest would be lower than that.

## **Chapter 6**

### **Administrative coercive measures**

#### **Section 34**

##### **Order for remedial or corrective action**

If a risk to health or property connected to a consumer good or service can be effectively countered or prevented or the extent of the risk essentially reduced by a remedial or corrective action, the surveillance authority may impose on the operator an obligation to take the aforementioned action within the time and in the manner determined by the surveillance authority.

If the obligation to make a notification in accordance with Section 6 or the obligation to draw up a safety document in accordance with Section 7 has been neglected to an extent that cannot be considered insignificant, and the obligation has not been complied with regardless of the operator's receipt of a reminder thereof, the surveillance authority may order the operator to fulfil its obligation within a prescribed time.

#### **Section 35**

##### **Provisional prohibition**

If it is obvious that a consumer good or service may involve a health risk in the manner referred to in Section 10, paragraph 1, and if the danger cannot be eliminated in any other way, the surveillance authority may impose a provisional prohibition under Section 36 for the duration of the investigation into the matter. The provisional prohibition shall apply until the case has been brought to a final decision.

Regional State Administrative Agencies and municipal surveillance authorities shall refer the matter for a decision by the Finnish Safety and Chemicals Agency immediately and in no event later than seven (7) days after the date of issuance of a decision on a provisional prohibition. The Finnish Safety and Chemicals Agency shall decide on whether to issue a prohibition referred to in Section 36 at its earliest convenience and ensure, for its part, that the necessary investigations into the matter are conducted without delay.

## **Section 36**

### **Prohibition**

If a consumer good or service is dangerous to health or property as intended in Section 10 and such danger cannot be eliminated in any other way, the surveillance authority may prohibit an operator from manufacturing or supplying, marketing, importing, selling or otherwise providing said good or service.

Upon imposing a prohibition referred to in paragraph 1, the surveillance authority may further order the operator to withdraw any dangerous consumer goods from the market immediately and in an efficient manner, and may oblige the operator to demonstrate that dangerous consumer services are no longer being provided to consumers. Within the time fixed by the authority that imposed the prohibition, the operator shall provide the authority with clarification of how he or she has executed the order relating to the prohibition referred to in this section.

If a consumer good has to have a CE marking in order to comply with legislation issued by the European Union but does not have the required marking, or if the CE marking fails to comply with the requirements concerning the CE marking, the surveillance authority may order the operator to withdraw the consumer good from the market.

## **Section 37**

### **Suspension of operations**

Where it is obvious that a consumer good or service is hazardous to health in the meaning of Section 10(1) and if the danger is imminent and cannot be eliminated in any other way, the surveillance authority is entitled to immediately suspend the operations insofar as necessary in order to eliminate the risk.

If a decision referred to in Sections 34-36 has not been given, the matter shall be decided upon without delay as soon as a suspension of operations has been imposed.

Regional State Administrative Agencies and municipal surveillance authorities shall refer the matter for a decision by the Finnish Safety and Chemicals Agency immediately and, in no event, later than seven (7) days after the date of issuance of a decision on the suspension of operations. The Finnish Safety and Chemicals Agency shall decide the matter at its earliest convenience and ensure, for its part, that the necessary investigations into the matter are conducted without delay.

## **Section 38**

### **Commissioning of measures**

If it is obvious that a consumer good or service may involve a health risk in the way referred to in Section 10(1) and if the danger is imminent and cannot be eliminated in any other way, the surveillance authority is entitled to carry out the necessary measures to eliminate the risk at the operator's expense.

Regional State Administrative Agencies and municipal surveillance authorities shall refer the matter for a decision by the Finnish Safety and Chemicals Agency immediately and in no event later than

seven (7) days after the date of issuance of a decision on the commissioning of measures. The Finnish Safety and Chemicals Agency shall decide the matter at its earliest convenience and ensure, for its part, that the necessary investigations into the matter are conducted without delay.

## **Section 39**

### **Export prohibition**

If a consumer good or service involves a serious health risk as per the meaning of Section 10(1), the Finnish Safety and Chemicals Agency or Customs may prohibit the exportation or transit of the consumer good or the exportation or transit of a product used in providing a consumer service.

The Finnish Safety and Chemicals Agency may impose the prohibition referred to in paragraph 1 as a provisional prohibition if it is obvious that the consumer good or other product referred to in paragraph 1 can impose an imminent danger to health.

## **Section 40**

### **Destruction orders**

If prohibitions and orders referred to in Sections 34–39 cannot be considered sufficient, the Finnish Safety and Chemicals Agency or Customs or other authority referred to in Section 18 may require that the products held by the operator, or a product that the consumer has returned to the operator in accordance with Section 41 or Section 42, be destroyed or, if this is not considered appropriate, decide upon other measures in respect of the product.

## **Section 41**

### **Prevention of risks in respect of consumer goods**

After having issued a prohibition under Section 36 concerning a consumer good, the Finnish Safety and Chemicals Agency or other authority referred to in Section 18 may order that the operator take measures to prevent the risk of damage in respect of the consumer good already in the possession of one or more consumers, and to safeguard the consumer's legal position.

By an order issued under paragraph 1 the operator may be obliged to:

- 1) repair the good or product so as to remove the risk because of a flaw or imperfection in its structure or composition or because of any false, misleading or inadequate information supplied in respect of it;
- 2) take back from the consumer a good or product that is dangerous in the sense of Section 10(1), and to replace it with an identical or equivalent risk-free product; or
- 3) rescind the transaction.

Where a prohibition under Section 36 cannot be issued for the reason that the operator no longer has the relevant consumer goods in his or her possession, the Finnish Safety and Chemicals Agency or other authority referred to in Section 18 may nevertheless issue an order under paragraph 1 if there are serious reasons for so doing.

## **Section 42**

### **Prevention of risks in respect of consumer services**

After having issued a prohibition under Section 36 concerning a consumer service, the Finnish Safety and Chemicals Agency or other authority referred to in Section 18 may order that the operator shall take measures to prevent the risk of damage in respect of the consumer service already provided to one or more consumers, and to safeguard the consumer's legal position.

By an order issued under paragraph 1 the operator may be obliged to:

- 1) correct the flaw in the service so as to remove the risk involved by the flaw or imperfection in the way it has been performed or in the structure or composition of any product used in conjunction with it, or by the false, misleading or inadequate information provided in respect of it; or
- 2) rescind the contract regarding the consumer service.

Where a prohibition under Section 36 cannot be issued for the reason that the operator no longer performs the services in question, the Finnish Safety and Chemicals Agency or other authority referred to in Section 18 may nevertheless issue an order under paragraph 1 if there are serious reasons for so doing.

## **Section 43**

### **Consumers' rights regarding the recall procedure**

In addition to what is provided in Sections 41 and 42, provisions concerning the rights and obligations of the consumer and the operator who sold the goods or the service are laid down or issued by virtue of the Consumer Protection Act (38/1978) and the Sale of Goods Act (355/1987). However, the consumer is entitled to a benefit arising through a remedy based on an order issued under Sections 41 and 42, even if he or she has failed to notify the operator of a defect in the good or service or if he or she fails to return the good fundamentally unchanged and intact.

## **Section 44**

### **Information**

The surveillance authority may impose an obligation on the operator to inform the consumer, within the time set out and in the way provided by the surveillance authority, of any prohibition or order issued, or the risk, as defined under Section 10, involved in the goods, services or their use and the rights devolving on the consumer.

The surveillance authority may, at the operator's expense, issue information referred to in paragraph 1, if the operator has failed to follow an order issued by the authority or if, due to the urgency of the circumstances, there are weighty reasons for issuing information in this manner.



## **Section 45**

### **Conditional fine, threat against default and threat of suspension of operations**

The surveillance authority may intensify the effect of an order or prohibition by imposing a conditional fine, or by having measures taken at the expense of the defaulting respondent ('threat against default'), or by imposing a threat of suspension of operations. Provisions on conditional fine, threat against default and threat of suspension of operations are laid down in the Act on Conditional Imposition of Fines (1113/1990).

The surveillance authority is authorised to reinforce the obligation to provide information referred to in Section 9, the obligation to notify and to provide information referred to in Section 26, the obligation to provide information and present the documents referred to in Section 27, and the obligation to comply with an order referred to in Section 34(2) by imposing a conditional fine.

The payment of a conditional fine imposed under paragraph 1 or 2 is ordered by a decision of the Administrative Court.

## **Chapter 7**

### **Miscellaneous provisions**

## **Section 46**

### **Executive assistance**

Provisions on the duty of the Police to provide executive assistance are laid down in Section 40 of the Police Act (493/1995).

## **Section 47**

### **Right to disclose confidential information**

Notwithstanding the provisions of the Act on the Openness of Government Activities on secrecy, when performing duties under this Act information covered by the obligation of secrecy may be disclosed to the surveillance authority for performance of duties and to the prosecutor and the police for the prevention or investigation of a crime.

## **Section 48**

### **Appeal**

No appeal shall lie against decisions made under Sections 17, 35, 37 and 38.

No appeal shall lie against a decision made under this Act by a municipal official. In the case of decisions other than those made under Sections 35, 37 and 38, the party who is dissatisfied with the

decision may bring the matter before a committee or other body referred to in Section 16. A claim for correcting the decision shall be made in writing and filed within fourteen (14) days after the decision has been served on the party concerned. Instructions on how to make such a claim shall be annexed to the decision. A claim for correcting a decision shall be examined without delay.

A decision made under this Act by a municipal committee or other body referred to in Section 16 may be appealed to the Administrative Court in accordance with the procedure laid down in the Administrative Judicial Procedures Act (586/1996).

A decision made by a municipality on the surveillance plan referred to in Section 22 may be appealed in accordance with the procedure of appeal laid down in the Municipalities Act (365/1995). The decision on a surveillance plan is enforceable notwithstanding any appeal if not otherwise provided by the appeal authority.

In other respects, appeal shall be governed by the provisions of the Administrative Judicial Procedures Act.

## **Section 49**

### **Enforcement**

Notwithstanding an appeal, any decision made by the surveillance authority under sections 22–30 shall be complied with unless the appellate body requires otherwise.

## **Section 50**

### **Penal provisions**

Penalties for a health offence committed in violation of the provisions of this Act or provisions or regulations issued by virtue of it are included in Chapter 44, Section 1, of the Criminal Code.

Anyone who deliberately or through gross negligence violates a prohibition or order referred to in Sections 34–44 shall be issued with a fine for a consumer safety offence, unless a more severe punishment is provided for the offence elsewhere under law.

Anyone who violates a prohibition or an order, imposed under Sections 34–44, that has been intensified by a conditional fine need not be sentenced to a penalty for the same act.

## **Section 51**

### **Provision on state subsidy**

Activities run by municipal authorities under this Act are governed by the Act on the Planning of and Governmental Aid toward Social Welfare and Health (733/1992), as well as the Act on the Planning and State Contribution to Social Welfare and Health Care (1704/2009), unless otherwise prescribed through another act.

## **Section 52**

### **Authority to issue Decrees**

Further provisions on requirements to be imposed on consumer goods and services for the protection of health and property may be issued by a Government Decree.

## **Chapter 8**

### **The Advisory Council**

## **Section 53**

### **The Advisory Council on Consumer Safety**

In conjunction with the Ministry of Employment and the Economy, there is a standing Advisory Council on Consumer Safety.

The Advisory Council shall be responsible for monitoring the implementation and surveillance of consumer safety legislation, for giving opinions and making proposals, for initiating the development of the legislation and relevant surveillance, and for dealing with any other matters relating to the enforcement of this Act or to the advancement of safety of consumer goods and services. The Advisory Council shall also work out measures for the arrangement of any cooperation needed by the various bodies dealing with matters concerning environmental health care, labour protection, rescue services, the Police, standardisation, research and testing, and other safety aspects involving consumer goods and consumer services.

Further provisions on the Advisory Council on Consumer Safety may be issued by a Government Decree.

## **Section 54**

### **Composition of the Advisory Council on Consumer Safety**

The Advisory Council on Consumer Safety consists of a chairman and a vice-chairman, both of whom are appointed by the Council of State for three years, and eighteen other members at most. The Council of State appoints personal substitutes for the vice-chairman and each member.

The chairman, vice-chairman and six (6) other members of the Advisory Council, as well as their substitutes, shall be persons who cannot be regarded as representatives of the interests of operators nor of consumers.

Should a member or a substitute leave the Advisory Council during his or her term, a successor shall be appointed for him or her by the Ministry of Employment and the Economy for the rest of the term, after due account is taken of the requirements in paragraph 2 above.

## **Chapter 9**

### **Entry into force**

#### **Section 55**

##### **Provisions on entry into force**

This Act shall enter into force on 1 January 2012.

Service providers providing services referred to in Section 6 on the date of the entry into force of this Act must draw up a safety document within six (6) months of said date.

An official performing tasks in the environmental health care surveillance at the time of the entry into force of this Act, is competent to perform tasks in consumer safety surveillance, notwithstanding the provisions of section 31.

This Act repeals the Act on the Safety of Consumer Products and Services (75/2004). Where references to the Act on the Safety of Consumer Products and Services are made in other legislation, the provisions of this Act shall apply instead of those of the Act on the Safety of Consumer Products and Services after the entry into force of this Act.

However, provisions and regulations issued by virtue of the Act on the Safety of Consumer Products and Services shall remain valid.

Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Government proposal, [HE 99/2010](#)  
Report of the Commerce Committee, TaVM 43/2010  
Parliamentary reply, EV 316/2010  
Directive of the European Parliament of the Council 01/95/EC  
(32001L0095); *Official Journal L 011, 15/01/2002 P. 4*

In Naantali on 22 July 2011

President of the Republic  
**TARJA HALONEN**

Minister of Labour  
**Lauri Ihalainen**



Remember your life jacket!



We wish you a safe and wonderful holiday in Norway:



Sjøfartsdirektoratet  
Norwegian Maritime Authority

[www.sjofartsdir.no](http://www.sjofartsdir.no)



DIRECTORATE OF FISHERIES

[www.fiskeridir.no](http://www.fiskeridir.no)



dsb  
Direktoratet for  
Civil Protection and  
Emergency Planning

[www.dsb.no](http://www.dsb.no)



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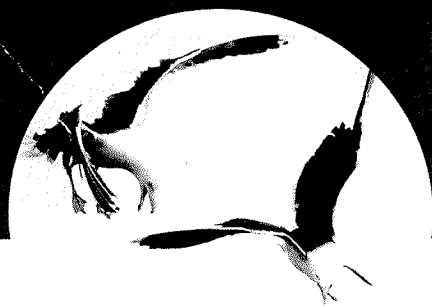
[www.visitnorway.com/fishing](http://www.visitnorway.com/fishing)

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# INFORMATION FOR TOURISTS

## ABOUT FISHING AND SAFETY AT SEA IN NORWAY



Norwegian Maritime Authority in  
collaboration with the Directorate of  
Fisheries, the Directorate for Civil  
Protection and Emergency Planning,  
Norwegian Hospitality Association and  
Innovation Norway

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# Welcome to Norway!

By using recreational boats for fishing and outdoor activities in Norway you can experience some of the most beautiful sights and scenery Norway has to offer. However, it is important that you know about the risk factors associated with the use of a recreational craft, and the rules that apply to recreational fishing in Norway.

Respect for nature and its immense power is rule number one. Each year, an average of 33 people die in boating accidents in Norway. Around 10% of these fatalities are foreign tourists. Many of these accidents could have been avoided if the recreational boat users had shown greater respect for the dangers and been better prepared.

To ensure that you have a memorable and safe stay, we wish to inform you about some precautions that you as a recreational boat user in Norway must take. In addition, you will also find useful information about fishing rules.

## Boat and equipment hire liability

The main responsibility for maintaining safety rests with the boat hire company. However, as the renter you have a responsibility to prevent undesirable events from occurring. It is therefore important that you follow the instructions and recommendations that are given, and consider whether you have the qualifications to operate a boat. For more information see [www.dsb.no](http://www.dsb.no).

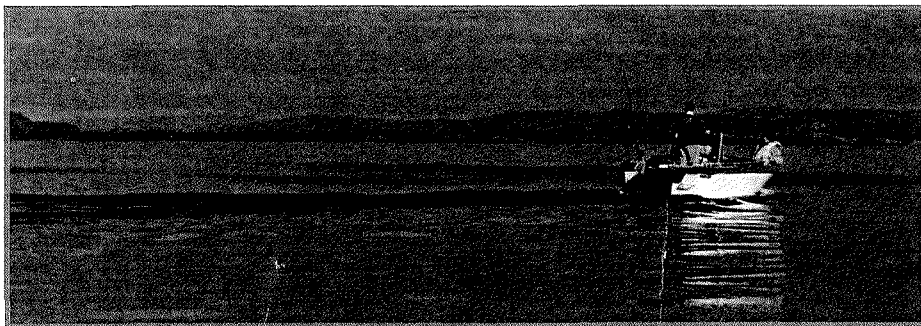


Photo: Andreas Glossner (iStockphoto)



## Boating licence

If you were born 1 January 1980 or later, you are required to have a boating licence (recreational craft skipper's licence) to operate a recreational craft longer than 8 metres or with engines larger than 25 hp. A recreational craft skipper's licence issued in another EEA Member State is valid in accordance with the content of the licence. Foreign licences not issued in another Member State are valid if they substantially meet the requirements of the Norwegian boating licence and are issued in a Scandinavian language or English.

The party that rents you a boat is responsible for checking that you meet these requirements, and will refuse to rent to you if you cannot produce documentation. No licence is required for persons born before 1 January 1980.

Questions concerning the Norwegian boating licence may be directed to the Norwegian Maritime Authority tel: + 47 52 74 50 00.

### **For your own safety**

**Flotation clothing should be worn during the entire voyage. It's too late to start looking for your life jacket when you land in the water.**

**If a mobile phone is your only means of communication, it should be stored in a waterproof bag.**

**Avoid standing in the boat as much as possible. This increases the risk of capsizing and falls overboard.**

**We recommend that you and the boat hire company go through the checklist on pages 4 and 5 of this booklet.**

# Review of safety instructions

**Before the customer is permitted to take the boat out on the water, the boat hire company together with the customer shall go through important safety regulations. Once this is done, both the boat hire company and the customer shall sign this form. Failure to comply with the safety regulations may result in liability and loss of the right to operate boats.**

		YES	NO
Contact telephones	The customer's contact telephone is:		
	The contact telephone for the facility is:		
	The customer's contact telephone has been tested locally and the customer has been instructed to carry the phone onboard with him and to keep the phone well charged at all times.		
	The customer has been informed about the mobile telephone coverage in the area.		
Onshore Safety	The customer is familiar with the emergency exits, fire extinguishers, and first-aid kits for the facility.		
	The customer is familiar with the facility's routines for reporting absences onshore.		
Emergency Phone Numbers	The customer has been told where the emergency phone numbers can be found on board.		
	The emergency phone number is: The telephone number of the Norwegian Search and Rescue Service is: Coastal radio station +47 120    Police 112		
How to use the boat and its motor	The customer is familiar with the correct way to conduct himself onboard a boat (weight distribution etc.).		
	The customer has been instructed on how to use the boat and the motor.		
	The customer has been informed about the information found onboard and where this information is located.		
	The customer has been informed that the dead-man's button found on the outboard motor shall always be used when the motor is running (except next to piers or wharfs).		
	The customer has been instructed on how to fill fuel.		
	The boat and the motor were handed over to the customer in good condition.		
Equipment found onboard the boat	The customer has been informed about the type of equipment found aboard.		
	The life-saving equipment has been demonstrated and tested.		
	The customer has been given necessary training in the use of electronic aids.		
The weather and weather reports	The customer has been given information about the weather conditions found in the area.		
	The customer has been informed of his responsibility to stay updated on the weather reports.		
	The customer has been informed on the weather reporting routines and routines for contact with the customer used by the boat hire company for customers at sea.		
Information on sea charts and waters	The customer has been given information on sea charts. If the facility has specific route charts, the customer has been given instructions on how to use these charts.		
	The customer has been given information on traffic restrictions in the area, especially dangerous areas and safe conduct when travelling by boat in and around such areas.		
	The customer has been given information on sea marks found in the area.		
	The customer has been given information about fish farms and commercial fishing in the area and correct conduct when travelling by boat in areas where fish farms are located and/or commercial fishing occurs.		
Restrictions on drinking alcohol when boating	The customer has been given information on Norwegian law relating to drinking alcohol and boating.		
Liability insurance	The customer has been given information about the facility's general and liability insurance.		
Absence from the facility	The customer has been briefed about the facility's rules concerning how long and how far the boat can be taken out to sea.		
	The customer has been given instructions on what to do in case of emergencies.		
Signatures	Both the customer and the boat hire company must sign this form to signify that the safety instructions have been given provided and understood.		
Place: _____ date: _____ / 20....		Boat hire company's signature	Customer's signature
		_____	_____

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# Guidelines for recreational seafishing in Norway

You are welcome to fish in the Norwegian seawater, provided that you follow a set of simple rules:

- Respect the minimum fish sizes specified. See the table for minimum fish sizes overleaf.
- Foreign tourists are only permitted to use hand-held tackle.
- Tourists are permitted to take up to 15 kg of fish or fish fillets and one (whole) trophy fish out of the country. This export-restriction does not apply for tourists who buy directly from commercial fishermen. You will need to show a receipt for your purchase when leaving the country.
- You must keep a distance of more than 100 metres from the closest fish farm when fishing.
- Foreign tourists are not permitted to sell the catch.
- Eel and spiny dogfish are preserved species in Norway.

## Minimum fish sizes for a selection of important species

In order to preserve our fish stocks in Norwegian sea waters, we encourage everyone to avoid catching fish which is under the minimum size specified. If you do catch a fish under the minimum size, free it carefully from the hook and release it to the sea. You can also try changing to a larger hook or move to a new fishing spot. If the fish is dead or is clearly not capable of surviving, you can keep it to eat.



Photo: Norwegian Seafood Council

Species	Area	Minimum size
Halibut		80 cm
Cod	North of 62° N	44 cm
	South of 62° N	40 cm
Haddock	North of 62° N	40 cm
	South of 62° N	31 cm
Plaice	In Skagerrak	27 cm
	Off the coast of Skagerrak	29 cm
Whiting		32 cm
Redfish		32 cm
Large scallop		10 cm

The length of the fish is measured from the end of the nose to the end of the outermost points of the tail fin. The size of a large scallop is measured using the longest length of the shell.

A complete table of minimum fish sizes and up-to-date regulations for fishing in the Norwegian sea are available at [www.fiskeridir.no](http://www.fiskeridir.no)

## Important phone numbers

**In an emergency, please call one of the following numbers for assistance. Learn these before boarding the boat.**

**Coastal radio stations + 47 120**

**Police 112**

**Ambulance 113**

## For your own safety

**Flotation clothing should be worn during the entire voyage.**

**Your mobile phone should be stored in a waterproof bag.**

**Avoid standing in the boat if possible.**

**Listen to locals regarding weather conditions and especially dangerous areas.**

**Important phone numbers in an emergency:**

- Coastal radio stations + 47 120
- Police 112

**Have a nice boating trip!**

