



NEYTENDASTOFA

Alþingi
Nefndasvið
Austurstræti 8-10
150 Reykjavík

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

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.

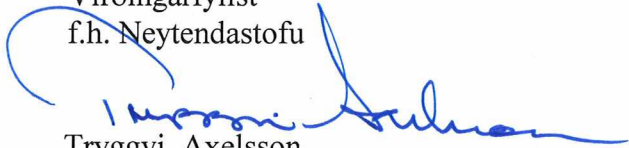
Fskj.

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.

Virðingarfyllst
f.h. Neytendastofu



Tryggvi Axelsson
Forstjóri

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

Remember your life jacket!



We wish you a safe and wonderful holiday in Norway:



Sjøfartsdirektoratet
Norwegian Maritime Authority

www.sjofartsdir.no



DIRECTORATE OF FISHERIES

www.fiskeridir.no



dsb Directorate for
Civil Protection and
Emergency Planning

www.dsb.no



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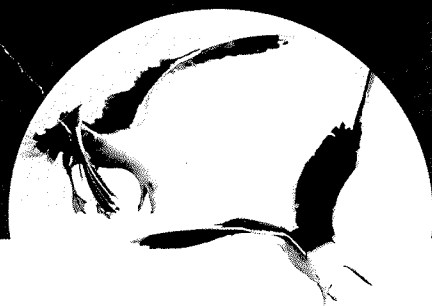
www.nhoreiseliv.no

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www.visitnorway.com/fishing

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

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.

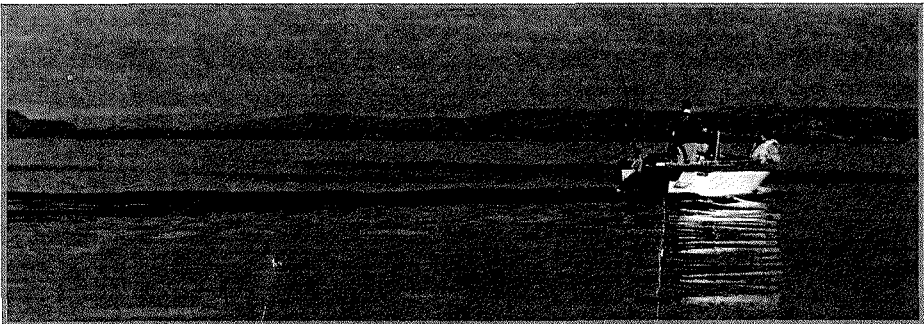


Photo: Andreas Glossner (iStockphoto)

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.

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

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.

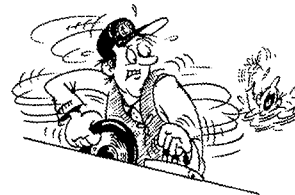
Avoid standing in the boat if possible.

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!



Rapport

2010:20

Sammanställningsrapport av projektet fritidsdykning



Konsument
verket • KO

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
- Samarbeta 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.

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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 konsumenterna 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, SSDF¹ och PADI². Myndigheter som deltagit är Polisen, Försvarmaktens 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 konsumenterna 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 Konsumentverkets 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.

¹ SSDF; Svenska Sportdykarförbundet

² 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 dykluft³. 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.

³ 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.

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 konsumenttjänster⁴ och i Norge täcks dyktjänster in av en internkontrollföreskrift⁵. 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.

⁴ www.tukes.fi/sv ; Se "Anvisningar för främjande av säkerheten för kringaktiviteter"

⁵ 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. Utbildningsmaterialet⁶ som användes finns utlagt på 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

⁶ 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 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-anlutna 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

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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Säkerhetsplan

Företagets namn
2008-XX-XX

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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 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

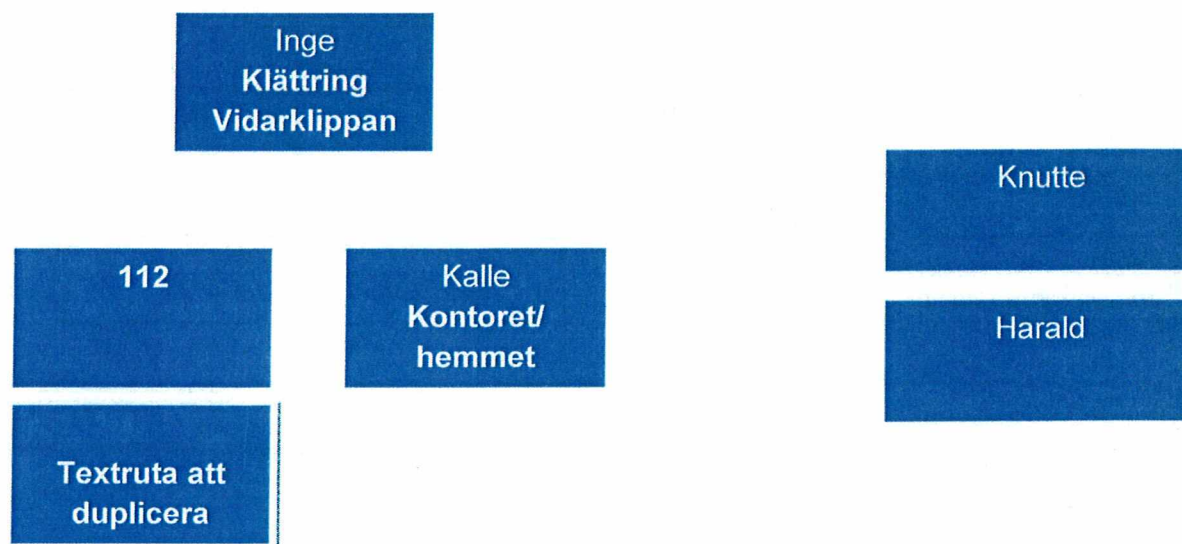
Namn	Telefon: mobil	Telefon Hem
<i>Inge</i>	<i>070-321 XX XX</i>	<i>0921- 234 XX</i>
<i>Kalle</i>		

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)

