

## **Rescue Equipment Act**

(10/2007)

### **Section 1**

#### **Purpose of the Act**

The purpose of this Act is to ensure that rescue equipment is safe and suitable for its purpose and that it can be freely placed on the market and put into use as conforming to requirements.

The purpose of this Act is also to ensure that the correct installation, service and inspection of rescue equipment guarantee the effective and reliable functioning of the equipment in accordance with its intended purpose.

### **Section 2**

#### **Scope of application**

This Act applies to rescue equipment and its manufacturers, importers, vendors and any other persons or parties that place rescue equipment on the market or put it into use in Finland. The Act also applies to firms that install and service fire detection and fire extinguishing systems, firms that service and inspect portable fire extinguishers, assessment bodies that evaluate conformity and inspection bodies that perform inspections of fire detection systems and automatic fire extinguishing systems.

Furthermore, this Act applies to the procedure observed in the attestation of conformity and to the marking of products.

### **Section 3**

#### **Application of other legislation**

If another act contains provisions that are contrary to the provisions of this Act regarding the placement on the market or putting into use of rescue equipment, the provisions of the other act shall prevail over those of this Act.

If the piece of rescue equipment is a construction product included in the scope of Directive 89/106/EEC (the Construction Products Directive) on the approximation of laws, regulations and administrative provisions of the Member States relating to construction products, the provisions of Chapters 2, 3 and 7–11 of the Act on the Approval of Construction Products (230/2003) apply to the attestation of its conformity.

## **Section 4**

### **Definitions**

For the purposes of this Act:

1) “rescue equipment” means:

a) fire detection equipment installed in a building, equipment for the detection of other risk of accident as well as alarm and warning equipment;

b) fixed fire extinguishing and smoke extraction equipment;

c) first extinguishing equipment, such as portable extinguishers and fire blankets;

d) products used to mark and illuminate escape routes in buildings;

e) prefabricated fixed fireplaces connected to the flue, such as open fireplaces and sauna stoves that are designed to use solid fuel;

f) equipment and products used in the construction and furnishing of civil defence shelters;

2) “installation firm” means a firm which installs and services fire detection and extinguishing systems;

3) “portable extinguisher firm” means a firm which services and inspects portable extinguishers;

4) “assessment body” means an entity, institution or other body with responsibility for providing assessments of conformity in prescribed cases to attest conformity of rescue equipment before its placement on the market or into use.

5) “inspection body” means an entity, institution or other body which inspects fire detection systems and automatic fire extinguishing systems at specified intervals.

## **Section 5**

### **General requirements regarding rescue equipment**

Rescue equipment shall be reliable and suitable for its purpose. In addition, the equipment shall be fit for use safely and without posing threat to human health, property or the environment.

The equipment must bear appropriate markings showing its conformity and, unless it is otherwise obvious, an identification mark to verify the manufacturer or any other person or entity that markets the product.

Information and instructions necessary for the appropriate installation, use and maintenance of the equipment shall be supplied with the equipment. The operating, service and installation instructions shall provide sufficient information about the characteristics, purpose of use and safe handling of the equipment.

Further provisions on the requirements placed on rescue equipment, markings required on the equipment and information and instructions to be supplied with the equipment may be given by Government decree.

## **Section 6**

### **Attestation of conformity**

Those who market rescue equipment or transfer it to others must ensure and be able to reliably prove that the equipment meets the relevant requirements.

The rescue equipment is considered to meet the relevant requirements if the manufacturer has duly declared its conformity and affixed a mark of conformity to the equipment, or the conformity of the equipment has been attested by a certification procedure carried out by an assessment body. Provisions on the employment of an assessment body may be laid down in conjunction with those on the requirements placed on the equipment. Such certification procedure shall comprise any measures necessary to ensure conformity. Conformity includes the provisions on the general requirements regarding the equipment of section 5 above. The manufacturer shall retain the relevant technical and other documents for attestation and supervision of conformity.

If the rescue equipment is included in the scope of application of statutes that require the affixation of the CE marking, the CE marking with the associated manufacturer's obligations proves that the equipment complies with the statutes.

Further provisions on certification or other procedure observed in the attestation of conformity and on obligation to employ an assessment body to attest conformity may be given by Government decree.

## **Section 7**

### **Certain design, installation, service and inspection tasks**

Fixed fire detection systems or corresponding systems installed in a building or other similar site that must be installed thereto under an act or a provision issued under it or decision by an authority, or that are linked to an emergency response centre using a data link, as well as automatic fire extinguishing systems shall be designed and installed in a manner ensuring their appropriate and reliable functioning and ensuring that they do not pose any threat to human health, property or the environment. The purpose of use of the system and the installation site as well as its compatibility with other systems possibly affecting the functioning of the system shall be taken into account in the design and installation of the system.

Fire detection systems and corresponding systems as well as automatic fire extinguishing systems referred to above in subsection 1 shall be serviced and inspected in a manner ensuring that the systems meet statutory requirements throughout their useful life.

Portable extinguishers shall be serviced and inspected in a manner ensuring their safety and reliability.

Further provisions on design, installation, service and inspection referred to above in this section may be given by Government decree.

## **Section 8**

### **Installation firms and portable extinguisher firms**

Prior to commencing a task referred to above in section 7, installation firms and portable extinguisher firms shall submit a notification to the Safety Technology Authority for the purpose of supervision. The notification shall contain details of the operator and the responsible person as well as the operations carried out and the tools used.

Further provisions on submission of notifications regarding installation firms and portable extinguisher firms and on information to be submitted therein may be given by Government decree.

## **Section 9**

### **Responsible person**

The responsible person referred to above in section 8 shall ensure that the firm operates in compliance with the provisions that apply to it.

The responsible person may be the operator in question or a full-time employee of the firm. The responsible person shall have the special competence appropriate to their tasks, gained through training and work experience. The responsible person shall demonstrate their competence in an examination arranged by the Safety Technology Authority or other, sufficiently competent body approved by it. The Safety Technology Authority issues persons who meet the competence requirements with a certificate of competence valid for a fixed term. The Safety Technology Authority may cancel the certificate of competence if the person in question no longer meets the competence requirements or fundamentally fails to perform their duty to ensure compliance as laid down in subsection 1 above.

Further provisions on the responsible person's tasks, competence requirements and the demonstration of their competence may be given by Government decree.

## **Section 10**

### **Operations of installation firms and portable extinguisher firms**

Installation firms and portable extinguisher firms shall perform installation, service and inspection tasks assigned to them competently and with due care in a manner consistent with good installation and service practice and taking into consideration any provisions and generally accepted recommendations concerning the operations.

Further provisions on the performance of installation, service and inspection tasks, tools used therein, documentation thereof and installation certificates issued may be given by Government decree.

## **Section 11**

### **Approval of assessment and inspection bodies**

On application, the Safety Technology Authority approves the bodies assessing the conformity of rescue equipment as well as the inspection bodies performing inspections of fire detection systems and automatic fire extinguishing systems, excluding assessment bodies within the scope of application of the Construction Products Directive.

The decision of approval determines the scope of competence of the assessment or inspection body as well as its duties and field of activity, confirms the arrangements regarding its supervision and, where necessary, sets out other requirements, restrictions or conditions concerning the activities of the body that ensure the appropriate performance of its duties. The decision may be given for a fixed term.

Assessment or inspection bodies approved by a Member State of the European Economic Area or by Turkey correspond to a body referred to in subsection 1 above if the approval procedure complies with requirements equivalent to the provisions of this Act.

## **Section 12**

### **Conditions for the approval of assessment and inspection bodies**

An assessment body or inspection body is approved if:

- 1) the body is financially and otherwise independent in its activities related to assessment and inspection duties;
- 2) the body has access to a sufficient number of competent personnel whose independence in assessment and inspection duties has been ensured;
- 3) the body has the equipment, tools and systems required by its activities;
- 4) the body has sufficient liability insurance cover or other arrangement deemed sufficient with regard to the type and scope of its activity; and
- 5) the body is a legal person registered in Finland or a part of legal person registered in Finland.

Assessment bodies and inspection bodies shall obtain an assessment by an independent expert that proves they meet the requirements laid down in subsection 1 above.

Assessment and inspection bodies shall notify the Safety Technology Authority of any such changes in their activity that may affect their compliance with the approval requirements.

## **Section 13**

### **Duties of assessment and inspection bodies**

Assessment bodies carry out assessment duties related to the attestation of conformity referred to in section 6(2) above with the purpose of ensuring that rescue equipment placed on the market or put into use meets the requirements set thereon in this Act.

Inspection bodies carry out initial inspections and periodic inspections of the systems referred to in section 7(1) above.

Inspection bodies shall notify regional rescue authorities of any serious defects concerning fire detection systems or automatic fire extinguishing systems detected during inspections.

## **Section 14**

### **Performance of duties**

Assessment bodies and inspection bodies shall perform their duties subject to official liability. In performing their duties such bodies shall take into consideration the provisions and generally accepted recommendations pertaining to the product.

Assessment and inspection bodies shall follow the development of the provisions and standards in their sector and cooperate with other bodies in their sector as necessary to ensure the coherence of measures.

In discharging public administrative functions referred to in this Act, assessment and inspection bodies shall observe the provisions of the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003), the Administrative Procedure Act (434/2003) and the Language Act (423/2003).

Assessment bodies and inspection bodies may use external testing, inspection and other services while themselves bearing responsibility for overall assessment. External service providers shall meet the requirements set in section 12(1) above and observe the provisions of this Act regarding the performance of assessment and inspection duties. The provisions of subsections 1 and 3 of this section regarding assessment bodies and inspection bodies also apply to external service providers referred to in this subsection.

## **Section 15**

### **Further provisions on assessment and inspection bodies**

Further provisions on the approval procedure of assessment and inspection bodies, conditions for their approval, and assessment of the conditions are given by Government decree.

In addition, further provisions on the duties of assessment and inspection bodies laid down in sections 13 and 14 above as well as the performance thereof, the content of inspections carried out by inspection bodies and the procedures to be followed therein may be given by Government decree.

## **Section 16**

### **Registers kept by competent authorities**

For the purpose of performing its tasks under this Act, the Safety Technology Authority keeps a register of installation firms and portable extinguisher firms that have given a notification under this Act and of assessment and inspection bodies approved by it. In addition, the Safety Technology Authority keeps a register of certificates of competence issued under this Act and of responsible persons referred to in section 9 above.

The name and necessary contact details of the person, firm or institution registered are entered in the register. The criteria for and period of validity of the certificate of competence and the approval thereof as well as the field of special expertise are also entered in the register. Information registered is retained for five years following the expiry of the period of validity of the approval or the certificate of competence or the termination of business.

The provisions of the Act on the Openness of Government Activities apply to secrecy and disclosure of personal data entered in the register while the provisions of the Personal Data Act (523/1999) apply to other processing of personal data. Data registered may also be disclosed in the form of copies or by electronic means through public data networks.

## **Section 17**

### **Supervision**

Compliance with this Act and the activities of assessment and inspection bodies are monitored by the Safety Technology Authority.

Regional rescue authorities shall notify the Safety Technology Authority of any serious defects in rescue equipment or in the activities of installation firms or inspection bodies discovered during fire inspections or other activities performed by the authority.

## **Section 18**

### **Prohibitions and coercive measures**

If rescue equipment referred to in section 4(1) above fails to meet the requirements laid down thereon by or under this Act and this constitutes an obvious safety risk, the Safety Technology Authority may:

- 1) temporarily or permanently prohibit the sale or any other transfer of the equipment;
- 2) require changes to be made to the equipment so that it meets the requirements, and

3) oblige the manufacturer, importer, retailer or any other transferor of the equipment referred to in section 2(1) above to publicly notify of the risk caused by the equipment within the period prescribed or give such a notification at the manufacturer's or importer's expense.

If an installation firm or portable extinguisher firm referred to in section 2 above no longer complies with the conditions or requirements set on its operations in sections 8–10 above or fails to comply with a binding decision, the Safety Technology Authority shall prescribe a sufficient deadline by which the non-compliance must be rectified. If non-compliance is not rectified within the prescribed period, the Safety Technology Authority may, if the breach is essential, prohibit the installation firm or portable extinguisher firm from continuing its activities referred to in this Act.

If an assessment or inspection body no longer complies with the requirements laid down in section 12 above or fails to comply with the conditions set in a decision referred to in section 11 above or otherwise essentially fails to comply with provisions, the Safety Technology Authority shall prescribe a sufficient deadline by which the non-compliance must be rectified. The Safety Technology Authority may cancel its approval if the body fails to rectify the non-compliance by the prescribed deadline.

## **Section 19**

### **Powers of the supervisory authority**

For the purpose of supervision of compliance with this Act and provisions and regulations issued under this Act, the Safety Technology Authority has the right to access the place of manufacture, storage, sale and use of rescue equipment referred to in section 4(1) above and to the place where the systems referred to in section 7(1) above has been installed or where it is serviced. However, no supervisory measures may be extended to domestic premises or to a location controlled by the Defence Forces that for the sake of national security must be kept secret.

Notwithstanding secrecy provisions, the Safety Technology Authority has the right to obtain information necessary for the monitoring of compliance with this Act and with any provisions and regulations issued under this Act from manufacturers, importers, vendors or any other transferors or holders referred to in section 2(1) above, and from customs, rescue and consumer protection authorities as well as from installation firms and portable extinguisher firms referred to in section 4 above as well as from assessment and inspection bodies. However, this right to obtain information does not apply to information kept secret by the Defence Forces for the sake of national security.

If a manufacturer, importer, vendor or any other transferor of rescue equipment referred to in subsection 2 above fails, notwithstanding a request to do so, to provide information to the Safety Technology Authority or the information provided is significantly insufficient and cannot be immediately obtained from elsewhere, the Safety Technology Authority has the right to prohibit the manufacture, offer for sale, sale and any other transfer of the equipment until the conformity of the equipment can be ensured.

The Safety Technology Authority has the right to obtain at the current price the necessary quantity of marketed pieces of equipment for use as test pieces. If the equipment fails to comply with the requirements laid down in this Act or provisions or regulations issued under this Act, the Safety Technology Authority has the right to collect the purchase price of the equipment as well the costs

incurred in the testing and inspection thereof from the Finnish manufacturer or importer marketing the product or, should they not be found, from the supplier from whom the Safety Technology Authority obtained the equipment.

## **Section 20**

### **Mutual recognition**

Rescue equipment imported from other Member States of the European Economic Area or from Turkey is deemed to comply with this Act if it complies with such provisions and regulations valid in the country in question that guarantee a level of safety corresponding to the provisions of this Act.

Measures to attest conformity referred to in section 13 above performed by foreign assessment bodies are accepted if international agreements binding on Finland so require or impose.

The competence of a responsible person referred to in section 9 above may also be proven with a foreign certificate of competence or an equivalent document if the criteria it is based on correspond to the provisions laid down by or under this Act.

## **Section 21**

### **Appeal**

Administrative decisions made by the Safety Technology Authority under this Act may be appealed as provided in the Administrative Judicial Procedure Act (586/1996). Notwithstanding an appeal, decisions must be complied with unless otherwise ordered by the appellate authority.

Rectification of a decision by an assessment body regarding a certificate of conformity or a decision by an inspection body regarding an inspection certificate may be sought from the body which made the decision within 30 days following notification of the decision. Provisions regarding the body's obligation to include instructions for seeking rectification in the decision are laid down in the Administrative Procedure Act. Appeals against decisions made by assessment bodies or inspection bodies during rectification procedures shall be submitted to an Administrative Court as provided by the Administrative Judicial Procedure Act.

## **Section 22**

### **Secrecy obligation**

Notwithstanding the secrecy obligation laid down in the Act on the Openness of Government Activities, information that is covered by the secrecy obligation obtained when performing duties under this Act may be handed over to supervisory authorities for the purpose of supervision and to police and prosecuting authorities for the purpose of investigations into a criminal offence.

Notwithstanding secrecy provisions, the Safety Technology Authority as well as assessment and inspection bodies also have the right to disclose information to foreign official bodies monitoring product safety if disclosure is necessary to prevent a hazard caused by a product.

## **Section 23**

### **Penalty payments and executive assistance**

The Safety Technology Authority may, as a sanction for a prohibition or regulation issued under this Act, impose a penalty payment. The provisions of the Penalty Payment Act (1113/1990) apply to penalty payments.

If necessary, executive assistance shall be rendered by the police and, if the matter pertains to rescue equipment imported from outside the European Union, by customs authorities for the purpose of supervising and implementing compliance with this Act and the provisions and regulations issued under this Act.

## **Section 24**

### **Further provisions and instructions**

If necessary, further provisions on the implementation of this Act are given by Government decree.

The Safety Technology Authority may issue instructions that harmonise the application and supervision of this Act and provisions given under this Act.

## **Section 25**

### **Entry into force**

This Act comes into force on 1 February 2007.

This Act repeals the Act of 30 April 1999 on Technical Requirements for Rescue Equipment and on Fire Safety of Products (562/1999). The decrees and regulations issued by the Ministry of the Interior under the Act shall, however, remain in force.

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

## **Section 26**

### **Transitional provisions**

Inspection bodies approved before the entry into force of this Act may continue their operations as inspection bodies referred to in this Act without separate approval for the period specified in the decisions of approval pertaining thereto.

Approvals and decisions given before the entry into force of this Act under the provisions referred to in section 25(2) above remain in force under the conditions specified therein.