

Modern  
Consumer Safety  
Surveillance -  
Focus on Safety  
of Leisure  
Services

tukes

# Surveillance authorities <sup>1/2</sup>

## Finnish Safety and Chemicals Agency, Tukes

- Consumer Safety Unit
  - Enforcing the consumer safety legislation
  - Planning and guiding the consumer safety surveillance
  - Co-operation with operator's coalitions and unions
  - Administrative co-operation in national and EU level
  - Nationwide competence
- Guidelines on safety of the consumer services, e.g.
  - Adventure Services
  - Snow and ice constructions
  - Snow mobile services
  - <http://www.tukes.fi/en/Branches/consumer-safety/>

# Surveillance authorities 2/2

## **Regional authorities** (Regional State Administrative Agencies)

- Steering municipal authorities, monitoring, reporting
- Competence within the region

## **Municipal authorities**

- Main focus on consumer services
- Competence within the municipality
- Annual surveillance program on consumer safety
  - Also inspections due to the severe accidents
- Risk based surveillance
- Checklists for surveillance visit's (based on legislation and guidelines)

# Co-operation with sport and operators' unions

- Exchange of information
- Best practises of consumer service sectors are recognized as one of the possible criterias for assessing safety of a service
- Co-operation in drawing up safety guidelines and recomendations for different services
- Regular meetings on current topics
- Aim is to improve the safety of consumers!

# Consumer Safety Act (920/2011)

If not covered by other legislation (lex specialis), applies to:

- Consumer goods (the national implementation act for GPSD)
- Consumer services
- Both commercial and non-commercial activities

Regulates:

- Responsibilities and obligations for operators
- Powers and competence for authorities

Does not regulate consumers' rights (regulated in the Finnish Consumer Protection Act (38/1978))

# Operators' liabilities

- General responsibility for safety; obligation to ensure that the service does not involve any risk to health or property
- Obligation to provide all the information necessary for safety to consumers
- Obligation to co-operate and provide information to surveillance authorities
- Obligation to certain service providers to draw up a safety document

The operators can not transfer liability for safety by agreements or disclaimers

# Surveillance of consumer services safety

- Reactive actions and initiative surveillance projects
- Priority based on risk assesment
- Authorities give NO approvals, permissions, authorizations, certificates or such
- No actions of authorities privilege operators from liability
- Authorities have rights to:
  - receive information - also confidential - from operators and other authorities
  - carry out inspections, including access to premises
  - take samples

# Powers of surveillance authorities

If a consumer service appears to be dangerous and operator refuses / can not take necessary actions to ensure safety voluntarily, the authorities can:

- Order operator for remedial or corrective actions
- Impose a prohibition or a provisional prohibition
- If the danger is imminent, suspend operations or carry out measures at the operators expense
- Order the operator to inform the public of prohibition or order issued and the risk involving the service

Orders and prohibitions may be intensified by conditional fine, suspension or threat of having measures taken at operators expense

More information about requirements for and surveillance of consumer services is available in [www.tukes.fi](http://www.tukes.fi)

THANK YOU!

**TUKES**