

STATUTE BOOK OF FINLAND

Published in Helsinki, 15 December 2016

1113/2016

Government Decree amending the Government Decree on smoking areas

In accordance with the Government decision
the title of the Government Decree on smoking areas (601/2016) is *amended*
and
the following new §s 4a and 4b shall be *introduced* to the Decree:

Government Decree on smoking areas and applying a smoking ban for the housing community

§ 4a

application regarding a smoking ban for the housing community

The application referred to in § 79 (1) of the Tobacco Act (549/2016) shall contain:

- 1) attachment of the decision made by the housing community which indicates the housing community's right to make the application;
- 2) a description regarding the subject of the smoking ban, divided into indoors, balconies and outdoor areas;
- 3) the contact details of the possessors of the premises to which the application relates, known to the housing community; in addition, the housing community's known demographic information system and non-disclosure for personal safety reasons referred to in § 36 of the Act on the Population Information system and Certificate Services Provided by the Population Register Centre (661/2009) must be declared;
- 4) a description of the procedures used for the consultation of the possessors and of the favourable and opposing views expressed during the consultation;
- 5) a structural or other statement that, due to their structures or other circumstances, from the premises referred to in subsection 2, excluding exceptional circumstances, tobacco smoke may passage onto other balcony, to the outdoor area of another apartment or to the indoor areas of another apartment.

In addition, if the application concerns a smoking ban for a residential space of an apartment, the application shall also include a statement that:

- 1) it is not possible to reasonably prevent the passage of smoke by repairing or modifying structures;
- 2) the possessor of the apartment is provided with the possibility to prevent the passage of smoke by possessor's own measures.

If the housing community becomes aware of a possessor change of any premises referred to in the application before the municipality has taken a decision, the housing community shall update the information provided under subsection 1 (3).

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§ 4b

Application for reversing a smoking ban in the housing community

An application for the reversal of a smoking ban shall contain:

- 1) identify the decision of the authority to which the application relates;
- 2) provide a structural or other statement of the changed circumstances that have made the ban unnecessary, as intended under § 79 (3) of the Tobacco Act.

If the applicant is a housing community, the application shall contain, in addition to the information referred to in sub§ 1, the information referred to in § 4a (1), paragraph (1) to (3).

If the applicant is the possessor of the premises, the application shall contain, in addition to the information referred to in sub§ 1, the information referred to in § 4a (1), paragraph (2) to (3) and a statement that the housing community has not applied for a reversal of the smoking ban, regardless the substantially changed circumstances.

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This Decree enters into force on 1 January 2017.

Helsinki, 8 December 2016

Minister of Family Affairs and Social Services Juha Rehula

Lawyer Laura Terho