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Vessel Traffic Service Act (623/2005)

Chapter 1 – **General provisions**

Section 1 – *Objectives*

The objectives of this Act are to increase the safety and efficiency of vessel traffic and to prevent damage caused to the environment by vessel traffic.

Section 2 – *Definitions*

In this Act:

- 1) *vessel traffic service (VTS)* means supervision and management of vessel traffic with a capability to interact with traffic and to respond to changing traffic situations;
- 2) *competent authority* means the Ministry of Transport and Communications;
- 3) *decision to establish a VTS* means a decision by the competent authority to establish a vessel traffic service in a certain area;
- 4) *VTS authority* means the Finnish Maritime Administration unit operating the vessel traffic service;
- 5) *VTS area* means an area which has been confirmed as a VTS area by a decision to establish VTS and in which vessel traffic service is operated; a VTS area can be divided into sub-areas or sectors;
- 6) *VTS centre* means a centre from which the VTS authority operates the vessel traffic service;
- 7) *VTS operator* is an appropriately qualified person performing VTS tasks in a VTS centre;
- 8) *VTS sailing plan* is a plan mutually agreed between a VTS operator and the master of a vessel concerning the movement of the vessel in the VTS area;
- 9) *VTS traffic image* is the surface picture maintained by the VTS centre of the situation of vessels and their movements in the VTS area and of other matters affecting the traffic; and
- 10) *ship's routing system* means any system of one or more routes or routing measures aimed at reducing the risk of casualties; it may include traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes.

Section 3 – *Scope of application*

- (1) This Act applies to a vessel traffic service operated in Finland's territorial waters and the leased Saimaa Canal area and to temporary management of vessel traffic in special circumstances.
- (2) The Act also lays down provisions on the supervision of traffic within VTS-area-related traffic separation schemes of the VTS authority outside Finland's territorial waters and traffic covered by ship reporting systems.
- (3) Notwithstanding what is provided in this Act on the operation of a vessel traffic service, monitoring and management of vessel traffic may also be carried out by the port and harbour authorities.

Chapter 2 – **Vessel traffic services**

Section 4 – *Vessel traffic services and languages*

- (1) Vessel traffic services include information, navigational assistance and traffic organization.
- (2) Vessel traffic service is provided as required in Finnish, Swedish and English.

Section 5 – *Information*

- (1) Information is given to vessels when they report, at set intervals, whenever necessary or when a vessel so requests.
- (2) Information is provided on:
 - 1) other vessels in the VTS area;
 - 2) changes in matters concerning the VTS area and traffic within it confirmed in the decision to establish VTS in accordance with section 8;
 - 3) meteorological and hydrological information;
 - 4) operation of pilots and ice-breakers;
 - 5) condition and availability of fairways and status of aids to navigation;
 - 6) any danger threatening a vessel; and
 - 7) other matters affecting the safety of vessel traffic.
- (3) Information about the weather must be based on meteorological reports provided for seafarers by a competent meteorological information service.

Section 6 – *Navigational assistance*

- (1) Navigational assistance is given to identified vessels on request or when deemed necessary by the VTS authority in difficult navigational circumstances or weather or ice conditions. Navigational assistance is advisory and result orientated only.
- (2) Messages sent to a vessel by the VTS authority must specify the name of the vessel, when the navigational assistance begins and ends and the observation instrument the navigational assistance is based on. In addition, the VTS operator and the master of the vessel must agree on communication procedures and on the vessel's VTS sailing plan in the VTS area.
- (3) Navigational assistance may include the following:
 - 1) information on the vessel's course made good and speed over ground;
 - 2) information on the vessel's position relative to the fairway axis or waypoint in accordance with the VTS sailing plan;
 - 3) information on the positions, identities and intentions of surrounding traffic;
 - 4) warnings to individual vessels.

Section 7 – *Traffic organization*

Vessel traffic can be managed with permanent traffic arrangements in order to prevent danger situations and congestion. For the purpose of organizing vessel traffic, the following orders may be issued for the VTS area:

- 1) passing prohibition and passing area;
- 2) overtaking prohibition and overtaking area;
- 3) clearance for departure from port or anchorage and for entry into a VTS area;
- 4) separation of traffic in terms of time or distance;
- 5) routes to be followed in the VTS area for vessels carrying dangerous or pollutant cargo and for special transports; and
- 6) prohibited and designated anchorage areas.

Chapter 3 – **Establishing a vessel traffic service**

Section 8 – *Decision*

- (1) The competent authority will establish a vessel traffic service in a specific area. Before establishing the service, it must investigate whether such a service is needed. For this purpose it must review:
 - 1) the effect of establishing a vessel traffic service on the safety and efficiency of maritime traffic, cooperation with other authorities and allied services; and
 - 2) traffic separation schemes, speed limits and other issues affecting or constraining traffic in the area.
- (2) In the decision, the following must be established:
 - 1) the VTS authority operating the vessel traffic service;
 - 2) a cooperation agreement, if the vessel traffic service is operated in cooperation with some other authority or a port or harbour operator in accordance with section 16;
 - 3) the vessel traffic services provided and the extent to which they are provided;
 - 4) the VTS area and mandatory reporting points and routes to be followed;
 - 5) the minimum number and competences of VTS authority personnel;
 - 6) operating methods and working hours of the VTS authority;
 - 7) the location of the VTS centre and the technical systems of the VTS centre and the VTS area; and
 - 8) further provisions concerning vessel reporting required by the vessel traffic service and the radio channels to be used.
- (3) The competent authority may establish different vessel traffic services for various sectors and sub-areas of the VTS area.

Section 9 – *Amendments to or cancellation of the decision to establish a VTS*

- (1) The competent authority may amend or cancel the decision to establish a VTS at the proposition of the VTS authority.
- (2) In addition, the competent authority may amend or cancel the decision to establish a VTS if the vessel traffic service is not operated in accordance with the decision.

Section 10 – *Information on a decision to establish a VTS and on amending or cancelling the decision*

The VTS authority must publish information on a decision to establish vessel traffic service and on amending or cancelling it in national and international VTS publications.

Chapter 4 – **Personnel qualifications**

Section 11 – *VTS operators' competence and on-the-job training*

- (1) A VTS operator must have the competence to operate vessel traffic service safely and efficiently.
- (2) A person who has a valid VTS operator certificate issued by the Finnish Maritime Administration and has completed a VTS operator's on-the-job training is allowed to serve as a VTS operator. The VTS authority makes an entry on the certificate concerning completion of on-the-job training.
- (3) The Finnish Maritime Administration confirms an on-the-job training plan, which must include a comprehensive description of the training to be provided and definitions by subject area of the knowledge and skills required after successful completion of the training period.
- (4) Further provisions concerning a VTS operator's on-the-job training and on-the-job training plan will be given by Government decree.

Section 12 – *VTS operator certificate*

- (1) In order to be granted a VTS operator certificate, an applicant must have successfully completed a VTS operator basic training and must have sufficient command of the Finnish, Swedish and English languages. If the certificate entitles its holder to provide services referred to in section 6 or section 7, the applicant must in addition have completed a deck officer's training and must have been granted a deck officer's certificate.
- (2) The Finnish Maritime Administration will enter the vessel traffic services that the certificate holder is entitled to provide on the certificate.
- (3) Further provisions on VTS operator basic training and the language skills required shall be given by Government decree.

Section 13 – *VTS supervisor's qualifications*

- (1) A VTS supervisor must have the competence to oversee the vessel traffic service safely and efficiently.
- (2) A person who has a valid VTS operator certificate issued by the Finnish Maritime Administration, has completed VTS supervisor advancement training and has sufficient command of the Finnish, Swedish and English languages is allowed to serve as a VTS supervisor. The Finnish Maritime Administration will make an entry on the certificate concerning successful completion of advancement training.
- (3) Further provisions on the VTS supervisor advancement training and the language skills required shall be given by Government decree.

Section 14 – *Validity and revalidation of a VTS operator certificate*

- (1) A VTS operator certificate is granted for a maximum fixed period of five years and can be revalidated on application.
- (2) In order to have certificates revalidated, applicants must show they have maintained their competence and successfully completed VTS operator supplementary professional training.
- (3) The VTS authority must carry out an assessment of knowledge and skills annually and make an entry of the assessment on the certificate. Persons who are continuously absent for longer than 12 months from work for which they have received an endorsement must complete an on-the-job training period successfully before returning to work.
- (4) Further provisions on the assessment of knowledge and skills, on-the-job training and supplementary professional training related to revalidation of certificates shall be given by Government decree.

Section 15 – *Withdrawal of a VTS operator certificate*

- (1) The Finnish Maritime Administration must withdraw a VTS operator certificate, if the holder's knowledge and skills no longer meet the requirements for certification.
- (2) After investigating the matter, the Finnish Maritime Administration may withdraw the certificates of holders who:
 - 1) repeatedly violate this Act or provisions issued under it; or
 - 2) are intoxicated while attending to their duties.
- (3) The person in question must be heard in the matter before the withdrawal of the certificate.
- (4) In cases referred to in subsections 1 and 2, the Finnish Maritime Administration may order certificate holders to hand over their certificates to the authorities without delay.
- (5) If a certificate is not withdrawn permanently, the decision must specify the period during which certification will not be granted. The period begins when the person in question has been notified of the decision or at the latest when the certificate expires.

Chapter 5 – **Jurisdiction and duties of the VTS authority**

Section 16 – *Operation of a vessel traffic service*

- (1) The VTS authority must operate the vessel traffic service in its VTS area in accordance with this Act and provisions issued under it and with the decision to establish a VTS referred to in section 8 and monitor and manage vessel traffic on the basis of the traffic image maintained in the VTS centre. The VTS authority must ensure that the service level of its VTS area is sufficient in relation to the traffic.

- (2) On the basis of a cooperation agreement, the VTS authority may operate a vessel traffic service in cooperation with other authorities or port or harbour operators. In such a case, too, the VTS authority carries the responsibility for operating the vessel traffic service.
- (3) Provisions concerning criminal liability apply to VTS operators.
- (4) The VTS authority must record the VTS area traffic image and related VHF radio traffic. The records must be kept for 30 days. What is provided on document publicity in the Act on the Openness of Government Activities (621/1999) will apply.

Section 17 – *Temporary management of vessel traffic in special circumstances*

- (1) When necessary, the VTS authority may temporarily order the following on account of exceptional meteorological and hydrological conditions or of special transports, a SAR operation or some other factor restricting or endangering traffic in the VTS area:
 - 1) closure of a water area, fairway or part of a fairway;
 - 2) vessels to anchorage or to return to berth; and
 - 3) speed limits in a water area or fairway.
- (2) Information on any measures must be given without delay to vessels in or approaching the VTS area and to the relevant port or harbour operator.

Section 18 – *The VTS authority's notification duty*

- (1) The VTS authority must notify the relevant maritime, SAR, environmental, territorial surveillance, police or Customs authorities and port or harbour operators of any relevant matters observed by it or reported to it and relating to the safety, SAR, environmental protection, territorial surveillance or Customs inspection of a specific vessel or the people on board.
- (2) The VTS authority shall communicate relevant information on a vessel considered to endanger the safety of shipping or pose a threat to maritime safety, life or the environment to the relevant VTS authorities of European Union Member States located along the planned route of the vessel.
- (3) Further provisions on the notification duty of the VTS authority shall be given by Government decree.

Section 19 – *The VTS authority's operating manual*

The VTS authority must have an operating manual defining the tasks and measures relating to the maintenance of the operation and technical systems of the VTS centre and a contingency plan for operating the vessel traffic service in exceptional circumstances.

Section 20 – *Supervision in international waters*

The VTS authority must supervise observance of traffic separation schemes and ship reporting systems in international waters adjacent to its VTS area.

Chapter 6 – Duties relating to vessels and masters

Section 21 – *Participation in a vessel traffic service*

- (1) Vessels of 24 metres in length overall or more are obliged to participate in the vessel traffic service by reporting to the VTS authority in the manner laid down in the decision to establish a VTS in accordance with section 8, by listening to the VHF channels used in the VTS area and by observing the provisions concerning traffic in the VTS area and orders confirmed in the decision to establish a VTS.
- (2) Vessels of the Finnish Defence Forces and the Frontier Guard may report to the VTS authority in a separately agreed manner.
- (3) In individual cases, the VTS authority may, on account of weather or ice conditions or for other maritime safety related reasons, order other vessels, too, to participate in the vessel traffic service.
- (4) In individual cases, the VTS authority may, if it is evident that reporting is unnecessary or unreasonably difficult, exempt a vessel from the duty to report on condition that vessel safety is not endangered and that the vessel has a functional automatic identification system (AIS) in place.

Section 22 – *Responsibility and notification duty of the master*

- (1) The master is responsible for manoeuvring his vessel when it is participating in the vessel traffic service.
- (2) If, for a compelling reason relating to the safety of the vessel, the master of the vessel is unable to participate in the vessel traffic service in the manner laid down in section 21 or to observe orders given under section 17 for temporary management of vessel traffic, he must notify the VTS authority of this without delay and, at the request of the VTS authority, give a separate written explanation on the matter.
- (3) The master must notify the owner of relevant measures concerning the vessel under section 17.

Section 23 – *Notifications concerning maritime incidents and accidents*

- (1) The master must notify the VTS authority of the following events taking place in the VTS area or its vicinity:
 - 1) any incidents or accidents affecting the vessel's safety, such as collisions, grounding, damage, malfunction or engine failure, leakage or cargo shifting and any hull or structural defects;
 - 2) any incidents or accidents endangering the safety of navigation, such as any malfunction potentially affecting the manoeuvrability or seaworthiness of the vessel and any defects affecting the vessel's propulsion machinery, steering gear, electrical power generation installations or navigation instruments or communication equipment;
 - 3) any circumstances that may cause pollution of the waters or the coast, such as discharge of pollutants into water or risk of such discharges; and
 - 4) any pollutant spills and containers or packages drifting on the sea.
- (2) Further provisions on the content of the notifications referred to in subsection 1 shall be given by Government decree.

Chapter 7 – Miscellaneous provisions

Section 24 – *Executive assistance*

The VTS authority is entitled to executive assistance from the Finnish Defence Forces, the Frontier Guard, the environmental authorities, the Customs and police authorities, rescue departments and masters of government vessels.

Section 25 – *Approval of training programme*

The Finnish Maritime Administration approves the training programmes for vessel traffic service duties. Training programmes must include at least basic knowledge in vessel traffic service, communication, applied provisions and management of exceptional circumstances.

Section 26 – *VTS qualification register*

- (1) The Finnish Maritime Administration maintains a person register (*VTS certification register*) in order to supervise the competence of VTS operators and supervisors and to monitor related periods of service.
- (2) The following data may be entered in the VTS certification register as basic information on holders of VTS operator's and supervisor's certificates:
 - 1) name and date of birth; and
 - 2) address and other contact data as other information.
- (3) In addition to basic information, data necessary in view of the purpose of the register may be entered in the VTS certification register on:
 - 1) certificates granted;
 - 2) vessel traffic services that certificate holders are entitled to provide;
 - 3) completed on-the-job training;
 - 4) endorsements granted;
 - 5) periods of service in VTS centres;
 - 6) completed VTS operator's supplementary professional training; and
 - 7) withdrawal of certificates.
- (4) Personal data is removed from the register when ten years have elapsed from the end of the year during which a person's certificate expires.
- (5) Persons entered in the VTS certification register may be given information concerning themselves. Apart from this, information can only be given to the competent authority, the VTS authority and parties operating a vessel traffic service in cooperation with the VTS authority under the cooperation agreement referred to in section 8(2)(2) and section 16(2).
- (6) Otherwise, what is laid down in the Personal Data Act (523/1999) applies to the handling of personal data entered in the VTS certification register.

Section 27 – *List of training institutions*

The Finnish Maritime Administration keeps a list of training institutions giving basic training for VTS operators and advancement training for VTS supervisors.

Section 28 – *Supervision*

- (1) The supreme supervision of implementation and observance of this Act shall be exercised by the Ministry of Transport and Communications.
- (2) The Finnish Maritime Administration supervises the observance of this Act and provisions issued under it.
- (3) If a vessel does not observe the provisions of this Act, the provisions of international agreements or decisions by the International Maritime Organization (IMO) and the violation is unambiguous and serious, the Finnish Maritime Administration must notify the vessel's flag state.

Section 29 – *Penal provisions*

A person who deliberately or through carelessness violates orders issued by the VTS authority under section 17(1), provisions of section 21 or orders confirmed in the decision to establish a VTS referred to in section 8 or neglects the notification duty laid down in section 22 or section 23 must be sentenced to a fine for *a vessel traffic service violation* unless a more severe punishment is laid down elsewhere in law.

Section 30 – *Court*

In matters handled in accordance with section 17 and sections 21-23 of this Act, the court with competent jurisdiction is determined under the provisions of chapter 21 of the Maritime Act (674/1994).

Section 31 – *Appeals*

Administrative decisions made by the competent authority, the VTS authority or the Finnish Maritime Administration under this Act are challenged by way of appeal as laid down in the Administrative Judicial Procedure Act (586/1996). Decisions must be adhered to in spite of appeal unless the appellate authority orders otherwise.

Chapter 8 – **Transitional provisions and entry into force**

Section 32 – *Entry into force*

- (1) This Act enters into force on 1 October 2005.
- (2) This Act repeals section 14 of the Water Traffic Act (463/1996) adopted on 20 June 1996 and the decision issued by the National Board of Navigation on 14 April 1997 on vessel traffic services.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

Section 33 – *Transitional provisions*

- (1) A decision to establish a VTS in accordance with section 8 must be applied for in respect of vessel traffic services in operation at the time of the entry into force of this Act within six months of the entry into force of this Act.

- (2) VTS operators and supervisors must have the competence referred to in section 11 or section 13 as of 1 July 2007. VTS operators and supervisors holding an office or post at the time of the entry into force of this Act will not be required to have completed a deck officer's training or to have a deck officer's certificate.