

Pilotage Act

(940/2003; amendments up to 592/2011 included)

Section 1 Purpose of the Act

The purpose of this Act is to enhance the safety of vessel traffic and prevent environmental damage generated by vessel traffic.

Section 2 (1050/2010) Definitions

For the purposes of this Act:

- 1) *pilotage* means activities related to the navigation of vessels in which the pilot acts as an advisor to the master of the vessel and as an expert on the local waters and their navigation;
- 2) *pilot* means a person whom the Finnish Transport Safety Agency has, by granting him a pilot licence, authorised to be a pilot in Finnish waters and in the part of the Saimaa Canal leased by Finland; and
- 3) *pilotage company* means the limited liability company established by the Act on transforming the State Pilotage Enterprise into a limited liability company (1008/2010).

Section 3 Scope of application

This Act applies to pilotage provided for the assistance of vessels in Finnish waters and in the part of the Saimaa Canal leased by Finland.

Section 4 (1050/2010) Provision of pilotage services

- (1) Pilotage services may be provided and pilotage activities engaged in only by the pilotage company referred to in this Act.

- (2) The pilotage company shall be prepared to provide services also in emergency conditions as separately ordered by the Ministry of Transport and Communications.
- (3) The pilotage company shall offer the pilotage services referred to in this Act in the compulsory pilotage areas referred to in section 5 below.
- (4) Notwithstanding the provisions on pilotage laid down in this Act, activities relating to the manoeuvring of vessels in a harbour area in which a person is acting as an advisor to the master of the vessel and as an expert on the local waters and their navigation may also be carried out by persons approved for the task by a port authority.

Section 4 a (1050/2010)
Liability for damages of the pilotage company

- (1) The pilotage company is liable to compensate for damage caused in pilotage when the damage is caused intentionally or through gross negligence with knowledge that the damage was likely to arise.
- (2) Provisions on the maximum amount of the pilotage company's liability for damages referred to in subsection 1 above are laid down in section 4 b.
- (3) In other respects, the Maritime Act (674/1994) and the Tort Liability Act (412/1974) shall apply to the pilotage company's liability for damages.

Section 4 b (1050/2010)
Maximum liability for damages

- (1) The pilotage company's liability to compensate for damage caused in pilotage shall not exceed EUR 100,000 for each occurrence of damage.
- (2) When the amount provided for in subsection 1 is insufficient to indemnify those entitled to damages, the amount shall be divided among them in proportion with the magnitude of their claims.

Section 4 c (1050/2010)
Liability of the port authority

The provisions laid down in sections 4 a and 4 b concerning the pilotage company shall apply to the port authority mentioned in section 4(4) when the person mentioned in section 4(4) approved for the task by the port authority is a person other than the master or watch officer of the vessel shifted within the harbour area.

Section 5 Compulsory pilotage

- (1) Vessels shall use a pilot in the public fairways located in Finnish waters and the part of the Saimaa Canal leased by Finland which are mentioned in chapter 1, section 3(1)(13) of the Water Act (587/2011) and which have been defined as compulsory pilotage areas, if pilotage is required by the hazardous or harmful nature of the cargo or by the size of the vessel. (592/2011)
- (2) Compulsory pilotage, as referred to in subsection 1, also applies to foreign government vessels that are not used for commercial purposes.
- (3) Compulsory pilotage does not apply to:
 - 1) vessels owned by the Finnish government that are not used for commercial purposes;
 - 2) ferries forming an extension of public roads and vessels that are used solely in commuter traffic referred to in the Act on the Promotion of Overall Development in the Archipelago (494/1981) or similar traffic in the Province of Åland; or
 - 3) Russian vessels when they are sailing only in the leased part of the Saimaa Canal.
- (4) The following vessels are exempt from compulsory pilotage based on the size of the vessel:
 - 1) vessels the master of which holds a Pilotage Exemption Certificate referred to in section 14 and granted by the Finnish Transport Safety Agency;
 - 2) vessels the master of which holds the exemption referred to in section 16 and granted by the Finnish Transport Safety Agency; (1050/2010)
 - 3) vessels in domestic service sailing in the Saimaa waterways.
- (5) For reasons of safety or environmental protection, the Finnish Transport Safety Agency may also otherwise decide that a certain master or certain vessel shall use a pilot. (645/2010)
- (6) Further provisions on the vessels subject to compulsory pilotage are issued by Government Decree.

Section 6 (1050/2010)
Payment obligation and pricing

- (1) The owner of a vessel using a pilot is obliged to pay pilotage dues as laid down in this Act.
- (2) For pilotage services under this Act, the pilotage company shall charge the piloted vessel a fee based on a fixed unit price. The fee is determined according to the net tonnage of the vessel and the actual distance piloted.
- (3) In the Saimaa Canal and the Saimaa waterways, a fee based on a reduced unit price is charged. The reduced unit price shall not exceed two thirds of the regular unit price.
- (4) Decisions on the unit price, reduced unit price and prices of any other services are made by the Board of Directors of the pilotage company. The fees charged by the pilotage company shall be reasonable considering the costs incurred and a reasonable return.
- (5) The pilotage company will be compensated in part or in full for the loss of income arising from the reduced unit price from an appropriation included in the State budget for this purpose in accordance with the decision of the Ministry of Transport and Communications.
- (6) The pilotage company shall keep the unit prices, the reduced unit prices charged and the prices charged for other services and the grounds for their determination available for public review. In addition, any discounts and the grounds for the discounts must be kept available for public review. Changes in prices shall be announced no later than six months before they take effect. Revised prices may take effect no earlier than at the beginning of the calendar year following their announcement.

Section 7
Master's responsibilities and obligation to provide information

- (1) The master is responsible for the navigation of the vessel also when he is following the pilot's navigating instructions.
- (2) The master is obliged to provide the pilot with all the information that is of significance for the pilotage.

Section 8 (1050/2010)
Pilot's duties and responsibilities

- (1) The pilot is responsible for the pilotage operation. The pilot shall present the master of the piloted vessel with a passage plan based on up-to-date charts and any other information and instruction necessary for the safe passage of the vessel, and the pilot shall supervise any measures related to the steering

and handling of the vessel that are of significance for the safety of vessel traffic and environmental protection.

- (2) The pilot is obliged to report to the Vessel Traffic Service any observations of significance for the safety of navigation, for protection of people, property and the environment, and for maritime and customs surveillance. The pilot shall also report any damage caused to or by the vessel and, upon request, provide the authorities with further information thereon.
- (3) Having performed the pilotage, the pilot shall upon request, for those bridge officers who were present throughout the pilotage and who took part in the steering or navigation of the vessel, record the details of the training in the training record book or equivalent document kept for the purpose of obtaining a Pilotage Exemption Certificate.
- (4) The pilot is subject to the provisions covering criminal liability for public acts.

Section 9 Start and end of pilotage

- (1) Pilotage commences when the vessel leaves a berth or anchorage and ends at the vessel's arrival in port when the vessel has been anchored or moored.
- (2) Otherwise, pilotage commences when the pilot has boarded the vessel and started the pilotage and ends when the pilot hands pilotage over to another pilot or has completed the pilotage.
- (3) The pilot can, by agreement with the master, board the ship or disembark outside the pilot boarding area if necessitated by weather or ice conditions. The Vessel Traffic Service must be notified of this.

Section 10 (645/2010) Use of two pilots

- (1) The pilot is entitled to bring along a second pilot on a piloting assignment when necessary for compelling reasons associated with weather or ice conditions or the navigation or handling of the vessel.
- (2) A pilot trainee may also be taken on board.
- (3) When two pilots are required, the master shall, before the act of pilotage commences, be informed of which one of the pilots is responsible for the pilotage.

Section 11
Right of the pilot to refuse or abort pilotage

The pilot has the right to refuse or abort pilotage if he considers that starting or continuing the voyage will endanger the safety of the vessel, the persons on board, other vessel traffic or the environment. In such cases, the pilot must immediately state the reasons for his refusal or aborting to the master of the vessel and notify the Vessel Traffic Service of his refusal to provide or continue the pilotage.

Section 12 (645/2010)
Pilot licence

- (1) The pilot has a right to perform pilotage in fairways in which he by virtue of the pilot licence granted by the Finnish Transport Safety Agency has a right to serve as a pilot. The pilot licence can be granted only if the applicant:
- 1) holds a master's certificate;
 - 2) meets the medical fitness requirements for service in the deck department of merchant vessels;
 - 3) has completed training voyages in the fairway to be entered in the pilot licence;
 - 4) has passed an examination held by the Finnish Transport Safety Agency; (1050/2010)
 - 5) has undergone a practical pilotage assessment by a person approved by the Finnish Transport Safety Agency in both directions of the fairway to be entered in the pilot licence;
 - 6) has an adequate command of Finnish and Swedish.
- (2) The pilot licence is granted for a fixed period of no longer than five years and it may be renewed on application. The pilot licence can be renewed only if the pilot demonstrates that he remains familiar with the fairway and that he meets the medical fitness requirements for service in the deck department of merchant vessels.
- (3) Provisions on the contents of the licence and further provisions on the conditions for granting the licence are laid down by Government Decree.

Section 13

Revocation of the pilot licence

- (1) The Finnish Transport Safety Agency shall revoke a pilot licence if:
(645/2010)
 - 1) the pilot no longer meets the medical fitness requirements for service in the deck department of merchant vessels; or
 - 2) the pilot no longer possesses the skills or knowledge required for obtaining the pilot licence.
- (2) The Finnish Transport Safety Agency may revoke a pilot licence if:
(645/2010)
 - 1) the pilot repeatedly violates this Act or provisions issued by virtue of it or other provisions covering vessel traffic; or
 - 2) the pilot otherwise endangers vessel traffic safety by his action.
- (3) In cases referred to in subsections 1 and 2 above, the pilot may be required to hand over his pilot licence to the Finnish Transport Safety Agency immediately. (645/2010)
- (4) If the pilot licence is not revoked permanently, the decision must state the period during which the pilot licence is suspended. The period begins when the licence holder has been informed of the decision or on expiry of the pilot licence at the latest.

Section 14 (645/2010)

Pilotage Exemption Certificate

- (1) Upon application, the Finnish Transport Safety Agency may grant a Pilotage Exemption Certificate for a specific fairway and vessel to the master of the vessel if he can demonstrate that he is familiar with the fairway used by the vessel. A Pilotage Exemption Certificate can also be granted to a watch officer meeting the same conditions.
- (2) A Pilotage Exemption Certificate may only be granted if the applicant:
 - 1) has taken part, as the master or officer of the watch, in the navigation of the vessel covered by the application or an equivalent vessel in the fairway to be entered in the Pilotage Exemption Certificate;
 - 2) has passed an examination held by the Finnish Transport Safety Agency (1050/2010)
 - 3) has undergone a practical pilotage assessment by a person approved by the Finnish Transport Safety Agency; the practical pilotage assessed shall be

carried out in both directions of the fairway or in one direction to be entered in the Pilotage Exemption Certificate;

4) has an adequate command of Finnish or Swedish.

(4) In respect of fairways referred to in section 5 of this Act which are situated within the area of a VTS Centre providing the information referred to in section 5 of the Vessel Traffic Service Act (623/2005), the navigational assistance referred to in section 6 of that Act, and the traffic organisation referred to in section 7 of that Act, a Pilotage Exemption Certificate may also be obtained on condition that the applicant:

1) satisfies the requirement under subsection 2(1);

2) has passed the examination referred to in subsection 2(2) and undergone the practical pilotage assessment referred to in paragraph 3 in the English language; (1050/2010)

3) has an adequate command of English;

4) knows the Finnish or Swedish geographical names used in navigation, VTS and icebreaking in the compulsory pilotage area.

(5) The Pilotage Exemption Certificate is granted for a fixed period of no longer than five years and may be renewed upon application. The Pilotage Exemption Certificate can be renewed only if its holder demonstrates that he remains familiar with the fairway.

(6) Provisions on the contents of the Pilotage Exemption Certificate and further provisions on the conditions for granting and renewing Pilotage Exemption Certificates are laid down by Government Decree.

Section 15 Revocation of a Pilotage Exemption Certificate

The provisions on the revocation of a pilot licence laid down in section 13 are similarly applied to the revocation of a Pilotage Exemption Certificate.

Section 16 (1050/2010) Exemption

(1) Upon application, the Finnish Transport Safety Agency may grant a vessel-specific exemption from compulsory pilotage to the master or officer of the watch of a vessel, integrated tug/barge combination or non-rigid combination if the gross tonnage of the vessel is less than 3,700. Regardless of vessel size, exemption may also be granted to the master or watch officer of an icebreaker. Exemption may be granted for one or more of the fairways referred to in section 5(1) of this Act.

- (2) Exemption may be granted if the applicant:
- 1) has long-term experience of navigating the vessel covered by the application or an equivalent vessel in Finnish territorial waters or in the part of the Saimaa Canal leased by Finland;
 - 2) holds the deck officer qualification required to serve as master or officer of the watch;
 - 3) meets the medical fitness requirements for service in the deck department of merchant vessels;
 - 4) has completed training approved by the Finnish Transport Safety Agency;
 - 5) has passed the examination held by the Finnish Transport Safety Agency; and
 - 6) has an adequate command of Finnish or Swedish.
- (3) The exemption may only be granted when this poses no danger to vessel safety or the environment. Conditions concerning watch arrangements on board or the experience of other officers in navigating the vessel may be attached to the exemption.
- (4) The exemption shall be granted for a fixed period of no more than five years and may, upon application, be renewed on the same grounds as it may be granted.
- (5) The Finnish Transport Safety Agency may revoke the exemption if the grounds on which it was granted cease to exist or if the exemption holder repeatedly violates this Act, provisions or regulations issued by virtue of this Act or other provisions or regulations covering vessel traffic, or otherwise acts in a manner that endangers vessel safety.
- (6) Further provisions on the conditions for granting exemptions and the content of the exemption decision are issued by Government Decree.

Section 17

Executive assistance

The pilot has a right to receive, if necessary, executive assistance from a master of a government ship, the police, the Frontier Guard and Customs.

Section 18 (645/2010)
Supervision

- (1) The Ministry of Transport and Communications shall attend to the overall management and development of pilotage under this Act.
- (2) The Finnish Transport Safety Agency shall supervise compliance with this Act.

Section 19 (645/2010)
Pilotage offence

Anyone who intentionally or through negligence

- 1) provides pilotage services or engages in pilotage in violation of the provisions of section 4;
- 2) fails to comply with compulsory pilotage requirements referred to in section 5;
- 3) fails to comply with the duty to provide information referred to in section 7(2); or
- 4) engages in pilotage without the statutory right,

shall be fined for a pilotage offence, unless a more severe punishment is provided elsewhere in the law.

Section 20
Court with jurisdiction

- (1) The court with jurisdiction in matters to be dealt with in accordance with sections 4–11 of this Act shall be determined in accordance with Chapter 21 of the Maritime Act (674/1994).
- (2) The decisions made by the Finnish Transport Safety Agency pursuant to this Act may be appealed against in the manner provided for in the Administrative Judicial Procedure Act (586/1996). (645/2010)

Section 21 (1050/2010)
Further provisions and regulations and general derogations

- (1) Further provisions on the implementation of this Act are issued by Government Decree.
- (2) Further regulations on the training, examinations and practical pilotage assessments related to the granting of pilot licences, Pilotage Exemption Certificates and exemptions are issued by the Finnish Transport Safety Agency, which also maintains a register of the pilot licences, Pilotage Exemption Certificates and exemptions granted.
- (3) The Finnish Transport Safety Agency shall issue further regulations on the compulsory pilotage areas and pilot boarding areas and publish a list of these.
- (4) For reason of special weather or ice conditions or for the performance within a defined area of exercises relating to international cooperation or search and rescue operations, or in order to access the exercise or search and rescue area, the Finnish Transport Safety Agency may upon application grant vessels derogation from compulsory pilotage when compliance with the provisions concerning compulsory pilotage would be manifestly unreasonable or unduly difficult, provided that vessel safety and the environment are not put at risk. On the same grounds, the Finnish Transport Safety Agency may grant the pilotage company derogation from the duty to provide pilotage services.

Section 22
Entry into force

- (1) This Act enters into force on 1 January 2004.
- (2) This Act repeals the Pilotage Act (90/1998) of 6 February 1998, as amended.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.
- (4) Pilot licences, Pilotage Exemption Certificates and exemptions from compulsory pilotage granted under the repealed Act or provisions laid down by virtue of it shall, however, remain in force for the period referred to in the grant decisions unless the decisions are amended or repealed pursuant to this Act.

Entry into force and application of amending provisions

645/2010:

- (1) This Act enters into force on 2 August 2010.
- (2) The provisions of section 14(3) of the Act concerning the Pilotage Exemption Certificate examination in English will be applied effective 1 July 2011.
- (3) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

1050/2010:

- (1) This Act enters into force on 1 January 2011.
- (2) The provisions in force at the time of the entry into force of this Act shall be applied to compensation of damage caused in pilotage carried out before the entry into force of this Act even if the damage only comes to light after the entry into force of this Act.
- (3) By derogation from the prescribed times provided in section 6(6) of this Act, the Board of Directors of the limited liability company referred to in the Act on transforming the State Pilotage Enterprise into a limited liability company may decide on pricing for the year 2011 before the entry into force of this Act. By derogation from section 6(2) and (3), the pricing structure in 2011 shall remain unchanged from the pricing structure in 2010.
- (4) Any exemptions from compulsory pilotage granted before the entry into force of this Act shall remain in force for the period of time specified in the grant decision unless the decision is amended or revoked pursuant to this Act.
- (5) Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.