

Act on the Ice Classes of Ships and Icebreaker Assistance
(1121/2005; amendments up to 1308/2009 included)

Section 1 – Objective

The objective of this Act is to improve the safety and efficiency of shipping in ice conditions and to prevent the harmful environmental effects arising from shipping.

Section 2 – Scope of application

This Act contains provisions on the ice classes of ships and assistance given to ships by icebreakers.

Section 3 – Ice classes

Ships are assigned to ice classes as follows:

- 1) ice class IA Super; ships with such structure, engine output and other properties that they are normally capable of navigating in difficult ice conditions without the assistance of icebreakers;
- 2) ice class IA; ships with such structure, engine output and other properties that they are capable of navigating in difficult ice conditions, with the assistance of icebreakers when necessary;
- 3) ice class IB; ships with such structure, engine output and other properties that they are capable of navigating in moderate ice conditions, with the assistance of icebreakers when necessary;
- 4) ice class IC; ships with such structure, engine output and other properties that they are capable of navigating in light ice conditions, with the assistance of icebreakers when necessary;
- 5) ice class II; ships that have a steel hull and that are structurally fit for navigation in the open sea and that, despite not being strengthened for navigation in ice, are capable of navigating in very light ice conditions with their own propulsion machinery;
- 6) ice class III; ships that do not belong to the ice classes referred to in paragraphs 1-5.

Section 4 – Ice class regulations and the list of equivalent ice classes (1308/2009)

- (1) The Finnish Transport Safety Agency shall issue more detailed regulations on the requirements concerning the structure, engine output and other ice navigation properties of ships belonging to different ice classes, on the methods for determining ice classes, and on differences between ice classes.
- (2) The Finnish Transport Safety Agency shall approve a list of which Finnish ice classes are equivalent to the class notations issued by recognized classification societies and shall issue more detailed regulations on the matter.

Section 5 – Approving an ice class by using alternative methods (1308/2009)

The Finnish Transport Safety Agency may approve the determination of a ship's ice class in a manner other than that referred to in section 4(1) if the ship has been so constructed that its ice navigation properties are equivalent to the ice navigation properties of a ship belonging to the same ice class.

Section 6 – Approving regulations issued by European Union Member States, Turkey and states belonging to the European Economic Area (1308/2009)

A ship that has been approved under the ice class requirements of another European Union Member State, Turkey or a state belonging to the European Free Trade Association that is party to the Agreement on the European Economic Area is equated to a ship that meets the ice class regulations issued by the Finnish Transport Safety Agency under section 4(1), provided that the ship is as safe as a ship meeting the Finnish ice class regulations.

Section 7 – Determining and certifying an ice class (1308/2009)

- (1) A ship's ice class shall be determined on the basis of the class notation issued for the ship by a recognized classification society and the list of equivalent ice classes certified by the Finnish Transport Safety Agency under section 4(2). The Agency shall, as notified by the shipowner, enter a notation of the ship's ice class in the record of ice classes it maintains.
- (2) If the ship does not have a class notation issued by a recognized classification society, the Finnish Transport Safety Agency shall, on the application of the shipowner, certify the ship's ice class in a manner referred to in section 4(1) or section 5 or in accordance with the ice class regulations of a state referred to in section 6. The shipowner shall provide the Agency with the information and details necessary for certifying the ice class. The Finnish Transport Safety Agency shall issue more detailed regulations on what information and details are required. The Agency shall enter a notation of the ice class in the record of ice classes it maintains.
- (3) A notation in the record of ice classes remains valid as long as there are no changes in the ship's class notation or the matters used as a basis for certifying the ice class. If there are changes in the ship's class notation or a matter used as a basis for certifying the ship's ice class, the shipowner must submit a notification of the matter to the Finnish Transport Safety Agency which shall enter a notation of the ship's new ice class in the record of ice classes or, if necessary, certify a new ice class for the ship under subsection 2 and enter a notation of it in the record of ice classes.

Section 8 – Ice classes that differ from those laid down in ice class regulations (1308/2009)

- (1) If there are reasonable grounds for suspecting that the ship's ice class or ice navigation properties are substantially different from what is required in provisions referred to in section 4, the Finnish Transport Safety Agency may, in order to determine the ship's ice class, request further information and details or carry out an inspection on board the ship and, on the basis of the information and details obtained or the results of the inspection, determine the

ship's ice class. The right to carry out the inspection does not, however, extend to premises covered by domestic peace.

- (2) The shipowner must provide the Finnish Transport Safety Agency with the information and details referred to in subsection 1 without delay.

Section 9 – *Withdrawing the ice class notation and certifying a new ice class* (1308/2009)

- (1) If the ship has been damaged or its structural condition has otherwise deteriorated, the Finnish Transport Safety Agency shall, when necessary, withdraw the ice class notation issued for the ship and issue it with a new, lower ice class notation that is in accordance with its ice navigation properties and structural condition.
- (2) The shipowner shall notify the Finnish Transport Safety Agency of ice damage and of other damage weakening the condition of the ship.

Section 10 – *Providing icebreaker assistance* (1308/2009)

- (1) The Finnish Transport Agency is responsible for the availability of icebreaker assistance in Finnish waters when ice conditions so require. Assistance is provided to ships sailing to winter ports designated by the Agency and to other destinations specified by the Agency. Assistance in port areas is the responsibility of the ports in question.
- (2) The Finnish Transport Agency is also responsible for the availability of icebreaker assistance outside Finnish waters if assistance for ships sailing to and from Finnish ports is necessary for safeguarding Finnish foreign trade or is based on a cooperative agreement concluded with another state.
- (3) For safety reasons and for reasons arising from concentrating the traffic in certain areas, the Finnish Transport Agency may restrict the provision of icebreaker assistance in specific areas and to specific ports. The Agency shall decide on the restrictions concerning assistance on the basis of weather and ice conditions, and the ship's ice class and deadweight. The Agency may also take into account the ship's engine output and the amount of cargo on board if extremely difficult ice conditions so require.
- (4) The Finnish Transport Agency may in individual cases, on application, grant a ship that is sailing to a port or an area to which assistance has been restricted in accordance with subsection 3 the right to icebreaker assistance if:
 - 1) ice conditions have temporarily eased;
 - 2) it is a question of a special transport, urgent energy supplies or the threat of a production shutdown in a factory;
 - 3) the ship would otherwise be entitled to assistance but its deadweight is not more than five per cent below the required deadweight; or
 - 4) the ship has already commenced its voyage on the day when more severe restrictions are imposed and the time of arrival of the ship does not essentially exceed the time when the preceding restrictions were in force.

Section 10 a – *Icebreaking services* (1308/2009)

- (1) It is the duty of the Finnish Transport Agency to commission the nationwide icebreaking services required. The Act on Public Contracts (348/2007) applies to the procurement procedure.

- (2) The Finnish Transport Agency may oblige a supplier of icebreaking services with significant market power to provide icebreaking services in situations where the services cannot be obtained using a procurement procedure.
- (3) When the supplier offers icebreaking services referred to in subsection 2, the principles of the EC Treaty governing services of general economic interest shall apply in determining the compensation for the services.

Section 11 – *Charging for the decision* (1308/2009)

A charge shall be collected for certification of the ship's ice class made by the Finnish Transport Safety Agency and for an exemption order issued by the Finnish Transport Agency under section 10(4), as laid down in the Act on Criteria for Charges Payable to the State (150/1992).

Section 12 – *Appeal procedure* (1308/2009)

- (1) An appeal may be filed against decisions made by the Finnish Transport Safety Agency and the Finnish Transport Agency under this Act, as laid down in the Administrative Judicial Procedure Act (586/1996).
- (2) An appeal may be filed against a charge collected for the certification of the ice class by the Finnish Transport Safety Agency and against an exemption order issued by the Finnish Transport Agency under section 10(4), as laid down in section 11b of the Act on Criteria for Charges Payable to the State.

Section 13 – *Entry into force*

- (1) This Act enters into force on 1 January 2006.
- (2) This Act repeals sections 9 and 67 of the Decree on merchant ships (103/1924) of 17 April 1924, as section 9 stands in Decree 28/1973.
- (3) Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 14 – *Transitional provisions*

Ice class certificates issued under section 14 of the Act on Fairway Dues (708/2002) before the entry into force of this Act shall remain valid until the ship's ice class has, under this Act, been entered in the record of ice classes maintained by the Finnish Maritime Administration; however, they shall not remain valid beyond 31 December 2006.