

Aviation Act
(1194/2009)

Chapter 1
General provisions
Section 1
Scope of application

This Act shall be observed in aviation within the Finnish territory, unless otherwise provided in Community regulations or required by international obligations binding on Finland.

Unless otherwise required by international obligations binding on Finland:

- 1) this Act shall also be observed outside the Finnish territory in aviation on Finnish aircraft or based on an air operator certificate issued in Finland;
- 2) Chapters 5, 12, 15, 16 and 18, as well as sections 160 and 161 of this Act shall apply to Finnish air navigation service providers even outside the Finnish territory;
- 3) the provisions of Chapters 3, 5 and 7, as well as section 175 of this Act shall also be observed in aviation on foreign aircraft outside the Finnish territory, if the responsibility for flight safety or flight operations oversight of an individual aircraft and its crew have, by appropriate agreements, been transferred to the Finnish Transport Safety Agency, and if the aircraft operator, using such an aircraft on a lease agreement or other similar arrangement, has its domicile, permanent residence or principal place of business in Finland.

Notwithstanding the provisions in subsection 1 and 2 above, section 64 and item 10 of section 182 of this Act shall apply if the first place of arrival of the aircraft is within the Finnish territory.

Section 2
Definitions

In this Act:

- 1) *Chicago Convention* means the Convention on International Civil Aviation (Treaty Series of the Statutes of Finland, 11/1949);
- 2) *JAA* means the Joint Aviation Authorities;
- 3) *ECAC* means the European Civil Aviation Conference;
- 4) *Eurocontrol* means the European Organization for the Safety of Air Navigation referred to in the “Eurocontrol” International Convention relating to Co-operation for the Safety of Air Navigation (Treaty Series of the Statutes of Finland, 70/2000);

- 5) *EASA Regulation* means Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;
- 6) *slot regulation* means Council Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports;
- 7) *aircraft* means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
- 8) *rating* means a special condition, limitation or privilege pertaining to a licence or certificate of competence;
- 9) *maintenance* means any one or combination of the following measures: overhaul, repair or inspection of an aircraft, part or appliance; replacement of a part or appliance; modification or defect rectification; maintenance does not, however, include pre-flight inspection;
- 10) *military aviation authority* means a military aviation regulatory unit associated with the Air Force Headquarters;
- 11) *military aviation* means aviation for military purposes and flying on military aircraft;
- 12) *military aircraft* means an aircraft entered in the military aircraft register;
- 13) *state aircraft* means an aircraft used to perform the duties of the customs, the police or the Border Guard; state aircraft also means an aircraft used for other governmental duties than those referred to in this paragraph and in paragraph 11;
- 14) *Member State* means a member state of the European Union;
- 15) *third country* means any other state than a Member State;
- 16) *aerodrome* means a defined area on land or water or on a structure, intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

Section 3

Issuance of Rules of the Air and certain regulations concerning aviation

The Finnish Transport Safety Agency issues the Rules of the Air referred to in the Chicago Convention and, where necessary, implements other standards and recommendations referred to in the Chicago Convention.

The Finnish Transport Safety Agency shall, with military aviation authorities or with the Ministry of the Interior, negotiate on such implementation measures referred to in subsection 1 above that have an effect on the special needs of military aviation or Border Guard flight operations. For military aviation and state aircraft operations, the Finnish Transport Safety Agency may approve exceptions to the Rules of the Air referred to in subsection 1 above as agreed with military aviation authorities or the Ministry of the Interior, provided that the exceptions will not pose a hazard to civil aviation safety.

The Finnish Transport Safety Agency may, for reasons of geography, climate conditions and traffic, or to adapt an international practice to the circumstances in Finland, issue regulations on any necessary exceptions to the Rules of the Air and to standards and recommendations referred to in subsection 1 above, and grant individual exceptions to them.

Section 4 Military aviation

By a Government decree, exceptions to the provisions of this Act may be prescribed for military aviation with intent to ensure the safety of military aviation, organise national defence and execute the duties assigned to the defence forces. The exceptions shall not pose a hazard to civil aviation safety and they shall not apply to commercial flight operations. Exceptions can be prescribed to the following provisions:

- 1) provisions in section 9, 12 and 19 concerning the maintenance of aircraft register, publicity of data entered in the aircraft register, information to be stored, as well as aircraft markings and registrations;
- 2) provisions in section 22–24, 26 and 28–33 concerning the technical characteristics, type certification, airworthiness monitoring, continuing airworthiness management organisations, certificates of airworthiness and airworthiness review certificates, design, manufacture, maintenance and emissions, as well as maintenance training organisations for aircraft, parts and appliances to be used for military aviation;
- 3) provisions in section 45, 46 and 49 concerning the requirements for the issue of licences for personnel involved in flight operations and aircraft maintenance, requirements for the issue of medical certificates, and foreign licences;
- 4) provisions in Chapter 6 concerning the licence register;
- 5) provisions in section 59, 60, 62 and 66 concerning flight crew licences, aircraft crew, preparation and conduct of the flight, as well as documents to be kept on board;
- 6) provisions in section 77–79 concerning aerial work certificates, training organisation approvals and flying display approvals;
- 7) provisions in section 82 concerning the use of aerodromes and facilities, as far as they apply to military aerodromes;
- 8) provisions in section 115 concerning air navigation services, as far as they apply to military flight procedures within aerodrome control zones and terminal control areas, or within restricted or danger areas referred to in section 8;
- 9) provisions in Chapter 13 concerning aviation accidents, incidents and occurrences, as far as they apply to military aviation accidents and incidents;
- 10) insurance provisions in Chapter 15;

11) provisions in section 147–156 concerning the administrative sanctions applicable to licences and approvals;

12) provisions in section 160 and 164 concerning the Finnish Transport Safety Agency's right to obtain information and inspect operations, as well as the environmental impacts of aviation.

After negotiating with the Finnish Transport Safety Agency where necessary, the military aviation authority may issue more specific military aviation regulations additional to the decree referred to in subsection 1, concerning the operations of the defence forces and international military aviation in Finland, with intent to ensure the safety of military aviation, organise national defence and execute the duties assigned to the defence forces. The regulations shall not pose a hazard to civil aviation safety. Regulations issued by military aviation authorities may concern:

- 1) military flight procedures;
- 2) military flight training;
- 3) airworthiness and maintenance of military aircraft and appliances;
- 4) registration and marking of military aircraft;
- 5) personnel qualifications;
- 6) licences and approvals;
- 7) conduct of flight;
- 8) right to inspect and obtain information;
- 9) surveillance data;
- 10) military aircraft emissions;
- 11) military aircraft interception and prevention of departure;
- 12) flight safety investigation;
- 13) air navigation services provided exclusively for military aviation.

A military aircraft engaged in territorial surveillance or performing duties in an area prohibited from other aviation or temporarily segregated for military aviation may deviate from the Rules of the Air, provided that the exceptional procedure has been planned and is conducted so as not to compromise flight safety. The military aviation authority shall agree with the Finnish Transport Safety Agency on the principles for organising the exceptional procedure.

The provisions of this Act concerning the Finnish Transport Safety Agency shall apply to the military aviation authority in issues exclusively concerning:

- 1) military aircraft;

- 2) personnel involved in flight operations by military aircraft and parachuting for military purposes;
- 3) personnel involved in the maintenance of military aircraft and military aviation, as well as other personnel within an organisation affecting the safety of military aviation;
- 4) military flight training;
- 5) military aerodromes;
- 6) air navigation facilities for military aviation;
- 7) organisations serving military aviation and affecting the safety of military aviation.

Further provisions on the military aviation authority will be issued by a Government decree as necessary.

Section 5 **Exceptions concerning state aircraft**

Unless otherwise required by flight safety and to ensure public order and safety, exceptions to the provisions of Chapter 3 and 5 may be prescribed by a Government decree for state aircraft used for aviation to accomplish a task assigned to a public authority.

A state aircraft engaged in territorial surveillance or performing duties in an area prohibited from other aviation or temporarily segregated for state aircraft may deviate from the Rules of the Air, provided that the exceptional procedure has been planned and is conducted so as not to compromise flight safety. The aircraft operator shall agree with the Finnish Transport Safety Agency on the principles for organising the exceptional procedure.

A state aircraft may be equipped with special devices. Responsibility for the approval, use and supervision of such devices rests with the authority operating the aircraft. The Finnish Transport Safety Agency may grant minor technical exceptions to the provisions of this Act to a state aircraft, concerning the special equipment required for its purpose of use.

Section 6 **Exceptions concerning certain other aircraft and devices**

Unless otherwise required by flight safety or provided by the EASA Regulation, the Finnish Transport Safety Agency may grant minor exceptions to the provisions in Chapter 2, 3 and 5–9 to:

- 1) ultralight aeroplanes;
- 2) aircraft having a clear historical relevance;
- 3) aircraft specifically designed or modified for research, experimental or scientific purposes;
- 4) amateur-built aircraft;
- 5) aircraft whose initial design was intended for military purposes only.

The provisions of Chapter 2, 3, 5, 6 and 9 below shall not apply to the following aircraft and devices; and unless otherwise required by flight safety, the Finnish Transport Safety Agency may grant minor exceptions to the provisions of Chapter 7 and 8 for these aircraft:

- 1) weight-shift controlled ultralight aeroplanes or powered parachutes;
- 2) gliders with a structural mass of no more than 80 kg when single-seater or 100 kg when two-seater, including foot-launched gliders;
- 3) unmanned aircraft with an operating mass of less than 150 kg;
- 4) any other aircraft which has a structural mass, including fuel, of no more than 70 kg.

An unmanned aircraft used for experimental or research purposes may deviate from the Rules of the Air in an area prohibited from other aviation or temporarily segregated for the purpose, provided that the exceptional procedure has been planned and is conducted so as not to compromise flight safety. The aircraft operator shall obtain an approval for the exceptional procedure from the Finnish Transport Safety Agency.

Where required by safety or environmental impact considerations and unless otherwise provided by the EASA Regulation, the Finnish Transport Safety Agency may issue technical and operational regulations as well as pilot knowledge, skill, experience or age requirements concerning the aircraft and devices referred to in subsection 2, sport parachutes, parasails, and model aircraft used for sport and recreational purposes. When drafting such regulations, national sport aviation associations shall be consulted.

Section 7 **Right to aviation within the Finnish territory**

An aircraft to be used for aviation within the Finnish territory shall have the nationality of Finland or another state having acceded to the Chicago Convention, or a special authorisation issued by the Finnish Transport Safety Agency, unless otherwise required by international obligations binding on Finland. This requirement shall not, nevertheless, apply to aircraft referred to in section 6, subsection 2. Provisions on the use of foreign military or state aircraft within the Finnish territory are contained in the Territorial Surveillance Act (755/2000).

The Finnish Transport Safety Agency may issue the authorisation referred to in subsection 1 for:

- 1) occasional aircraft operations from a state not having acceded to the Chicago Convention;
- 2) ferry, test, demonstration, display or competition flights on an unregistered aircraft;
- 3) one or several flights by an unregistered, unmanned free balloon;
- 4) other comparable use of aircraft.

Section 8 **Areas where aviation is restricted and danger areas**

By a Government decree, aviation may be restricted or prohibited:

1) in the vicinity of nuclear power plants and facilities essential for national defence, so as to protect them;

2) within national border zones (air defence identification zones) to protect national borders and to facilitate border control.

By a Government decree, such areas where activities related to the duties of the defence forces or the Border Guard may cause a hazard to aviation may be determined as danger areas. More detailed regulations on danger areas, such as their lateral and vertical limits, shall be issued by the Finnish Transport Safety Agency. The Finnish Transport Safety Agency may also issue technical and operational regulations on flying within danger areas and air defence identification zones.

Flying within a danger area referred to in subsection 2 is prohibited, when military or Border Guard authorities have activated the area and the service provider has duly notified this through the aeronautical communication system. The activation shall be cancelled immediately after the activities hazardous to aviation have ceased. When the activities hazardous to aviation have been interrupted, an air traffic control unit may issue a clearance for a controlled flight in controlled airspace to cross a danger area which has been notified to be active.

For compelling reasons of flight safety or to maintain public order and safety, such as when a military exercise or activities referred to in section 6, subsection 3 or section 166 cause a hazard to air traffic, or to guarantee the security of an important governmental or public event, the Finnish Transport Safety Agency may restrict or prohibit aviation within a specified area for a period not exceeding two weeks. Provisions on the right to intercept an aircraft where immediate action is required are contained in section 172.

Where necessary to maintain public order and safety, an area control centre shall, by such means as it considers appropriate, restrict or prohibit aviation within a specified area for a period not exceeding 24 hours at the request of rescue, police or military authorities, the Border Guard or the Customs. The area control centre shall inform the Finnish Transport Safety Agency of such prohibition or restriction without delay.

Chapter 2

Aircraft registration, nationality and markings

Section 9

Aircraft register and its purpose

The Finnish Transport Safety Agency maintains a register of aircraft to monitor flight safety, to identify aircraft, to meet the international obligations binding on Finland and to manage duties related to aircraft mortgaging. The aircraft register may be kept in electronic form.

Persons employed by the Finnish Transport Safety Agency shall have access to the information stored in the aircraft register to the extent necessary for the performance of their duties.

Section 10

Aircraft nationality

An aircraft shall have the nationality of the state in which it has been registered.

To obtain Finnish nationality, the aircraft shall be entered in the Finnish aircraft register or military aircraft register.

Section 11 Relations to other legislation

Unless otherwise provided in this Act, the secrecy of and access to any information contained in the aircraft register shall be governed by the Act on the Openness of Government Activities (621/1999), and other processing of personal data by the Personal Data Act (523/1999).

Section 12 Data to be recorded in aircraft register

The following information shall be recorded in the aircraft register:

- 1) aircraft information necessary for identification;
- 2) aircraft owner;
- 3) aircraft possessor, if any;
- 4) aircraft operator, if the right to operate the aircraft has been granted to him for at least 30 days;
- 5) aircraft owner's, possessor's or operator's representative;
- 6) necessary technical data of the aircraft;
- 7) aircraft insurance information;
- 8) date of entry in aircraft register;
- 9) established mortgages on the aircraft, their renewals, cancellations and changes in order of priority;
- 10) aerodrome operator's written notification of prevention of aircraft departure in accordance with section 170, subsection 2.

The aircraft register shall contain, as applicable, the following information on the aircraft owner, possessor, operator and representative:

- 1) name, address and other contact details;
- 2) identity number;
- 3) business identity code;
- 4) domicile;
- 5) nature of the possessor's or operator's right of possession or use.

The Finnish Transport Safety Agency shall publish extracts of current information contained in the aircraft register and may keep the register available to anyone in electronic form. The name, address and contact details of the aircraft owner, possessor, operator and representative may be published. The Finnish Transport Safety Agency shall issue more detailed regulations on the technical data referred to in subsection 1, item 6.

Section 13

Preconditions for registration

An aircraft may be entered in the aircraft register in Finland, if the aircraft owner's, possessor's or operator's residence or, in case of a legal person, its domicile is in a Member State, unless otherwise required by international obligations binding on Finland.

Where the aircraft owner's, possessor's or operator's residence or, in case of a legal person, its domicile is in another Member State than Finland, registration also requires that the principal place of departure of the aircraft is in Finland. The owner, possessor or operator of an aircraft referred to in this subsection shall have a competent representative in Finland.

Notwithstanding the provisions of subsection 1 and 2 above on aircraft owner's, possessor's or operator's residence or domicile, the Finnish Transport Safety Agency may, however, decide to register the aircraft in Finland for particular reasons.

An aircraft registered in a foreign state shall not be registered in Finland.

Section 14

Application for registration

The aircraft owner shall submit an application for registration to the Finnish Transport Safety Agency. The application shall contain, as applicable, the information referred to in section 12, subsection 1 and 2. As an attachment to the application shall be presented evidence of acquisition or grounds for the right of possession or use of the aircraft, as well as documents showing that the preconditions for registration in Finland exist as provided in section 13 above.

Section 15

Temporary registration

The Finnish Transport Safety Agency may, on application and for a particular reason, register an aircraft temporarily for ferry flights, test flights or crew training.

An aircraft under construction may also be temporarily entered in the aircraft register, if the construction work has progressed so far that the aircraft can be identified.

Section 16

Changes in registered information

The aircraft owner shall notify the Finnish Transport Safety Agency of any changes and attach to the notification sufficient evidence to identify and verify the changed information, if:

- 1) the information recorded in the aircraft register as referred to in section 12, subsection 1 or 2 changes;
- 2) changes occur in the preconditions for registration related to residence or domicile, as referred to in section 13, subsection 1 or 2, or to the place of departure as referred to in subsection 2.

Where an aircraft has been transferred to another operator to be operated at its own expense for a period exceeding 30 days, the transferor shall notify this to the Finnish Transport Safety Agency. To the notification referred to in this subsection shall be attached an agreement or notification signed by both parties, or a copy thereof.

After his right of ownership, possession or use has ceased, the aircraft owner, possessor or operator may notify this to be recorded in the register. To the notification shall be attached evidence of the termination of this right, as well as details of the new owner, possessor or operator.

The Finnish Transport Safety Agency shall be notified of any changes referred to in subsection 1 and 2 above within 14 days. If such a notification has not been made, the Finnish Transport Safety Agency may prohibit the operation of the aircraft.

Section 17 Removal from register

The Finnish Transport Safety Agency shall remove an aircraft from the aircraft register:

- 1) on the owner's application;
- 2) if the Agency, having reserved the aircraft owner an opportunity to be heard, concludes that the preconditions related to residence or domicile imposed by section 13, subsection 1, or related to the place of departure and imposed by subsection 2 are no longer met, or that the particular reasons for keeping the aircraft in the register as referred to in subsection 3 no longer exist.

The Finnish Transport Safety Agency may remove an aircraft from the aircraft register, if the aircraft has been destroyed, scrapped or lost and if the aircraft owner has not, within a time limit of at least six months determined by the Agency, presented reliable evidence showing that the aircraft has been repaired.

If the aircraft has been mortgaged, taken in execution or is subject to precautionary measures, removal from register shall also require written consent of the lien holder, or of the applicant for execution or precautionary measure. If an aerodrome operator has prevented the aircraft from departing in accordance with section 170, subsection 2, and notified this to the holder of the aircraft register, removal from register shall require written consent of the aerodrome operator.

Section 18 Storage of data

Data entered in the aircraft register shall be retained permanently. Data removed from the register shall be permanently stored in an archive to be maintained in connection with the register.

Section 19

Aircraft markings

The Finnish Transport Safety Agency assigns a registration mark to each aircraft. An aircraft shall bear nationality and registration markings.

The Finnish Transport Safety Agency issues the technical requirements for nationality and registration markings and how they shall be made.

Section 20

Certificate of registration

The Finnish Transport Safety Agency issues a certificate of registration upon entering an aircraft in the aircraft register, and a temporary certificate of registration for an aircraft registered temporarily.

Chapter 3

Aircraft airworthiness and emission restrictions

Section 21

Scope of application

Unless otherwise provided by the EASA Regulation or any Commission Regulations issued by virtue of it, the provisions of this Chapter shall apply to the airworthiness and environmental certification of aircraft and aeronautical products, parts and appliances, design and production organisation approval, continuing airworthiness, approval of organisations and personnel involved in these tasks, as well as to procedures followed by competent authorities.

Section 22

Airworthiness

When an aircraft is used for aviation, it must be airworthy. An aircraft is considered airworthy, if it is so designed, manufactured, equipped and maintained and otherwise has such properties that it can be safely used for aviation.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and with regard to the principles of the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the design, manufacture, equipment, properties and maintenance of aircraft, parts and appliances, as well as on the content and arrangement of inspections and tests required for approval.

Where necessary, the Finnish Transport Safety Agency shall also issue technical airworthiness directives and operational regulations as required for flight safety to correct any safety deficiencies found in the use of aircraft, parts and appliances.

Section 23

Continuing airworthiness

The owner, possessor or operator of an aircraft used for aviation shall be responsible for its airworthiness. To meet this requirement, the owner, possessor or operator shall ensure that:

- 1) all defects and damage affecting safe use are repaired;
- 2) the aircraft is maintained in accordance with its maintenance programme;
- 3) airworthiness directives and other provisions affecting continuing airworthiness are complied with;
- 4) regulations issued by the Finnish Transport Safety Agency on account of a safety deficiency are complied with;
- 5) any repairs and modifications of the aircraft, parts and appliances are performed so that the aircraft, part or appliance meets the requirements contained in section 22 above or issued by virtue of it;
- 6) the aircraft is subjected to a test flight after maintenance, unless airworthiness can be assured by other means.

An aircraft may not be flown, if:

- 1) it is not airworthy;
- 2) the emergency equipment or any other equipment required for its use is not properly fitted and serviceable; or
- 3) its airworthiness review certificate, as referred to in section 26 or 27, is not valid.

The aircraft owner, possessor or operator may, by an agreement, assign some or all of the tasks referred to in subsection 1 above to a continuing airworthiness management organisation referred to in section 24.

Section 24

Continuing airworthiness management organisation

The Finnish Transport Safety Agency shall, on application, approve as a continuing airworthiness management organisation any natural or legal person which has the necessary skilled personnel, equipment, facilities, working procedures, quality system and instructions for ensuring and monitoring the continuing airworthiness of aircraft. The approval may be granted for a fixed period or indefinitely, considering the practices applicable to equivalent approvals in other Member States. The Finnish Transport Safety Agency shall oversee the operations of airworthiness management organisations.

To ensure that a sufficient level of flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and on

the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the competence of personnel and the necessary equipment, facilities, working procedures, quality system and instructions for a continuing airworthiness management organisation.

Administrative sanctions used in the supervision of continuing airworthiness management organisations are prescribed in Chapter 16.

Section 25

Airworthiness information

The aircraft owner, possessor or operator shall ensure that any information concerning the maintenance of the aircraft, parts and appliances is recorded and stored in the aircraft technical records, so that the airworthiness of the aircraft can be assured at any time. The Finnish Transport Safety Agency shall issue more detailed regulations on aircraft technical records.

The aircraft owner, possessor, operator or the entity to which the aircraft maintenance or airworthiness management duties have been assigned shall, without delay, inform the Finnish Transport Safety Agency of any issues that may significantly affect the airworthiness of the aircraft.

The Finnish Transport Safety Agency has the right to receive any information necessary for airworthiness monitoring from the aircraft owner, possessor, operator and the entity to which the aircraft maintenance or airworthiness management duties have been assigned.

Section 26

Certificate of airworthiness and airworthiness review certificate

The Finnish Transport Safety Agency issues a certificate of airworthiness to an aircraft which has been found to meet the airworthiness requirements as specified in section 22 above.

The certificate of airworthiness shall be accompanied with an airworthiness review certificate. The airworthiness review certificate is issued for a fixed period.

Where necessary for safe operation of the aircraft, the certificate of airworthiness and airworthiness review certificate can be issued with specific limitations or requirements related to particular operating circumstances, such as:

- 1) aircraft category;
- 2) flight manual identification;
- 3) special conditions;
- 4) maximum number of aircraft occupants or passengers;
- 5) maximum masses allowed;
- 6) types of flight operations.

The Finnish Transport Safety Agency may recognise a foreign certificate of airworthiness or airworthiness review certificate, provided that the aircraft meets the requirements for issuing a Finnish certificate.

Section 27

Permit to fly

Notwithstanding the provisions of section 22 and 23 above, the Finnish Transport Safety Agency may, for a limited period, issue permission for using an aircraft for aviation for the purpose of testing flight characteristics, although there is no full evidence of its airworthiness. The Finnish Transport Safety Agency may also grant a corresponding permission for a ferry flight or for a similar particular reason, even if the aircraft is not fully in compliance with airworthiness requirements.

Where an aircraft has not been shown to meet the requirements in section 22, but is considered to meet the airworthiness requirements with regard to its intended use, the Finnish Transport Safety Agency may issue a permit to fly instead of a certificate of airworthiness. The permit shall be accompanied with an airworthiness review certificate issued for a limited period.

Any conditions necessary for safe operation of the aircraft may be specified in the permit to fly and airworthiness review certificate.

Section 28

Airworthiness monitoring

The Finnish Transport Safety Agency shall oversee that aircraft, parts and appliances meet the airworthiness requirements. The Finnish Transport Safety Agency has the right to examine and inspect an aircraft and order test flights to be flown. The aircraft owner, possessor and operator shall be responsible for the arrangements and costs of test flights.

In airworthiness monitoring duties, the Finnish Transport Safety Agency may be assisted by a continuing airworthiness management organisation referred to in section 24 above or by any other Finnish or foreign expert.

Where necessary, the Finnish Transport Safety Agency shall issue more detailed technical and procedural regulations for the establishment and monitoring of airworthiness, concerning:

- 1) aircraft annual inspections performed by the Finnish Transport Safety Agency;
- 2) contents and arrangements of airworthiness reviews carried out by continuing airworthiness management organisations providing assistance to the Finnish Transport Safety Agency;
- 3) contents and arrangements of special inspections, such as those required to extend the aircraft life limit, and persons carrying out such inspections.

Section 29

Issue and extension of an airworthiness review certificate

The Finnish Transport Safety Agency shall issue or extend an airworthiness review certificate on the basis of an airworthiness review made and recommendation given by a continuing airworthiness

management organisation, provided that the aircraft, at the time of inspection, meets the requirements for the issue a certificate of airworthiness or permit to fly. The Finnish Transport Safety Agency may also decide that a continuing airworthiness management organisation assisting the Agency in accordance with section 28, subsection 2, shall issue or extend an airworthiness review certificate on specific conditions determined by the Finnish Transport Safety Agency.

Where a recommendation or airworthiness review certificate issued by a continuing airworthiness management organisation is not reasonably available, the Finnish Transport Safety Agency may issue a certificate of airworthiness or permit to fly referred to in section 27, subsection 2, on the basis of an inspection made by the Agency itself, provided that the aircraft meets the requirements for the issue of a certificate of airworthiness or permit to fly at the time of inspection.

Provisions on the procedures applied when a continuing airworthiness management organisation attends to public administrative duties are contained in the Administrative Procedure Act (434/2003), Act on Electronic Services and Communication in the Public Sector (13/2003), Language Act (423/2003), Act on the Openness of Government Activities and Archives Act (831/1994). Any decision made by a continuing airworthiness management organisation cannot be appealed. However, rectification to the decision can be claimed from the Finnish Transport Safety Agency within 30 days of receipt of service. The decision issued by the Finnish Transport Safety Agency as a result of the claim for rectification is subject to appeal as provided for in the Administrative Judicial Procedure Act (586/1996).

When a new airworthiness review certificate, certificate of airworthiness or permit to fly is issued, the earlier certificate or permit ceases to be valid. The expired certificate or permit shall be returned to the Finnish Transport Safety Agency on request.

Section 30

Revocation of a certificate of airworthiness, airworthiness review certificate or permit to fly

The Finnish Transport Safety Agency may revoke a certificate of airworthiness, airworthiness review certificate or permit to fly or prohibit the use of an aircraft for aviation, when it is found or when there is reasonable cause to suspect that the aircraft is not airworthy or no longer meets flight safety requirements, and is not made or shown to be airworthy or in compliance with flight safety requirements within a reasonable time determined by the Finnish Transport Safety Agency.

Where a permit to fly or airworthiness review certificate has been issued, extended or recognised with any conditions necessary for flight safety, and such conditions have not been complied with, the Finnish Transport Safety Agency may prohibit the use of the aircraft for aviation until the said conditions have been met.

The provisions of subsection 1 and 2 above shall also apply to the revocation of a foreign certificate of airworthiness or airworthiness review certificate referred to in section 26, subsection 4.

Section 31

Design, manufacture and maintenance

Aircraft design, manufacture and maintenance requires an approval of the Finnish Transport Safety Agency. The same requirement applies to aircraft parts and appliances. The approval shall be issued if the aircraft designer, manufacturer or maintainer has skilled personnel, equipment, facilities,

working procedures, quality system and instructions as necessary for the performance of its duties. Depending on the scope and complexity of the work performed, the Agency's approval can be:

- 1) a design organisation, production organisation or maintenance organisation approval;
- 2) an aircraft maintenance mechanic licence; or
- 3) an approval granted to a person for a task requiring particular professional skill.

Design approval is not required for:

- 1) the design of a minor modification or repair;
- 2) the design of an aircraft for which a certificate of airworthiness is not applied, or the design of parts or appliances for such aircraft; or
- 3) the design of a modification or repair of an aircraft for which a certificate of airworthiness is not applied, or which has been issued with a permit to fly instead of a certificate of airworthiness.

The Finnish Transport Safety Agency may determine that the aircraft maintainer need not be approved, if the maintenance concerns:

- 1) limited maintenance of private aircraft with simple design and maximum certificated take-off mass of less than 2 730 kg;
- 2) limited maintenance of a sailplane or hot air balloon;
- 3) maintenance of an aircraft which has been issued with a permit to fly instead of a certificate of airworthiness; or
- 4) work performed under the supervision of a certified maintainer.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and with regard to the principles of the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the following subjects related to the designer, manufacturer and maintainer:

- 1) staff training, experience and competence;
- 2) tests and certificates required to determine competence;
- 3) equipment and facilities;
- 4) working procedures, quality system and instructions.

Administrative sanctions used in the supervision of approvals granted for design, manufacture and maintenance operations are prescribed in Chapter 16.

Section 32

Maintenance training organisation

A maintenance training organisation may apply for an approval of the Finnish Transport Safety Agency. The approval shall be issued if the maintenance training organisation has skilled personnel, training equipment and facilities, training programme and quality system as necessary for the performance of its duties. The Finnish Transport Safety Agency shall oversee the operations of maintenance training organisations.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and on the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the maintenance training organisation's:

- 1) staff training, experience and competence;
- 2) working procedures, quality system and instructions.

Administrative sanctions used in the supervision of maintenance training organisations are prescribed in Chapter 16.

Section 33

Emissions

Power-driven aircraft shall be so designed, manufactured, equipped and maintained as not to cause damage or significant harm to the environment by noise or other emissions.

Where necessary, the Finnish Transport Safety Agency issues more detailed technical regulations on noise and other emissions, based on standards referred to in the Chicago Convention.

Provisions on noise-related operational limitations at airports are laid down in Chapter 14.

Chapter 4

Aircraft ramp inspections

Section 34

Scope of application of this Chapter

In addition to the provisions of Chapter 3 and section 160 on inspections and oversight, the provisions of this Chapter shall apply to ramp inspections of aircraft, both those which are registered in a Member State and those registered in third countries.

The provisions in section 37 subsection 2, section 38 subsection 2, and section 42 subsection 2 shall not apply to military aircraft, state aircraft, or aircraft with a maximum take-off mass below 5 700 kg and not used for commercial air transportation.

Section 35 Definitions

For the purposes of this Chapter:

- 1) *Ramp Inspection Directive* means Directive 2004/36/EC of the European Parliament and of the Council on the safety of third-country aircraft using Community airports;
- 2) *ramp inspection* means the examination of an aircraft registered in a Member State and the examination of third-country aircraft in accordance with Annex II to the Ramp Inspection Directive;
- 3) *third-country aircraft* means an aircraft which is not used or operated under the control of an authority of a Member State.

Section 36 Collection of information

The Finnish Transport Safety Agency shall collect the following information for the purpose of aircraft safety oversight:

- 1) important safety information accessible, in particular, through:
 - a) pilot reports,
 - b) maintenance organisation reports,
 - c) incident reports,
 - d) other organisations, independent from the competent authorities of the Member States,
 - e) complaints;
- 2) information on action taken subsequent to a ramp inspection, such as:
 - a) aircraft grounded,
 - b) aircraft or operator banned from the Member State concerned,
 - c) corrective action required,
 - d) contacts with the operator's competent authority;
- 3) follow-up information concerning the operator, such as:
 - a) corrective action implemented,
 - b) recurrence of discrepancy.

This information shall be recorded using a standard report form set out in Annex I to the Ramp Inspection Directive.

Section 37

Ramp inspection

The Finnish Transport Safety Agency may carry out ramp inspections on any aircraft.

A ramp inspection shall be made to any third-country aircraft having landed at an airport usually open to international air traffic, if it is suspected of non-compliance with international safety standards. In this connection, the Finnish Transport Safety Agency shall give particular attention to aircraft:

- 1) where information has been received indicating poor maintenance condition or obvious damage or defects;
- 2) which have been reported as performing abnormal manoeuvres such as to give rise to serious safety concerns;
- 3) in respect of which a previous ramp inspection has revealed deficiencies which give rise to serious concern that the aircraft does not comply with international safety standards and where the Finnish Transport Safety Agency is concerned that the defects may not have been corrected;
- 4) where there is evidence that the competent authorities of the country of registration may not be exercising proper safety oversight;
- 5) where information collected under section 36 gives cause for concern about the operator or where a previous ramp inspection of an aircraft used by the same operator has revealed deficiencies.

The Finnish Transport Safety Agency shall implement the ramp inspections and other surveillance measures as decided by the Commission within the framework of Article 8, paragraph 3 of the Ramp Inspection Directive.

Section 38

Performance of ramp inspections

The ramp inspection shall be performed in accordance with the procedure described in Annex II to the Ramp Inspection Directive. On completion of the ramp inspection, the commander of the aircraft or a representative of the aircraft operator shall be informed of the ramp inspection findings and, if significant defects have been found, the report shall be sent to the operator of the aircraft and to the competent authorities concerned.

When the ramp inspection has concerned a third-country aircraft, the Finnish Transport Safety Agency shall notify the Commission of any measures taken to implement the requirements of this section.

Section 39

Exchange of information

The Finnish Transport Safety Agency shall participate in the mutual exchange of information between Member States and the Commission as provided in the Ramp Inspection Directive.

Section 40

Protection and dissemination of information

Provisions on the secrecy of information collected by the Finnish Transport Safety Agency in accordance with section 36, received for the purpose of section 37 and disseminated by another Member State or the Commission in accordance with section 39 are contained in section 24, subsection 1 of the Act on the Openness of Government Activities.

Whenever information concerning aircraft deficiencies is given voluntarily to the Finnish Transport Safety Agency, the ramp inspection reports referred to in section 38, subsection 1 shall be disidentified regarding the source of such information.

Section 41

Grounding of aircraft

If the Finnish Transport Safety Agency is not satisfied that corrective action required for flight safety will be carried out before the flight, it shall ground the aircraft until the hazard is removed. The Finnish Transport Safety Agency shall immediately inform the competent authorities of the operator concerned and of the State of registration of the aircraft.

The Finnish Transport Safety Agency may, however, in coordination with the State responsible for the operation of the aircraft concerned or the State of registration of the aircraft, prescribe the necessary conditions under which the aircraft can be allowed to fly to an airport at which the deficiencies can be corrected. If the deficiency affects the validity of the certificate of airworthiness for the aircraft, the grounding referred to in subsection 1 above may only be lifted for the positioning flight if the operator obtains permission from the State or States which will be overflown on that flight.

Section 42

Imposition of a ban or conditions on operation

Where the activities of a third-country operator in Finland or in another Member State pose a serious threat to flight safety or give reason to doubt the operator's ability to provide safe air services, or when the flight safety oversight of the operator has not been organised as required by the Chicago Convention, the Finnish Transport Safety Agency may ban the operator's flight operations in Finland or impose limitations or conditions on them. Any ban, limitation or condition shall be in force at most until the deficiencies are rectified.

The Finnish Transport Safety Agency shall notify the Commission of the measures taken.

Chapter 5

Licences and qualification requirements

Section 43

Scope of application of this Chapter

Unless otherwise provided by the EASA Regulation or a Commission Regulation issued by virtue of it, the provisions of this Chapter shall apply to the licences, ratings, certificates of competence and approvals (*permits*) granted to personnel involved in flight operations and aircraft maintenance.

Administrative sanctions used in the supervision of such permits are prescribed in Chapter 16.

Section 44 Issuer of the permit

Unless otherwise provided in section 169 below, permits referred to in section 43 are issued by the Finnish Transport Safety Agency. A permit shall be issued provided that the applicant meets the requirements for obtaining it. The permit shall be issued for a fixed period, unless otherwise provided below.

Section 45 Requirements for obtaining a permit

For the issue of a permit, it is required that the applicant meets the qualification requirements for the type of permit in question, concerning the applicant's age, health, knowledge, skills, training and experience. The types of permit are as follows:

- 1) pilot licence with associated ratings;
- 2) aircraft maintenance licence;
- 3) air traffic controller licence with ratings and flight information service officer's certificate of competence;
- 4) medical certificate;
- 5) aircraft marshaller approval.

To ensure flight safety, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention, issue more detailed regulations on the qualification requirements and validity of the permits. The regulations shall be in compliance with JAA and Eurocontrol standards where available.

A permit shall nevertheless not be issued, if the applicant is unfit to be a permit holder. An applicant shall be regarded as unfit to be a permit holder, if he/she:

- 1) continues violating against aviation rules or regulations despite an admonition or warning notice;
- 2) by fundamentally or repeatedly violating against aviation rules or regulations demonstrates an unwillingness or inability to observe them; or
- 3) has previously demonstrated such general indifference towards rules or regulations which gives reason to suspect that the applicant is unwilling or unable to observe the rules and regulations essential for aviation safety.

The duties which the permit holder is entitled to perform shall be specified in the permit. The permit may contain any conditions necessary to maintain flight safety.

Notwithstanding the provisions of the Language Act on the use of languages before authorities, the Finnish Transport Safety Agency may arrange theoretical knowledge examinations and skill tests for obtaining a permit in the English language.

Section 46 **Requirements for obtaining a medical certificate**

For the issue of a medical certificate, it is required that the applicant meets the medical requirements determined by the Finnish Transport Safety Agency in accordance with standards and recommendations referred to in the Chicago Convention or with JAA or Eurocontrol regulations and recommendations.

A medical certificate shall be issued for a fixed period in accordance with the standards, regulations or recommendations referred to in subsection 1 above, unless there are specific grounds for an exception. The issue and renewal of a medical certificate requires that the applicant has been approved in an examination carried out by an authorised aviation medical examiner.

The authorised aviation medical examiner shall submit the medical examination reports to the Finnish Transport Safety Agency.

Section 47 **Duty to notify of circumstances affecting qualifications and ascertainment of qualifications**

An applicant for or holder of a permit is obliged to notify the Finnish Transport Safety Agency of any known issues that affect his/her qualifications or medical fitness.

When there is reason to suspect that the requirements for the issue of a medical certificate are not met, the Finnish Transport Safety Agency may require the permit applicant or holder to undergo a medical examination and other tests to determine his/her state of health.

When there is reason to suspect that the knowledge and skill requirements for the issue of a permit are not met, the Finnish Transport Safety Agency may require the permit applicant or holder to undertake theoretical knowledge examinations, proficiency checks and other tests.

The applicant or holder of a permit shall be responsible for the charges and other costs of the checks, examinations and tests referred to in subsection 2 and 3 above.

Section 48 **Finnish Transport Safety Agency's right of access to information**

The Finnish Transport Safety Agency shall, in order to assess whether the conditions for the issue, renewal or revocation of a permit are fulfilled and notwithstanding secrecy provisions, have the right to access any information concerning the permit applicant or holder from the criminal register or register of fines, about criminal cases under consideration of charges from information systems of the judicial administration and from preliminary investigation authorities, where such information is related to causing a traffic hazard in aviation, use of intoxicating substances in aviation or in flight safety-related tasks in a ground organisation, causing a serious traffic hazard while operating a motor-driven vehicle or driving while intoxicated. The Finnish Transport Safety Agency shall also have the right to access any information about an ongoing preliminary

investigation, consideration of charges or trial concerning such offences, as well as any punishments and sanctions imposed for them.

Notwithstanding secrecy provisions, a physician having conducted a medical examination of the permit applicant or holder, a physician treating or having treated him/her, or an institution or establishment providing medical or health care services shall, on request, inform the Finnish Transport Safety Agency of any circumstances that may affect the issue or validity of a permit.

A physician, institution or establishment referred to in subsection 2 above may, notwithstanding secrecy provisions, also without request notify the Finnish Transport Safety Agency where it is suspected that the permit applicant or holder does not satisfy the medical requirements for obtaining the permit. Before the Agency is notified, the patient shall be informed of the physician's right to notify and the impact of state of health on the capacity to perform aviation duties.

The notification referred to in subsection 3 above may only contain the following information:

- 1) an announcement that the person in question may not satisfy the medical requirements for obtaining the permit; and
- 2) what additional measures the medical examiner suggests to investigate the applicant's / holder's state of health in more detail and to determine how it affects his/her capacity to perform the duties.

The data may be submitted via a technical user interface or by other electronic means.

Section 49 Foreign licence

The provisions of this Chapter shall, as far as practicable, also apply to the validation of foreign permits.

For reasons listed in section 149 or 150, the Finnish Transport Safety Agency may determine that a foreign permit recognized in Finland shall not entitle its holder to exercise such privileges within the Finnish territory, in a Finnish aircraft or when flight operations are conducted under an Air Operator Certificate issued in Finland.

Chapter 6 Licence register Section 50 Purpose of the licence register

The Finnish Transport Safety Agency keeps the licence register for the purposes of monitoring flight safety, managing the licence data, enhancing civil aviation security, fulfilling the international obligations binding on Finland and performing other duties that fall under its competence.

The licence register may be kept in computerised form.

Employees of the Finnish Transport Safety Agency shall have access to the data stored in the licence register to the extent necessary for the performance of their duties.

Section 51

Relationship to other legislation

Unless otherwise provided in this Act, the Act on the Openness of Government Activities shall apply to the secrecy and disclosure of information entered in the licence register and the Personal Data Act shall apply to other management of personal data.

Section 52

Registered persons

The licence register may contain information on persons having applied for or holding a licence, certificate of competence, rating or approval issued by the Finnish Transport Safety Agency. The licence register may also contain information on persons having made themselves guilty of causing a traffic hazard in aviation, using intoxicating substances in aviation or in flight safety-related tasks in a ground organisation, or an aviation violation. Moreover, information may be recorded on persons for whom a preliminary investigation, consideration of charges or trial concerning such offences is pending.

Section 53

Data to be recorded

The licence register may contain the following identification details of the persons referred to in section 52:

- 1) name;
- 2) personal identity code or, in its absence, date of birth;
- 3) home municipality of birth, country of birth and nationality;
- 4) address and other contact details, municipality of residence;
- 5) mother tongue or language of communication;
- 6) death of the person.

In addition to the personal details, the register may contain any information needed for the purpose of the register, such as information on the permits as well as training and examinations related to aviation.

For the purposes of decision-making and supervision with regard to the permit, the following sensitive data may be stored in the register:

- 1) necessary information concerning medical examinations and state of health;
- 2) information related to causing a traffic hazard in aviation, air traffic intoxication, use of intoxicating substances in aviation or in flight safety-related tasks in a ground organisation, aviation violation or causing a serious traffic hazard, including any information about a preliminary investigation, consideration of charges or trial concerning such offences as well as any punishments and sanctions imposed for them.

If a change occurs in the registered information, the permit holder shall notify it to the Finnish Transport Safety Agency within 14 days. The Finnish Transport Safety Agency shall issue more detailed regulations on how the changes are to be notified.

Section 54

Removal of data from the licence register

Data shall be removed from the licence register as follows:

- 1) information about causing a traffic hazard in aviation, use of intoxicating substances in aviation or in flight safety-related tasks in a ground organisation, causing a serious traffic hazard, or aviation violation, ten years after the relevant decision becomes final;
- 2) criminal data on a suspected person when the person has been acquitted by a final decision or when the right to institute criminal proceedings concerning the suspected offence has fallen under the statute of limitations;
- 3) information on any prohibition or other administrative sanction imposed by the aviation authority, ten years after the decision becomes final.

Section 55

Finnish Transport Safety Agency's right to obtain information from authorities

The Finnish Transport Safety Agency shall, notwithstanding secrecy provisions, have the right to access the following information for the purposes of maintaining the licence register and verifying the correctness of the data contained therein: data entered in the population information system on the person's name, personal identity code, address, home municipality, home municipality of birth, country of birth, nationality, mother tongue, language of communication and the person's death, as well as data on the restriction on disclosure referred to in section 25(4) of the Population Information Act (507/1993).

The data may be submitted via a technical user interface or by other electronic means.

Section 56

Disclosure of sensitive data and personal identity code

Notwithstanding secrecy provisions, sensitive data and personal identity codes stored in the licence register may be disclosed to Finnish authorities and to foreign aviation or accident investigation authorities, where it is necessary for the performance of duties and obligations provided by law or imposed by virtue of it.

The data may be disclosed via a technical user interface or by other electronic means. Before the technical user interface is opened, the recipient shall provide evidence indicating that the data is appropriately protected.

Section 57

Disclosure of data in electronic form for the purpose of public opinion or market research, direct marketing as well as for other address and information services

Data other than that referred to in section 56 above may be disclosed from the licence register for the purpose of public opinion or market research, direct marketing as well as for other address and information services via a technical user interface or by other electronic means. Before the technical user interface is opened, the recipient shall provide evidence indicating that the data is appropriately protected.

However, the data may not be disclosed if the registered person has prohibited disclosure for the purpose referred to in subsection 1 above. The data may also not be disclosed if the registered person has not received information on the processing of data as referred to in section 24 of the Personal Data Act.

Chapter 7

General requirements concerning flight operations

Section 58

Aircraft commander

An aircraft, glider or other device, when used for aviation, shall have a commander appointed by its owner, possessor or operator.

Section 59

Flight crew licences, ratings, approvals and medical certificates

An aircraft flight crew member shall have:

- 1) a licence, ratings, approvals and medical certificate as required for his/her duties, issued or approved by the Finnish Transport Safety Agency or a sport aviation organisation referred to in section 169; or
- 2) a licence, ratings, approvals and medical certificate as required for his/her duties, issued by a foreign state and recognised as equivalent to those referred to in subsection 1 above in Finland in accordance with binding international obligations.

The provisions in subsection 1 shall not apply to the pilot of an aircraft or other device referred to in section 6, subsection 2.

The Finnish Transport Safety Agency may, for other flight crew members than the aircraft commander and with conditions necessary to ensure safety, grant an exemption from the qualification requirement contained in subsection 1 above in respect of:

- 1) instruction flights and flight examinations;
- 2) flights on which a specific flight assistant is used.

Section 60

Aircraft crew

An aircraft shall be safely manned when used for aviation. Responsibility for safe manning rests with the aircraft owner, possessor or operator.

In addition to the provisions of subsection 1 and Chapter 5, the Finnish Transport Safety Agency shall, as necessary for flight safety and based on the standards and recommendations referred to in the Chicago Convention and with regard to the EASA Regulation and any Commission regulations issued by virtue of it, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the following subjects:

- 1) aircraft commander, flight crew composition and other crew required for certain types of flight operations;
- 2) licences, ratings, certificates of competence, privileges, approvals and medical certificates required for flight crew members;
- 3) crew training and experience requirements;
- 4) maximum duty periods and flight duty periods, minimum rest periods.

Section 61

Authority of the commander

The aircraft commander shall exercise supreme authority on board. The commander's authority extends over the passengers only in matters of maintaining order and safety. The commander may temporarily order a member of the aircraft crew to perform a duty different from the duties he/she was employed for.

When necessary for maintaining order and safety or for other imperative reasons, the commander has the right to refuse entry on board, and for compelling reasons, disembark a member of the crew or a passenger or remove goods from the aircraft prior to departure or, if the aircraft is in flight, at the first suitable landing site.

Section 62

Flight preparation and performance

Prior to commencing the flight, the commander of the aircraft or device shall ascertain that the aircraft or device is airworthy and ensure that the flight in all other respects has been prepared in accordance with applicable provisions and regulations.

The commander shall ensure that the flight is conducted safely and that the applicable provisions, regulations and conditions of the air operator certificate, aerial work certificate or training organisation approval and the flight manual approved by the aviation authority are complied with during the flight.

A crew member shall perform the duties assigned to him/her in the flight manual and in the air operator certificate, aerial work certificate or training organisation approval, unless the division of tasks is otherwise determined by the aircraft commander.

The Finnish Transport Safety Agency may, as necessary for safety and based on the standards and recommendations referred to in the Chicago Convention and with regard to JAA, ECAC and Eurocontrol requirements and recommendations, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the following subjects:

- 1) flight planning and preparation;
- 2) flight performance and actions in flight;
- 3) special equipment required for a flight;
- 4) actions immediately after a flight;
- 5) parachuting flights;
- 6) aerobatics;
- 7) aerotow operations;
- 8) spraying flights or dropping of articles from aircraft.

Section 63 **Responsibility towards aircraft, passengers and goods**

The commander and the crew are obliged to attend to the aircraft as well as to the passengers and goods carried on board. When the aircraft is in distress, the commander and the crew shall, by any means available, protect the aircraft and the persons and goods on board.

Section 64 **Passenger's responsibilities in flight**

A passenger may not act so as to compromise the safety of a flight. A passenger shall obey any commands issued by the crew for the purpose of maintaining safety and order in flight.

Section 65 **Order and coercive measures on board**

If the aircraft is in danger or the safety of the passengers or crew otherwise so requires, the commander has the right to capture a person, inspect a person or goods or use other equivalent means which are necessary to restore order or to prevent any imminent danger to flight safety, and which can be deemed as justifiable when assessed as a whole with regard to the extent of the danger and the situation otherwise. Every crew member shall be obliged to render the commander whatever assistance necessary without an explicit command. At the request of the commander or a crew member, a passenger shall also have the right to render such assistance in accordance with the instructions given by the commander or crew member.

Any crew member or passenger may take preventive measures as referred to in subsection 1 above even if not requested by the commander, where it is evident that such action is necessary in order to protect the safety of the aircraft or the persons or property carried on board. The commander shall be informed of such measures as soon as possible.

The means referred to in subsection 1 above may, at the most, be applied as long as the issue can be submitted to the competent authority.

Provisions on excessive use of forcible measures are contained in the Penal Code of Finland (39/1889), Chapter 4, section 3, subsection 3 and section 7.

Section 66 **Aircraft documents**

The following documents shall be carried on board an aircraft of Finnish nationality when used for aviation:

- 1) a valid registration certificate;
- 2) a valid certificate of airworthiness or a permit to fly issued in accordance with section 27 above;
- 3) evidence of mandatory insurance cover for the aircraft;
- 4) other documents required by the Finnish Transport Safety Agency depending on the type of aircraft and nature of flight, which are necessary for the safe conduct of the flight and for regulatory oversight.

The following documents shall be carried on board a foreign aircraft or an aircraft which has not been registered, when used for aviation within the Finnish territory:

- 1) a valid registration certificate issued in a state having acceded to the Chicago Convention or an authorisation to use the aircraft for aviation within the Finnish territory issued by the Finnish Transport Safety Agency as referred to in section 7, subsection 1;
- 2) a valid certificate of airworthiness in accordance with Annex 8 to the Chicago Convention or a permit to fly recognised by the Finnish Transport Safety Agency;
- 3) evidence of mandatory insurance cover for the aircraft;
- 4) other documents required by the foreign aviation authority or, in case of an unregistered aircraft, by the Finnish Transport Safety Agency, depending on the type of aircraft and nature of flight, which are necessary for the safe conduct of the flight and for regulatory oversight.

Chapter 8
Commercial air transport and permits for aviation in certain cases
Section 67
Definitions

For the purposes of this Chapter:

- 1) *Air Services Regulation* means Regulation (EEC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community;
- 2) *External Relations Regulation* means Regulation (EC) No 847/2004 of the European Parliament and of the Council on the negotiation and implementation of air service agreements between Member States and third countries;
- 3) *commercial air transport* means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;
- 4) *aerial work* means an aircraft operation in which an aircraft is used for specialised services such as:
 - a) flights related to agriculture and forestry;
 - b) flights related to construction work;
 - c) aerial photography and mapping flights;
 - d) survey flights;
 - e) power line inspection and clearing flights;
 - f) towing of aircraft or other objects;
 - g) parachuting flights;
 - h) rescue services, traffic surveillance, forest fire patrol and fire fighting or other similar duties;
- 5) *Air Operator Certificate (AOC)* means a permission which affirms that its holder has the professional ability and organisation to secure the safe operation of aircraft for the aviation activities specified in the certificate;
- 6) *Aerial Work Certificate* means a permission which allows its holder to carry out aerial work operations;
- 7) *flight training permit* means a permission to provide flight and theoretical knowledge instruction associated with the issue and continued validity of flight crew licences, certificates of competence, ratings or approvals;
- 8) *flying display permission* means an authorisation permitting its holder to organise a flying display;

9) *flying competition permission* means an authorisation permitting its holder to organise a flying competition;

10) *Operating Licence* means an authorisation permitting its holder to carry passengers, mail and cargo by air for remuneration and/or hire.

Section 68 Air Operator Certificate

An Air Operator Certificate is required for commercial air transportation. However, an Air Operator Certificate shall not be required if the operator holds an equivalent certificate issued in another state and recognised by the Finnish Transport Safety Agency.

Section 69 Issue of an Air Operator Certificate

Provided that the applicant meets the requirements referred to in this section, the Finnish Transport Safety Agency shall issue an Air Operator Certificate. The certificate shall be issued for a fixed period, which is determined by the Finnish Transport Safety Agency based on the applicant's operating conditions, applicable provisions or on other similar grounds. The Air Operator Certificate shall describe the nature of flight operations to be conducted and the aircraft type to be used, such as whether the operations may be conducted under instrument flight rules (IFR) or visual flight rules (VFR) or using an aeroplane, powered glider, helicopter or hot air balloon.

An Air Operator Certificate may only be issued to a legal person or citizen of a Member State, whose domicile and principal place of business are in Finland. The issue of an Air Operator Certificate also requires that the applicant has such qualifications and organisation as well as such financial and operational capacity that flight operations can be safely conducted. A further requirement is that a suitable fleet of aircraft is available to the applicant when the flight operations are commenced.

The Finnish Transport Safety Agency shall, based on JAA standards, issue more detailed regulations on the requirements for obtaining an Air Operator Certificate, as necessary for the safe conduct of flight operations. The regulations may concern:

- 1) the certificate holder's organisation and staff;
- 2) the aircraft and equipment to be used for the operations;
- 3) the safety management system;
- 4) the certificate holder's operating manual, operating procedures and operational restrictions;
- 5) the certificate holder's financial capacity, as far as it is not provided for in the Air Services Regulation.

Section 70 Operating Licence

Provisions on operating licences are contained in the Air Services Regulation. Operating licences are issued by the Finnish Transport Safety Agency.

New operating licences shall be reviewed one year after issue and every five years thereafter.

Aircraft used by the operator shall be entered in the Finnish aircraft register. The Finnish Transport Safety Agency may, however, allow an individual aircraft used by the operator to be registered in another Member State, provided that flight safety oversight can be duly arranged.

Section 71 Air services on intra-Community routes with departure or destination in Finland

Air services on intra-Community routes with departure or destination in Finland require an operating licence issued in a Member State of the European Union. The Finnish Transport Safety Agency may, in an individual case or based on international obligations binding on Finland, also grant a permit to operate such services to an operator not holding an operating licence issued in a Member State.

Section 72 Public service obligation

Any decision on imposing a public service obligation as referred to in Article 16 of the Air Services Regulation shall be made by the Ministry of Transport and Communications.

The Ministry of Transport and Communications may, in accordance with the Air Services Regulation, place limitations on the operation of routes subject to a public service obligation, where such limitations are necessary to guarantee the provision of air services on that route.

Section 73 Scheduled air services between Finland and a third country

For operating scheduled air services between Finland and a third country, the Finnish Transport Safety Agency shall issue an operating authorisation specific to each route.

Subject to the provisions of section 74 below, the issue of an operating authorisation requires that:

- 1) the applicant holds an operating licence as referred to in section 70 above and is established in Finland;
- 2) the applicant is an air carrier designated by the third country referred to in subsection 1 and meets the requirements for conducting such air services as defined in the air services agreement between Finland and the third country concerned; or
- 3) the applicant is an air carrier designated by the third country referred to in subsection 1, holds an approval equivalent to the Air Operator Certificate referred to in section 68 above and issued by the Authority of that third country, meets the requirements applicable to third country airlines as

specified in this Act and in Community regulations, and the Ministry of Transport and Communications considers granting such an authorisation justified on the basis of Finnish transport policy.

The Finnish Transport Safety Agency establishes, where necessary, the tariffs, capacity, schedules and other conditions concerning the air services referred to in subsection 1.

Section 74 **Routes subject to restrictions of use**

The Finnish Transport Safety Agency shall decide which applicant(s) for an operating authorisation are allowed to operate air services on such routes referred to in section 73 which are subject to restrictions of use based on an air services agreement. Decisions on operating authorisations shall be based on an overall assessment, taking into account the needs of passenger and cargo services, promotion of competition, and balanced development of Community air services.

The Finnish Transport Safety Agency shall publish more detailed regulations on the issue of operating authorisations for the routes referred to in subsection 1 above and on the information required for the comparison of applicants.

Section 75 **Non-scheduled air services between Finland and a third country**

For operating non-scheduled air services between Finland and a third country, the Finnish Transport Safety Agency shall issue third country air carriers a flight permit for each individual flight or for a series of several flights. The permit shall be issued if the air carrier demonstrates that it holds an air operator certificate, operating licence or equivalent approvals required for such air services, and has a fleet of aircraft suitable for these flights.

The Agency may deny the permit if there is cause to suspect that the applicant:

- 1) is not able to operate the services in a professional and safe manner;
- 2) does not have an adequate liability insurance for aviation-related damages;
- 3) attempts to circumvent the requirements specified for the operation of scheduled air services in section 73 and 74 by obtaining such a permit; or
- 4) the applicant's home state would not reciprocally grant a permit to a Finnish air carrier.

The Finnish Transport Safety Agency shall issue regulations concerning the application procedure for the permit referred to in subsection 1 above, and the documents needed to demonstrate that the requirements for the issue of the permit are satisfied. The Finnish Transport Safety Agency may also, by regulation, restrict the share of seats which can be sold otherwise than as a part of a travel package with regard to the overall number of seats available on each flight, provided that the restriction is based on an international practice generally followed in the Member States or on reciprocity.

The regulations referred to in subsection 3 above shall, as applicable and in addition to Community legislation governing the operation of non-scheduled air services, also consider the following:

- 1) standards and recommendations of the Chicago Convention;
- 2) ECAC recommendations; and
- 3) international practices, in so far as they are generally applied in the Member States.

A Community air carrier holding an operating licence issued in a Member State is allowed to operate non-scheduled air services between Finland and a third country without a specific permit.

Nevertheless, the Finnish Transport Safety Agency may, in response to the demand of an air carrier holding an operating authorisation referred to in section 73, prohibit the operation of non-scheduled air services as referred to in subsection 5 above, if it would cause the operations covered by the operating authorisation such economic disadvantage that cannot be considered minor, and if the air carrier by means of those non-scheduled air services would actually circumvent the restrictions imposed on the operation of scheduled air services.

Section 76 **Air services over the territory of Finland**

Scheduled and non-scheduled air services over the territory of Finland may be operated without a specific permit, if such a provision is contained in a bilateral or multilateral agreement between Finland and the state of the air carrier.

In cases other than those referred to in subsection 1 above, the Finnish Transport Safety Agency shall issue a permit to operate air services over the territory of Finland. The permit can be issued either for scheduled air services, for each individual flight or for a series of several flights. The permit shall be issued if the air carrier demonstrates that it holds an air operator certificate, operating licence or equivalent approvals required for such air services, and has a fleet of aircraft suitable for these flights.

The Agency may deny the permit if there is cause to suspect that the applicant:

- 1) is not able to operate the services in a professional and safe manner;
- 2) does not have an adequate liability insurance for aviation-related damages; or
- 3) the applicant's home state would not reciprocally grant a permit to a Finnish air carrier.

Section 77 **Aerial Work Certificate**

A certificate issued by the Finnish Transport Safety Agency is required for aerial work. To obtain the certificate, the applicant shall have at its disposal an organisation and staff necessary for safe conduct of aerial work and an aircraft fleet and equipment suitable for the intended operations. An aerial work certificate is not required if an operator whose domicile or principal place of business is in another Member State demonstrates compliance with those requirements for approval, qualifications or equivalent which have been established for similar operations in that other state. The Finnish Transport Safety Agency may, nevertheless, specify any conditions necessary to ensure the safety of the operations on a non-discriminatory basis.

Aerial work certificate is not required for the following operations carried out in accordance with regulations issued by the Finnish Transport Safety Agency:

- 1) glider towing;
- 2) parachuting flights;
- 3) forest fire patrol flights;
- 4) search and rescue flights referred to in section 121, subsection 4, when they are occasionally performed at the request of an authority.

The Finnish Transport Safety Agency may also permit aerial work operations other than those referred to in subsection 2 above to be conducted without certificate, if obtaining a certificate is not deemed necessary to ensure safety.

The Finnish Transport Safety Agency shall issue more detailed regulations on the requirements for obtaining an aerial work certificate, as necessary for the safe conduct of aerial work operations. The regulations may concern:

- 1) the size of certificate holder's organisation and staff qualifications;
- 2) the aircraft and equipment to be used for the operations;
- 3) the certificate holder's operating manuals and procedures;
- 4) the financial capacity of the certificate holder.

An aerial work certificate shall be issued if the applicant meets the requirements specified in this section and on the basis of subsection 4 above. The certificate shall be issued for a fixed period determined by the Finnish Transport Safety Agency based on the applicant's operating conditions, applicable provisions or on other similar grounds.

The aircraft to be used for aerial work shall be entered in the Finnish aircraft register. The Finnish Transport Safety Agency may, however, allow an aircraft registered in another Member State to be used for aerial work, provided that flight safety oversight can be duly arranged. Where no suitable aircraft registered in a Member State is available, the Finnish Transport Safety Agency may approve the use of an aircraft registered in a third country, provided that flight safety is not compromised. The Finnish Transport Safety Agency may issue more detailed regulations on the conditions for approval of such aircraft for aerial work operations.

Section 78

Flight training permit

For the provision of flight and theoretical knowledge instruction associated with the issue and continued validity of flight crew licences, certificates of competence, ratings or approvals, a flight training permit issued by the Finnish Transport Safety Agency is required. To obtain the permit, the applicant shall have at its disposal an organisation and staff necessary for safe and adequate

provision of flight training and an aircraft fleet, facilities and training equipment suitable for the intended operations.

The Finnish Transport Safety Agency shall issue more detailed regulations on the requirements for obtaining a flight training permit, as necessary for the safe conduct of flight training operations. The regulations may concern:

- 1) the size of the flight training permit holder's organisation and staff qualifications;
- 2) the aircraft, facilities and training equipment to be used for the operations;
- 3) the permit holder's operating manuals, operating procedures and training programmes.

A flight training permit shall be issued if the applicant meets the requirements specified in this section and on the basis of subsection 2 above. The permit shall be issued for a fixed period determined by the Finnish Transport Safety Agency based on the applicant's operating conditions, applicable provisions or on other similar grounds.

The Finnish Transport Safety Agency may determine that no flight training permit is required for certain types of training, when there is no need to obtain such a permit to ensure safety.

Section 79

Approvals for flying displays and flying competitions

For the organisation of a flying display or flying competition, a permission issued by the Finnish Transport Safety Agency is required. To obtain the permission, the applicant shall have at its disposal an organisation and staff necessary for the safe arrangement of such a display or competition. In addition, the aircraft and other equipment to be used in the event, the performers of the display or participants in the competition, flying programmes and safety arrangements must meet the requirements of the applicable rules and regulations.

The Finnish Transport Safety Agency shall issue more detailed regulations on the requirements for obtaining a flying display permission or flying competition permission, as necessary for the safe arrangement of such an event. The regulations may concern:

- 1) the size of the permission holder's organisation and staff qualifications;
- 2) the aircraft, equipment, performers, flight programmes and participants of the display or competition;
- 3) the permission holder's operating procedures, safety arrangements for the event and the organiser's co-operation with air navigation service units and authorities other than aviation authorities.

Flying display permission or flying competition permission shall be issued if the applicant meets the requirements specified in this section and on the basis of subsection 2 above. The permission shall be issued for each event or series of events separately.

Section 80
Administrative sanctions

Administrative sanctions used in the supervision of the permits referred to in this Chapter are prescribed in Chapter 16.

Chapter 9
Aerodromes and ground facilities
Section 81
Definitions

For the purposes of this Chapter:

- 1) *airport* means an aerodrome where flight information service, alerting service, air traffic advisory service and air traffic control service is permanently provided;
- 2) *light aviation aerodrome* means an aerodrome which is used for aviation by gliders, power-driven gliders, airships, hot air balloons and by other light aircraft more specifically determined by the Finnish Transport Safety Agency;
- 3) *other area serving aviation* means an area situated apart from the aerodrome with buildings, structures or facilities serving aviation;
- 4) *airport certificate* means an approval confirming that the airport operator and its personnel have the proficiency, organisation and operational procedures needed to ensure an adequate level of air traffic safety, and that the airport complies with applicable regulations;
- 5) *aerodrome operating permit* means an approval establishing the aerodrome organisation and operational conditions and attesting that the aerodrome complies with applicable provisions;
- 6) *manoeuvring area* means that part of an aerodrome intended to be used for the take-off, landing and taxiing of aircraft, excluding aprons;
- 7) *apron* means that part of an aerodrome intended for purposes of loading or unloading passengers, mail or cargo, and fuelling, parking or maintenance of aircraft.

In addition to the area defined in subsection 1 above, an aerodrome includes:

- 1) on water areas, any piers or other places for mooring associated with the manoeuvring area;
- 2) rescue access roads and those safety areas, obstacle limitation areas and other areas which are needed for the operation, use and security control of the aerodrome; and
- 3) any buildings, structures and facilities necessary for the operation of the aerodrome.

Section 82

Use of aerodromes and other areas

Only aerodromes or areas referred to in subsection 2 below may be used for take-off and landing of aircraft. However, the prohibition to use other areas shall not apply to emergencies, forced landings and other comparable events or to take-offs and landings of military helicopters, other state helicopters or search and rescue helicopters on operational (military) flights or on flights associated with rescue services or assistance to authorities. Separate provisions shall be issued on the use of ship landing decks for helicopter take-offs and landings.

An aircraft may temporarily use an open water area or other land or water area for take-off and landing with the consent of its owner or possessor, even if the area has not been specifically arranged for that purpose. Where necessary for aviation safety, the Finnish Transport Safety Agency issues regulations on:

- 1) temporary use of a land or water area;
- 2) dimensions and surface conditions of an area to be used by aircraft;
- 3) obstacle limitations; and
- 4) other factors affecting the safety of take-off and landing.

Provisions on the consent of partners in a common land or water area, which is required to obtain the owner's or possessor's permission for the activities referred to in subsection 2 above, are contained in the Act on Jointly Owned Areas (758/1989).

Where necessary for reasons of flight safety, smooth flow of traffic, national defence, engagement in trade or prevention of harmful environmental effects, the Finnish Transport Safety Agency may prohibit the use of an area other than an aerodrome or restrict the use of an area referred to in subsection 2 for aircraft take-offs and landings. If the prohibition or restriction is imposed for reasons other than flight safety or smooth flow of traffic, the Finnish Transport Safety Agency shall hear the Centre for Economic Development, Transport and the Environment and other authorities as necessary.

Section 83

Air transport facilitation

The Finnish Transport Safety Agency prepares and establishes a national programme for air transport facilitation and supports coordination between the companies and authorities regularly operating at airports in order to enhance facilitation.

The airport operator shall attend to the coordination between the companies and authorities regularly operating at airports in accordance with the national programme and any operational and technical regulations issued by the Finnish Transport Safety Agency.

In addition to the provisions on the competence of consumer authorities contained in other legislation, the Finnish Transport Safety Agency shall be the competent authority referred to in Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of

cancellation or long delay of flights and repealing Regulation (EEC) No 295/91, as well as in Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air.

Section 84 **Allocation of slots at airports**

Provisions on allocation of slots at airports are contained in the Slot Regulation.

The Finnish Transport Safety Agency shall be responsible for the tasks assigned to the Member State in the Slot Regulation, unless otherwise provided in subsection 3. The Agency shall appoint the schedule adviser or coordinator referred to in Article 4, paragraph 1 of the Slot Regulation.

The airport operator shall:

- 1) carry out the capacity analysis referred to in Article 3, paragraph 3 of the Slot Regulation;
- 2) set up the coordination committee referred to in Article 5, paragraph 1 of the Slot Regulation;
- 3) determine the figures to be used for allocation of slots in accordance with Article 6, paragraph 1 of the Slot Regulation.

Section 85 **Construction permit**

Construction of an aerodrome or other area serving aviation requires a permit. A permit is also required for any changes to an aerodrome or other area serving aviation that might affect flight safety or have a significant effect on the landscape. The construction permit is issued by the Finnish Transport Safety Agency. The Council of State may, in individual cases, reserve the right to decide on the matter.

Nevertheless, the construction permit referred to in this Chapter shall not be required for emergency landing strips constructed for national defence needs and intended for use in crisis situations and related practices, helicopter landing sites of the defence forces, or light aviation aerodromes for UAV operations by the defence forces. Construction permit is also not required for helicopter landing sites intended to be used exclusively by the Border Guard.

Unless otherwise provided in this Chapter, any requirements with respect to planning, environmental permits, environmental impact assessment, construction, and redemption of real property and specific rights shall be complied with in the construction and modification of an aerodrome or other area serving aviation. However, where an assessment report referred to in the Act on Environmental Impact Assessment (468/1994) already includes such information on environmental impacts as is needed for the application of this Act, the same inquiry need not be repeated. The permit decision shall indicate how the assessment in accordance with the said Act has been taken into account.

The requirements concerning action permits referred to in section 126 of the Land Use and Building Act (132/1999) and provisions issued on the basis of it shall not apply to the construction of aerodrome areas or any facilities or structures necessary for flight safety and regular air services, such as aviation radio beacons and radar facilities including their protective structures. Moreover,

actions on an aerodrome or other area serving aviation do not require a permit for landscape work in accordance with section 128 of the Land Use and Building Act, nor a notification in accordance with section 129 of that Act.

Section 86 **Hearing procedure related to the construction permit**

Before a permit to construct an aerodrome is granted, the municipality concerned and, depending on the nature of the matter, the Ministry of Defence, the Ministry of the Environment, the Centre for Economic Development, Transport and the Environment and the Regional Council shall be provided an opportunity to state their opinions on the matter.

Where the application for a construction permit concerns the construction or modification of an area serving aviation other than an aerodrome or its structures and facilities in accordance with section 84, the municipality concerned and, depending on the nature of the matter, other relevant authorities and neighbours shall be provided an opportunity to state their opinions on the matter.

Section 87 **Preconditions for granting a construction permit**

A construction permit shall be granted provided that the aerodrome or other area serving aviation and its buildings, structures and facilities meet the requirements necessary for flight safety and a smooth flow of traffic, and has been issued with an environmental permit as required by the Environmental Protection Act (86/2000). The construction permit may include conditions to ensure flight safety and a smooth flow of traffic. A construction permit may be denied for national defence reasons.

The Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention, issue more detailed regulations on the preconditions for granting a construction permit as necessary to ensure safe and smooth flight operations. The regulations may concern:

- 1) dimensions and qualities of areas intended to be used by aircraft;
- 2) obstacle limitations and marking of obstacles to air navigation;
- 3) visual ground aids;
- 4) air navigation services at aerodromes;
- 5) rescue operations at aerodromes;
- 6) civil aviation security;
- 7) other requirements comparable to those listed in items 1–6 with a view to ensure flight safety and a smooth flow of air traffic.

A construction permit shall be issued for a period of at least five years. The permit may be revoked if the conditions attached to it are not complied with or the requirements for granting the permit are

no longer met, and the permit holder has not corrected the deficiencies within a reasonable time determined by the Finnish Transport Safety Agency.

Section 88 **Airport certificate**

An airport is required to have an approval certificate issued by the Finnish Transport Safety Agency, except as otherwise provided below. The airport certificate specifies for which type of traffic or other aviation operations the airport may be used.

The use of a public airport shall be allowed under the same conditions for all, unless otherwise prescribed by the Slot Regulation or in provisions issued on the basis of it.

An airport certificate is not required for an airport which is used exclusively for military aviation or government flight operations.

Section 89 **Preconditions for granting an airport certificate**

An airport certificate shall be granted if the applicant proves that:

- 1) the airport, including its ground areas, facilities, systems and operations, complies with the applicable regulations;
- 2) the airport operator and its personnel have the competence and experience needed for maintaining an airport.

The Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention, issue more detailed regulations on the preconditions for granting an airport certificate as necessary to ensure safe and smooth flight operations. The regulations may concern:

- 1) dimensions and qualities of areas intended to be used by aircraft;
- 2) notification of airport information;
- 3) obstacle limitations and marking of obstacles to air navigation;
- 4) visual ground aids;
- 5) air navigation services at airports;
- 6) traffic guidance and monitoring;
- 7) staff training and qualifications;
- 8) airport maintenance and inspections;
- 9) snow removal and ice control;
- 10) rescue operations at airports;

- 11) temporary arrangements at airports;
- 12) control of birds and other animals at aerodromes and in their vicinity;
- 13) the airport operations manual;
- 14) airport operator's organisation and staff competence;
- 15) airport operator's safety management system;
- 16) other requirements to ensure air traffic safety.

The approval is granted for a fixed period or indefinitely. The approval shall remain valid at the most as long as the certificate holder has the right to use the land or water area on which the airport is located.

Administrative sanctions used in the supervision of airport certificates are prescribed in Chapter 16.

Section 90 Aerodrome operating permit

An aerodrome which is not required to have an approval certificate in accordance with section 88 shall have an aerodrome operating permit granted by the Finnish Transport Safety Agency, unless otherwise provided below. The aerodrome operating permit specifies the aerodrome operator and manager and determines for which type of traffic or other aviation operations the aerodrome may be used.

An aerodrome operating permit is not required for an aerodrome which is used exclusively for military aviation or government flight operations.

Section 91 Preconditions for granting an aerodrome operating permit

An aerodrome operating permit shall be granted if the applicant has proved that the aerodrome meets the requirements for a construction permit as listed in section 87 and the operator's organisation is appropriate for safe operation of the aerodrome. The provisions of section 89, subsection 3 also apply to aerodrome operating permits.

Administrative sanctions used in the supervision of aerodrome operating permits are prescribed in Chapter 16.

Section 92 Light aviation aerodromes

Construction permit or operating permit shall not be required for light aviation aerodromes. However, the aerodrome operator shall notify the Finnish Transport Safety Agency 90 days before the construction of a light aviation aerodrome is started, and 30 days before the aerodrome is brought into use. The Agency shall specify the information to be given in these notifications.

The Finnish Transport Safety Agency may, for reasons of flight safety, prevention of harmful environmental effects or national defence, prohibit the construction or opening of a light aviation aerodrome or impose such conditions on its construction and use as deemed necessary for flight safety, environmental protection or national defence.

Section 93 **Approval of buildings, structures and facilities**

Any building, structure or facility at an aerodrome or other area serving aviation shall be approved by the Finnish Transport Safety Agency before it is brought into use after construction or modification. The approval shall be granted if the buildings, structures and facilities satisfy the requirements for flight safety and smooth flow of traffic. Nevertheless, approval of the Finnish Transport Safety Agency is not required if the building, structure or facility or its modification will not affect flight safety or impede the flow of traffic.

Section 94 **Prohibition and restriction of aerodrome use**

The aerodrome operator shall be responsible for ensuring that the aerodrome is in compliance with applicable requirements during reported operating hours. At other times, responsibility for using the aerodrome for take-off, landing or taxiing of an aircraft rests with the pilot-in-command.

The aerodrome operator shall prohibit or restrict the use of the aerodrome or another area, building, structure or facility serving aviation both within and outside operating hours if:

- 1) the aerodrome equipment required by aviation regulations is not serviceable;
- 2) the manoeuvring area or apron is not in compliance with regulations because of surface conditions or repair work;
- 3) the manoeuvring area or apron is not in compliance with regulations because of an obstacle;
- 4) the aerodrome hosts an event or occasion which restricts or impedes flight operations; or
- 5) any other comparable significant reason so requires.

The Finnish Transport Safety Agency may impose the prohibition or restriction referred to in subsection 2 above, if it considers that the aerodrome operator has not acted as required in that subsection.

Chapter 10 **Ground handling** **Section 95** **Definitions**

For the purposes of this Chapter:

- 1) *ground handling services* mean those services provided to users at an aerodrome as listed in the Annex to Council Directive 96/67/EC on access to the groundhandling market at Community airports, hereinafter called the *Ground Handling Directive*;

2) *self-handling* means a situation in which an operator transporting passengers, cargo or mail by air directly provides for himself one or more categories of ground handling services and concludes no contract with a third party for this.

For the purposes of subsection 1 item 2, operators shall not be deemed to be third parties among themselves where one holds a majority holding in the other or a single body has a majority holding in each.

Section 96

Supply of ground handling services

The aerodrome operator shall not, without a specific cause as provided in this section, restrict the supply of ground handling services or self-handling as far as the Ground Handling Directive is applicable to the provision of services at the aerodrome. The aerodrome operator shall ensure that access to aerodrome installations for ground handling and self-handling is organised as provided in Article 16 of the Ground Handling Directive. Furthermore, the aerodrome operator shall ensure that an aerodrome falling under the scope of application of the Ground Handling Directive has a Users' Committee as referred to in Article 5 of the Directive.

The Finnish Transport Safety Agency attends to the supervisory duties referred to in the Ground Handling Directive. The Finnish Transport Safety Agency may, on aerodrome operator's application, limit the supply of ground handling services or self-handling in accordance with Article 6, 7, 9 or 15, or to place public service obligations on suppliers of ground handling services in accordance with Article 15 of the Ground Handling Directive. Nevertheless, a limitation placed in accordance with Article 9 of the Ground Handling Directive shall only be valid as far as it has been approved by the Commission as provided in paragraph 5 of the said Article. In case the Finnish Transport Safety Agency decides to limit the supply of ground handling services or self-handling in accordance with Article 6, 7, 9 or 15 of the Ground Handling Directive, it shall, to the extent appropriate, follow the procedures prescribed in the said articles and, where necessary, arrange the selection of ground handling service suppliers in accordance with Article 11 of the Directive. Decisions concerning the selection of suppliers and any permission to supply ground handling services subject to the limitation without a selection process shall be notified as provided in Article 11, paragraph 3 of the Ground Handling Directive.

In ground handling issues, the aerodrome operator shall consult the Users' Committee and ground handling service providers as prescribed in Article 13 of the Ground Handling Directive.

The Finnish Transport Safety Agency may, based on lack of reciprocity, restrict the rights arising from the Ground Handling Directive for a supplier of ground handling services or self-handling operator from a third country in accordance with Article 20 of the Directive.

The Finnish Transport Safety Agency may issue more detailed regulations on ground handling as necessary to ensure flight safety and a smooth flow of air traffic. The regulations may concern the organisation of ground handling activities, management of functional entities and assignment of responsibilities to ascertain that ground handling operations will not cause any hazard to air traffic.

Section 97
Use of centralised aerodrome infrastructures

The Finnish Transport Safety Agency may, on airport operator's application, decide that suppliers of ground handling services and self-handling operators shall use centralised aerodrome infrastructures for the provision of ground handling services. In this case, Article 8 of the Ground Handling Directive shall apply.

Section 98
Separation and inspection of ground handling accounts

Suppliers of ground handling services must separate the accounts of their ground handling activities from the accounts of their other activities (*separation of accounts*) and, on request, make its accounts and any information necessary to oversee the separation of accounts available to an examiner appointed by the Finnish Transport Safety Agency.

The examiner shall submit a report to the Finnish Transport Safety Agency as to how the separation of accounts has been carried out. The Finnish Transport Safety Agency may, notwithstanding secrecy provisions, forward the report to the Commission and to the competition authority.

Chapter 11
Aviation security

Section 99
Scope of application of this Chapter and general provisions

Provisions on civil aviation security are contained in Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (*Security Regulation*) and in the Commission regulations issued by virtue of it.

The Finnish Transport Safety Agency is the appropriate authority as referred to in the Security Regulation and Commission regulations issued by virtue of it, attending in Finland to the tasks assigned to Member States in the Security Regulation and issuing the certification and approval referred to in the Security Regulation.

For policemen, certifications and approvals required by the Security Regulation and any Commission regulations issued by virtue of it shall be granted by the head of unit responsible for police operations, for Border Guard officers the commander of the Border Guard District or Coast Guard District, and for customs officers the National Board of Customs.

In cases referred to in Article 4, paragraph 4 and Article 6 of the Security Regulation, the Finnish Transport Safety Agency may issue regulations on measures different from or complementary to the provisions of the Security Regulation and any Commission regulations issued by virtue of it, where it is justified considering the estimated threats, the security situation in general or specific problems related to local application of the measures referred to in the Security Regulation and any Commission regulations issued by virtue of it. The measures shall not, however, derogate from the provisions of section 102, subsection 2. The Finnish Transport Safety Agency shall inform the Commission of such measures.

Where necessary, the Finnish Transport Safety Agency shall issue more detailed regulations on aviation security, taking into account the standards and recommendations referred to in the Chicago Convention as well as any requirements for national provisions laid down in the Security Regulation and the Commission regulations issued by virtue of it.

Section 100 Definitions

For the purposes of this Chapter:

- 1) *airport* means any area which is open for commercial air transport operations;
- 2) *aviation security* means the combination of measures intended to safeguard civil aviation against acts of unlawful interference;
- 3) *right of access* means the right to enter the airport security restricted area;
- 4) *identification card* means a card issued to personnel working at the airport or visiting it frequently to prove their identity and to indicate the area where they are allowed access;
- 5) *vehicle pass* means a permit issued for each vehicle separately, allowing it to move at the airport between landside and airside;
- 6) *regulated agent* means an agent, freight forwarder or any other entity who carries out commercial activities with the air carrier and performs security controls in respect of cargo, courier or express parcels or mail.

Section 101 Airport and air carrier security programmes and their implementation

Each airport operator and air carrier providing services from Finland shall draw up, implement and maintain a security programme which meets the requirements of the national civil aviation security programme referred to in Article 10 of the Security Regulation. The security programme and any amendments thereto shall be submitted for approval to the Finnish Transport Safety Agency. Where the airport security programme or its amendment affects the operations of the police, customs or Border Guard unit at the airport in question, the Finnish Transport Safety Agency shall consult the Ministry of the Interior and the National Board of Customs.

The Finnish Transport Safety Agency shall ensure that airport operators and air carriers implement and maintain their security programmes. The Finnish Transport Safety Agency may, for compelling reasons such as when civil aviation safety is threatened, revoke an approval and suspend or limit the operations of the airport or air carrier if the security programme or its implementation no longer meets the requirements of the Security Regulation and the programme or its implementation is not immediately rectified.

The airport operator and any undertaking or organisation operating at the airport is obliged to allow, without delay, any inspections by officials authorised by the Commission and by the Finnish Transport Safety Agency and concerning the application of the Security Regulation and security programme.

Section 102

Performance of security screening and principle of minimum interference

Provisions on security screening are contained in the Security Regulation and Commission regulations issued by virtue of it. Security screening can be performed by a person having completed the training in accordance with this Chapter and the Security Regulation, and approved as a security screener by the Finnish Transport Safety Agency.

Security screening shall be performed in a manner that does not cause unnecessary interference to the person, article or subject of the inspection. The screening shall not unnecessarily hinder or disturb air traffic or other activities at the airport.

Section 103

Responsibility for security measures

Responsibility for civil aviation security measures and arrangements at the airport as required by the Security Regulation, Commission regulations issued by virtue of it and this Chapter shall rest with the airport operator, unless responsibility for these measures and arrangements has been transferred to the authority, air carrier or other operator by specific provisions. The air carrier and regulated agent shall be responsible for those security screenings of cargo or other items carried on board an aircraft that have been arranged by them.

Provisions on the procedures applied when an airport operator, air carrier or other operator attends to public administrative duties are contained in the Administrative Procedure Act, Act on Electronic Services and Communication in the Public Sector, Language Act, Act on the Openness of Government Activities and Archives Act. Any decision made by the airport operator, air carrier or other operator cannot be appealed. Rectification to the decision can be claimed from the Finnish Transport Safety Agency within 30 days of receipt of service. The decision shall, however, be complied with despite the claim for rectification, unless otherwise determined by the Finnish Transport Safety Agency. The decision issued by the Finnish Transport Safety Agency as a result of the claim for rectification is subject to appeal as provided for in the Administrative Judicial Procedure Act.

Section 104

General restriction of movement in certain airport areas

Movement and presence on the apron and manoeuvring area of an airport and in buildings directly connected with these areas without airport operator's authorisation is prohibited, where access to the areas and buildings is obstructed by a fence or otherwise structurally prevented and the restrictions to presence and movement have been clearly marked.

Section 105

Right of access and the Finnish Transport Safety Agency's right to obtain information from authorities

The Finnish Transport Safety Agency shall grant right of access to a person working in or regularly visiting the airport security restricted area, if a basic or limited background check carried out in accordance with the Act on Background Checks (177/2002) or a background check performed in another country indicates that:

- 1) the applicant has not been sentenced to imprisonment for a crime which shows general disregard towards the safety of others, for a drug offence or for belonging to a group of organised criminals;
- 2) the applicant has not been sentenced to a fine for violating rules or regulations concerning flight safety or civil aviation security; and
- 3) the applicant has not, by his/her earlier actions, shown such general disregard of rules or regulations which would give reasonable cause to suspect the applicant's ability or willingness to observe the rules and regulations essential to flight safety or civil aviation security.

The Finnish Transport Safety Agency may postpone the handling of an issue concerning the right of access when there is a police investigation, consideration of charges or court proceedings pending for the applicant with regard to an offence referred to in subsection 1, item 1 or 2.

Notwithstanding secrecy provisions, the Finnish Transport Safety Agency shall have the right to obtain information from preliminary investigation authorities, prosecuting authorities and courts of justice about any preliminary investigation, consideration of charges or court proceeding as necessary for the handling of an issue concerning the grant, renewal or suspension of right of access.

Police, Border Guard and customs officials shall have the right of access intended in this section based on their duties.

Section 106 **Airport identification card and vehicle pass**

Provisions on airport identification cards and vehicle passes required for access control are contained in the Security Regulation and Commission regulations issued by virtue of it.

The airport operator shall issue identification cards and vehicle passes for those having obtained the right of access. The airport operator may limit the right of access referred to in section 105 above so that it only applies to areas other than the airport security restricted area.

The airport operator may request the identification card and vehicle pass to be returned, if they are used in a manner which compromises the implementation or effectiveness of security measures in accordance with the Security Regulation and this Chapter. The police are, where necessary, obliged to provide assistance in returning the identification card and vehicle pass to the airport operator.

The airport operator may charge a fee for the identification card and vehicle pass. The fee shall be equivalent to the manufacturing and handling costs incurred and non-discriminatory.

Section 107 **Sanctions applicable to security approvals**

Administrative sanctions used in the supervision of permits and approvals referred to in this Chapter are prescribed in Chapter 16.

Section 108
Entry requirements for security screener training

Persons attending security screener training shall be approved by the Finnish Transport Safety Agency. The conditions for approval are that the applicant:

- 1) is at least 18 years of age;
- 2) meets the requirements for granting the right of access as specified in section 105, subsection 1;
- 3) meets the vision and hearing requirements for the duty.

By way of derogation from subsection 1 above, the approval required to attend the training shall be granted for policemen by the head of unit responsible for police operations, for Border Guard officers the commander of the Border Guard District or Coast Guard District, and for customs officers the National Board of Customs.

Section 109
Training programmes related to aviation security

Finnish Transport Safety Agency's approval can be sought for training programmes of the following personnel:

- 1) security screeners;
- 2) persons responsible for provision and development of security training;
- 3) persons responsible for ensuring that the airport or air carrier complies with security requirements.

For the training programme to be approved, it shall meet the requirements laid down in the Security Regulation and the Commission regulations issued by virtue of it.

An approved training programme is valid for three years from the date of approval. The Finnish Transport Safety Agency may direct that changes required by legislation and technical development be made in the training programme during its period of validity.

The Finnish Transport Safety Agency may revoke or suspend an approval granted to a training programme where it is evident that training is not provided in accordance with the training programme and any complementary changes made to it as referred to in subsection 3 above and therefore does not serve its intended purpose, if the amendments needed to comply with the requirements have not been made within a reasonable time determined by the Agency.

Section 110
Equipment supporting aviation security

The Finnish Transport Safety Agency may revoke or suspend an approval granted in accordance with the Security Regulation to equipment supporting aviation security, where it is shown that the equipment does not meet the requirements specified for the approval in the Security Regulation and the changes needed to comply with the requirements are not made without delay.

Chapter 12
Air navigation services
Section 111

Scope of application of this Chapter and general provisions

Provisions on air navigation services are contained in:

- 1) Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the *Framework Regulation*);
- 2) Regulation (EC) No 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (the *Service Provision Regulation*);
- 3) Regulation (EC) No 551/2004 of the European Parliament and of the Council on the organisation and use of the airspace in the single European sky (the *Airspace Regulation*);
- 4) Regulation (EC) No 552/2004 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (the *Interoperability Regulation*);
- 5) Commission Regulations issued by virtue of the regulations referred to in point 1–4 above.

In addition to the provisions laid down in regulations listed in subsection 1 above, air navigation services shall be governed by the provisions of this Chapter.

In addition to the provisions of this Chapter, the Finnish Transport Safety Agency shall, as necessary to ensure flight safety and an expeditious flow of air traffic, issue more detailed regulations on air navigation services based on the standards and recommendations referred to in the Chicago Convention as well as on Eurocontrol requirements and recommendations. The Finnish Transport Safety Agency shall also issue any supplementary provisions as required by European Community regulations applicable to air navigation services.

Section 112
Definitions

For the purposes of this Chapter:

- 1) *aviation search and rescue service* means the actions taken to rescue an aircraft which is in distress, missing, under imminent danger or has been involved in an accident, including its occupants;
- 2) *single European sky* means the system based on the regulations listed in section 111, subsection 1 above;
- 3) *control zone* means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- 4) *terminal control area (TMA)* means a control area established in the vicinity of one or more major aerodromes;

5) *flight information zone* means an airspace of defined dimensions within which aerodrome flight information service is provided;

6) *airspace class* means an airspace of defined dimensions within which flights of a certain type, specified in more detail in the Rules of the Air, may be conducted and for which the air traffic services to be provided and operational rules to be followed have been specifically determined.

The meanings of the concepts of air navigation services, meteorological services, airspace block, functional airspace block, route network, routing and sector are as defined in Article 2 of the Framework Regulation.

Section 113 **National supervisory authority for the single European sky**

Unless otherwise provided below, the Finnish Transport Safety Agency shall assume the tasks of the Finnish supervisory authority within the single European sky as referred to in the Framework Regulation, Service Provision Regulation and Interoperability Regulation as well as in Commission Regulations issued by virtue of them. Moreover, the Finnish Transport Safety Agency shall assume the tasks assigned to the national supervisory authority under Directive 2006/23/EC of the European Parliament and of the Council on a Community air traffic controller licence, unless otherwise provided below.

Administrative sanctions used in the supervision of the permits are prescribed in Chapter 16.

Section 114 **Configuration of airspace**

The Finnish Transport Safety Agency decides on the establishment and modification of airspace blocks and their reconfiguration into functional airspace blocks. When making the decision, the Finnish Transport Safety Agency shall consider the aspects of an expeditious flow of air traffic, national defence, coordination between civil and military aviation and the needs of sport aviation. Where the functional airspace block is important for national defence or territorial surveillance, the Finnish Transport Safety Agency shall consult the Ministry of Defence or Ministry of the Interior before making the decision.

Upon the air traffic service provider's proposal, the Finnish Transport Safety Agency shall determine:

- 1) the airspace classification;
- 2) the sectors;
- 3) routes outside control zones, terminal control areas and flight information zones;
- 4) boundaries of control zones, terminal control areas and flight information zones;
- 5) points for crossing the national border;
- 6) Temporary Segregated Areas;

7) Military Control Areas.

The Finnish Transport Safety Agency shall hear the military aviation authority where the decisions referred to in subsection 1 and 2 above have an effect on military aviation, and the Ministry of the Interior where the decisions have an effect on flying across the national border.

Section 115

Special provisions concerning airspace use

The air traffic service provider shall be responsible for the flight procedures to be used in the control zone, terminal control area and flight information zone.

Where necessary to ensure aviation safety and an expeditious flow of air traffic, the Finnish Transport Safety Agency shall issue regulations on the equipment, staff training and flight procedures required for certain routes or certain parts of airspace. When preparing such regulations, the Agency shall consider the standards and recommendations of the Chicago Convention, as well as the requirements and recommendations issued by JAA, ECAC and Eurocontrol.

Section 116

Provision of air traffic services and meteorological services

The Ministry of Transport and Communications shall nominate an air traffic service provider for each block of airspace. Before nominating the air traffic service provider, the Ministry of Transport and Communications shall hear the Ministry of the Interior and the Ministry of Defence, also considering the special features of air traffic service to be provided in the airspace block in question, the need to maintain a high level of safety, efficient use of airspace, as well as the ability to perform duties related to search and rescue, territorial surveillance and crisis management. In connection with the air traffic service provider nomination, the conditions for change, limitation, suspension and revocation of the nomination shall be specified.

Having heard the Ministry of Defence and the air traffic service provider, the Ministry of Transport and Communications may nominate a meteorological service provider to provide all or some meteorological services with an exclusive right within a part of airspace under Finnish responsibility. Before nominating the meteorological service provider, the Ministry of Transport and Communications shall consider the need to maintain a high level of safety as well as the ability to perform duties related to search and rescue, territorial surveillance and crisis management. In connection with the meteorological service provider nomination, the conditions for change, limitation, suspension and revocation of the nomination shall be specified.

On the air traffic service provider's proposal, the Ministry of Transport and Communications may decide that in a certain block of airspace, air traffic services and meteorological services are only provided in the English language, where it is necessary to ensure flight safety with regard to the main composition of air traffic in that airspace block.

Section 117

Air navigation services provided to state and military aircraft and their pricing

Where air navigation services are only provided by a single service provider, the air traffic service provider referred to in section 116 above shall be obliged to provide air navigation services in

airspace blocks for state and military aircraft, in accordance with the general terms of service and on an equal and non-discriminatory basis.

The air navigation charges collected from state and military aircraft shall be equal to those collected for services provided to civil aircraft, except in case of special air navigation services.

In this Act, special air navigation services shall mean those air navigation services required by state and military aircraft operations:

- 1) which are only provided by one service provider;
- 2) for which no charges have been determined in accordance with the general terms of service; and
- 3) which are exclusively used by state aircraft or military aircraft.

Further provisions on the services included in special air navigation services may be given by Government decree.

Charges paid for special air navigation services shall be reasonable, considering the specific costs incurred and a reasonable return.

Section 118 **Coordination between civil and military aviation**

The Ministry of Defence and the Ministry of Transport and Communications shall agree on how the needs of civil and military aviation are to be considered in the provision of air navigation services.

For the use of airspace, the concept of the flexible use of airspace shall be applied as referred to in Article 7 of the Airspace Regulation.

Section 119 **Licences, certificates of competence, ratings, approvals and medical certificates for air navigation services personnel**

An air traffic controller or student air traffic controller performing ATC duties shall have:

- 1) a licence issued or validated by the Finnish Transport Safety Agency, ratings and endorsements required for the duty and a medical certificate; or
- 2) a licence issued by a foreign state, ratings and endorsements required for the duty and a medical certificate, which are recognised in Finland in accordance with binding international obligations.

A flight information service officer shall have:

- 1) a certificate of competence issued by the Finnish Transport Safety Agency, ratings and endorsements required for the duty and a medical certificate;
- 2) a certificate of competence issued by a foreign state, ratings and endorsements required for the duty and a medical certificate, which are recognised in Finland in accordance with binding international obligations; or

3) a licence referred to in subsection 1 above.

The Finnish Transport Safety Agency shall, as necessary for flight safety and based on Annex 1 to the Chicago Convention and Eurocontrol requirements, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the licences, ratings, certificates of competence, approvals and medical certificates that air traffic controllers, student air traffic controllers and flight information service officers are required to hold.

Section 120 **Training of air navigation services personnel**

The provision of training for air traffic controller licences and flight information service officers' certificates of competence requires an approval of the Finnish Transport Safety Agency. The approval shall be issued if the applicant has skilled personnel, training equipment and facilities, training programme and quality system as necessary for the performance of its duties. The Finnish Transport Safety Agency shall oversee the operations of training organisations.

The Finnish Transport Safety Agency shall issue regulations on the training and qualifications of technical air navigation services staff as necessary. When preparing such regulations, the Agency shall consider the standards and recommendations of the Chicago Convention as well as Eurocontrol requirements and recommendations.

The Finnish Transport Safety Agency shall approve the qualification system for technical air navigation services staff. The approval shall be issued if the applicant meets the requirements determined on the basis of standards and recommendations of the Chicago Convention as well as Eurocontrol requirements and recommendations. The Finnish Transport Safety Agency shall oversee the operations of those maintaining the qualification system.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention as well as Eurocontrol requirements and recommendations, issue more detailed regulations on the following qualities of the training organisation referred to in subsection 1 above:

- 1) staff training, experience and professional skill;
- 2) training programmes, working procedures, quality system and instructions.

Administrative sanctions used in the supervision of training organisations are prescribed in Chapter 16.

Section 121 **Aviation search and rescue service**

The Finnish Transport Safety Agency shall issue regulations on aviation search and rescue services based on the standards and recommendations of the Chicago Convention.

The organisation nominated as the provider of air traffic services shall be responsible for the arrangement of aviation search and rescue service.

Where there is more than one provider of air traffic services, the arrangement of search and rescue services shall be determined by the Ministry of Transport and Communications. In the circumstances referred to in this subsection, a compensation amounting to full cost recovery shall be paid for producing such services. Further provisions on the compensation will be issued by a decree of the Ministry of Transport and Communications as necessary.

The aircraft owner, possessor or operator and anyone performing duties on board an aircraft, at an aerodrome or in another facility serving aviation shall take part in aviation search and rescue services and rescue exercises, unless a valid excuse is submitted. A person obliged to take part in aviation search and rescue services shall be compensated from state funds for any personal injury or material damage caused, as provided in the Tort Liability Act (412/1974).

Section 122

Emergency locator transmitter (ELT) register

For the activation of search and rescue services, the air traffic service provider responsible for organising those services shall keep a register of emergency locator transmitters.

The emergency locator transmitter register shall contain the following information:

- 1) name and contact details of the aircraft owner and operator;
- 2) name and contact details of another person or entity designated as an emergency contact for search and rescue services;
- 3) transmitter identification, coded in accordance with a protocol meeting the standard referred to in the Chicago Convention as required by the registration authority, as well as transmitter manufacture and type approval data;
- 4) the nature of the transmitter, i.e. whether it is the primary ELT of the aircraft or, for instance, a life-raft ELT;
- 5) aircraft manufacturer and type;
- 6) aircraft registration;
- 7) home base of the aircraft;
- 8) aircraft maximum passenger number;
- 9) colour of the aircraft;
- 10) aircraft radio equipment.

The emergency locator transmitter register may also contain information on other details in accordance with international standards and practices, such as the date of registration, battery expiry date and ELT location in the aircraft.

Where required by international obligations applicable to Finland, generally applied international standards, the purpose of the register, the provision of rescue services, technical development or other similar factors, the Finnish Transport Safety Agency may issue provisions supplementary to those contained in subsection 2 and 3 on the recording of information in the register.

The aircraft owner and operator shall report to the registration authority the details required in this section and any changes thereto. Sufficient information needed to identify and verify the data must be attached to the report.

Personal data will be deleted from the register three years after the end of the year during which the information on an aircraft ELT was removed from the register at the aircraft owner's, possessor's or operator's request.

Information from the emergency locator transmitter register may only be released to the authorities referred to in section 4 of the Act on the Openness of Government Activities for the performance of duties laid down by law or assigned in provisions issued by virtue of it.

The processing of personal data contained in the emergency locator transmitter register shall otherwise be subject to the provisions of the Personal Data Act.

Section 123

Charges for air navigation services

The Finnish Transport Safety Agency shall oversee that charges for air navigation services are determined in accordance with Article 15 of the Service Provision Regulation.

Section 124

Gathering of information related to the implementation of single European sky

Notwithstanding secrecy provisions, the Finnish Transport Safety Agency shall have the right to receive any necessary information to assess the implementation of the single European sky.

Section 125

Recordings related to air navigation services

The air traffic service provider shall ensure that the traffic image and communications related to air navigation services are recorded and stored so as to protect them against unlawful interference.

The Finnish Transport Safety Agency shall issue more detailed regulations on the methods and times of storage, considering the needs of aviation accident, incident and occurrence investigation, storage techniques to be used and other similar factors.

Unless otherwise provided elsewhere in law, the recordings may only be used for the investigation of accidents, incidents and other similar occurrences and for the air navigation service provider's own flight safety work. Traffic image recordings may also be used for environmental impact assessment and airspace planning.

Chapter 13
Accidents, serious incidents and occurrences in civil aviation
Section 126

Reporting accidents and serious incidents in civil aviation

Accidents and serious incidents shall be reported to the Finnish Transport Safety Agency. The Agency shall issue regulations on how such reports shall be made.

Section 127
Investigation of accidents in civil aviation

Provisions on the investigation of accidents and serious incidents in civil aviation are laid down in the Act on Investigation of Accidents (373/1985).

Section 128
Investigations conducted by the Finnish Transport Safety Agency

The Finnish Transport Safety Agency shall investigate incidents and occurrences in civil aviation, other than those referred to in section 127, if such an investigation is necessary for the purpose of promoting safety in civil aviation.

The Finnish Transport Safety Agency may resort to the help of external experts in such investigations.

Section 129
Finding aircraft or parts of aircraft

Anyone who finds an aircraft, or parts of an aircraft, or goods transported in an aircraft under such conditions that there are reasons to presume that an accident has occurred, shall report the find either to a regional alarm centre, to the Rescue Authority, to the Accident Investigation Board of Finland, to the Finnish Transport Safety Agency, to the Aeronautical Rescue Coordination Centre, or to the police. Found objects must not be removed without permission of the investigating authority, unless there are compelling reasons to do so.

In other respects the provisions of the Lost and Found Objects Act (778/1998) shall apply to lost and found objects referred to in subsection 1, other than aircraft or parts of it. Nevertheless, the authorities may hand over lost and found objects to the person entitled to hold them, even where the finder's reward or compensation for costs provided in the Lost and Found Objects Act has not been paid.

Section 130
Removal of wrecks

After having heard the opinion of the investigating authority, the Finnish Transport Safety Agency may order the owner, the holder or the operator of an aircraft to remove that aircraft, parts of it or goods contained in it from the place of the accident, or from the premises where the investigation was made.

Section 131

Occurrence reporting

In addition to the provisions of Community law, civil aviation operators, their employees and persons carrying out duties that have an impact on aviation safety are liable to notify the Finnish Transport Safety Agency of incidents, interruptions of operations, malfunctions, errors and other exceptional situations (occurrences) related to the operation, maintenance, repair or manufacture of aircraft, to aerodrome operations or to air navigation services, if such an occurrence constitutes a hazard to the aircraft, its occupants or any other person, or if the occurrence would constitute a hazard if no action was taken to prevent it.

The following persons are liable to submit reports as referred to in subsection 1:

- 1) the owner, possessor, operator or commander of the aircraft;
- 2) the holder of an approval or permission to conduct air operations;
- 3) the holder of an aviation licence or certificate of competence;
- 4) persons in a ground organisation who carry out duties having an impact on aviation safety.

The Finnish Transport Safety Agency shall issue more detailed regulations concerning the reporting of occurrences on the basis of the list of examples contained in Annexes I and II to Directive 2003/42/EC of the European Parliament and of the Council on occurrence reporting in civil aviation (*the Occurrence Directive*), as well as any detailed regulations otherwise required for maintaining the safety of aviation.

Section 132

Storage of occurrence reports

The Finnish Transport Safety Agency shall store the reports concerning accidents, serious incidents and occurrences in its data base, as provided in Article 5 and Article 8 paragraph 2 of the Occurrence Directive.

Section 133

Exchange of occurrence information

The Finnish Transport Safety Agency shall put the safety data stored in its data base concerning accidents and occurrences at the disposal of the competent authorities of other Member States and the Commission, as provided in Article 6 of the Occurrence Directive.

Provisions on the confidentiality of occurrence reports are laid down in section 24 of the Act on the Openness of Government Activities. Furthermore, the Finnish Transport Safety Agency may keep information contained in an occurrence report secret, if disclosing the information would constitute a risk of not obtaining such information in the future.

Section 134

Use of occurrence information

The authority must not take legal action based on an unplanned or involuntary infringement, of which the authority becomes aware only because a report is submitted in order to comply with the provisions of section 131, unless the matter involves non-compliance with obligations which can be considered as gross negligence, or involves acts punishable under the Penal Code.

Operators shall not discriminate against employees who make reports concerning incidents of which they may be aware.

Chapter 14

Noise-related operating restrictions at airports

Section 135

Definitions

For the purposes of this Chapter:

- 1) *Noise Management Directive* means Directive 2002/30/EC of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Community airports;
- 2) *jet aeroplane* means a civil subsonic jet aeroplane with a maximum certificated take-off mass of 34000 kg or more, or with a certified maximum internal accommodation for the aeroplane type in question consisting of more than 19 passenger seats, excluding any seats for crew only;
- 3) *marginally compliant jet aeroplane* means a jet aeroplane for which the noise emission meets the certification limit laid down in Volume 1, Part II, Chapter 3 of Annex 16 to the Chicago Convention by a cumulative margin of not more than 5 EPNdB (Effective Perceived Noise in decibels), whereby the cumulative margin is the figure expressed in EPNdB obtained by adding the differences between the certificated noise level and the maximum permitted noise level at each of the three reference noise measurement points as defined in Volume 1, Part II, Chapter 3 of Annex 16 to the Convention;
- 4) *noise contour* means an area within which the calculated LDEN noise level from air traffic of an airport exceeds 55 dB(A).

Section 136

Applicability and content of operating restrictions

The Finnish Transport Safety Agency may, in accordance with sections 137–139 below, introduce operating restrictions to reduce noise disturbance at airports where the average total number of jet aeroplane take-offs and landings for the last three calendar years has been more than 50 000 per year. The operating restrictions may concern the access of jet aeroplanes to the airport, prohibition of marginally compliant jet aeroplanes and restricted operating periods for jet aeroplanes.

Section 137

Principles concerning operating restrictions

When considering the necessity and extent of operating restrictions, a balanced approach shall be adopted. This requires an assessment of different options to mitigate noise and their effects, including reduction of aircraft noise emissions, land-use planning and management, noise abatement operational procedures and operating restrictions.

When operating restrictions are introduced, the costs resulting from the restrictions, the necessity of restrictions for noise abatement and airport-specific characteristics shall be taken into account. The restrictions shall not discriminate air carriers or aircraft manufacturers on grounds of nationality or for other reasons. Performance-based operating restrictions shall be based on the noise generated by the jet aeroplane as determined by the certification procedure conducted in accordance with Volume 1 of Annex 16 to the Chicago Convention.

Section 138

Assessment of need for operating restrictions

Prior to introducing any operating restrictions, the airport operator shall assess their necessity. The assessment shall include:

- 1) an inventory of the current situation;
- 2) a forecast of the situation without new measures;
- 3) an assessment of the need for additional measures.

The assessment shall clarify the issues listed in Annex II to the Noise Management Directive.

However, the necessity of operating restrictions need not be assessed where:

- 1) equivalent information is available from an environmental impact assessment carried out in accordance with the Act on Environmental Impact Assessment Procedure;
- 2) the need has last been assessed less than five years ago; or
- 3) an existing operating restriction will only be slightly modified and the change has no significant impact on costs incurred by air carriers at the airport.

With regard to the assessment of the need for operating restrictions, the Finnish Transport Safety Agency shall give any person whose interest, right or obligation will be affected an opportunity to be heard in accordance with the provisions contained in the Administrative Procedure Act on the hearing of parties. The Finnish Transport Safety Agency shall also request a statement on the issue from all municipalities within the airport noise contour and from the Centre for Economic Development, Transport and the Environment.

Section 139

Specific operating restrictions for marginally compliant jet aeroplanes

The Finnish Transport Safety Agency may prohibit or restrict the operation of marginally compliant jet aeroplanes, where other restrictions are found insufficient in an assessment referred to in section 138 above.

Before the operating ban referred to in subsection 1 above is imposed, the operations must be restricted so that marginally compliant jet aeroplanes are only allowed to operate the same services as in the previous year. This restriction may not be introduced earlier than six months after the decision about the operating ban was issued.

After the restriction referred to in subsection 2 above is introduced, the operation of marginally compliant jet aeroplanes shall be restricted so that the number of such aeroplanes is reduced annually by 20 per cent, until they have been withdrawn from service. This restriction may not be imposed earlier than six months after the restriction referred to in subsection 2 above was introduced.

Section 140

Notification of operating restrictions

The restrictions referred to in section 139 above shall be notified in accordance with Article 11 of the Noise Management Directive.

Section 141

Exemptions from operating restrictions

The Finnish Transport Safety Agency may, on application of the airport operator or of the owner, possessor or operator of a marginally compliant jet aeroplane, grant an exemption from an operating restriction for:

- 1) individual or short-term operations of an exceptional nature; or
- 2) a single landing of a jet aeroplane for alterations, repair or maintenance, and subsequent take-off from the airport.

Chapter 15

Liability and insurance

Section 142

Liability for damages

With regard to liability for damage caused in aviation, the provisions of the Tort Liability Act shall apply with the exceptions listed below.

The aircraft owner, possessor and operator shall, regardless of any negligence, be jointly and severally liable for any damage caused by the use of an aircraft for aviation to any person or property not being carried on board the same aircraft. The holder of a reservation of title or other

security rights based on ownership, or the aircraft lessor shall not, however, be liable on the basis of this subsection, provided that the aircraft operator has been recorded in the aircraft register.

The provisions of subsection 2 above shall not apply to any damage caused by the use of an aircraft for aviation to another aircraft which also was used for aviation at the time when the damage occurred, or to any person or property carried on board such aircraft. Furthermore, the provisions of subsection 2 shall not apply if the aircraft was being used without authorisation when the damage occurred. In this case, any damage caused to persons other than the aircraft owner, possessor or operator shall be compensated by the aircraft liability insurance, to the extent that the person having caused the damage is not able to pay compensation for it.

Separate provisions shall be issued on liability for damage caused by the use of an aircraft for aviation to persons or property carried on board the same aircraft.

Section 143

Airport coordinator's liability

Liability for damages of a coordinator referred to in the Slot Regulation shall be determined in accordance with the Tort Liability Act. The coordinator shall, however, only be liable for any damage he/she has caused deliberately or by gross negligence in the performance of his/her duties in accordance with the said Regulation.

Section 144

Insurance

Provisions on insurance for damage caused in aviation are laid down in Regulation (EC) No 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers and aircraft operators (*Aviation Insurance Regulation*). Where the regulation is not applicable or certain issues related to insurance are not covered by it, section 145 shall apply.

Section 145

National insurance requirements

Liability insurance conditions for a Finnish aircraft or an aircraft operated by a holder of a Finnish air operator certificate, aerial work certificate or flight training organisation approval shall not allow the insurance cover to be interrupted before the end of the insurance period, or a suspension to be notified to the Finnish Transport Safety Agency.

In respect of non-commercial operations by aircraft with a maximum take-off mass of 2700 kg or less, the liability insurance cover for personal injuries shall be at least half of the general minimum insurance cover per passenger as specified in Article 6, paragraph 1 of the Aviation Insurance Regulation, but not less than the minimum insurance cover applicable to the aircraft referred to in this subsection in accordance with the said paragraph.

For initial flight training, the aircraft shall have an accident insurance for each seat in respect of personal injuries to the student pilot and flight instructor. The minimum insurance cover shall be at least ten percent of the general minimum insurance cover for passengers as specified in subsection 2 above. Flight instructors' insurance cover can also be arranged by an accident insurance in accordance with the Employment Accidents Insurance Act (608/1948).

Chapter 16
Administrative sanctions applicable to licences and approvals
Section 146
Scope of application

The provisions of this Chapter concerning licences shall apply to any licences, ratings, certificates of competence and approvals issued to individual persons, as well as to the right to use aircraft or equipment referred to in section 6, subsection 3, and to any certificates and approvals granted to an organisation.

Unless otherwise provided in Community legislation on administrative sanctions applicable to licences, this Chapter shall be applied.

Section 147
Disciplinary actions imposed on licences of individual persons

The Finnish Transport Safety Agency may, where necessary, undertake the actions referred to in sections 148–151 with regard to persons holding:

- 1) a pilot licence with associated ratings;
- 2) an aircraft maintenance licence;
- 3) a licence for air navigation services personnel;
- 4) flight information service officer's certificate of competence;
- 5) an aircraft marshaller approval;
- 6) a security screener approval;
- 7) an approval for a person responsible for developing and providing security training;
- 8) an approval for a person responsible for security compliance of air carriers or airports; or
- 9) right of access to the airport.

By way of derogation from subsection 1 above, the competent authority for security screener approvals granted to policemen is the head of unit responsible for police operations, for approvals granted to Border Guard staff the Border and Maritime Department commander, and for approvals granted to customs officers the National Board of Customs.

Section 148
Admonitions and warnings to individual persons

Persons referred to in section 147 above may be issued an admonition, if they negligently act in a manner contrary to their obligations, determined by rules or regulations, in duties affecting flight safety or civil aviation security. An admonition may be given orally or in writing.

Persons referred to in section 147 above may be issued a warning notice, if they:

- 1) deliberately act in a manner contrary to their obligations, determined by rules or regulations, in duties affecting flight safety;
- 2) by violating against aviation rules or regulations, demonstrate an unwillingness or inability to observe them; or
- 3) act against rules or regulations issued on civil aviation security.

A warning notice shall always be given in writing.

Section 149 Prohibitions issued to individual persons

Persons referred to in section 147 above may be prohibited from exercising the privileges of their licence, if they:

- 1) by reason of illness, disability or other reason affecting flight safety no longer satisfy the requirements for obtaining such a licence;
- 2) by their knowledge, abilities, training or experience no longer satisfy the requirements for obtaining a licence;
- 3) continue violating against aviation rules or regulations despite an admonition or warning notice;
- 4) by fundamentally or repeatedly violating against aviation rules or regulations demonstrate an unwillingness or inability to observe them; or
- 5) otherwise demonstrates such general indifference towards rules or regulations which gives reason to suspect that the licence holder is unwilling or unable to observe the rules and regulations essential for safety.

The prohibition referred to in subsection 1, items 1 and 2, shall be in effect until the requirements for obtaining the licence are satisfied. The prohibition referred to in items 3–5 of the subsection shall be determined to be in effect for a period proportional to the severity of the violation, or until further notice.

The licence holder may be prohibited from exercising the privileges of his/her licence, where an issue which may result in a prohibition referred to in subsection 1 or in suspension of medical certificate in accordance with section 150 is under investigation or consideration by the Finnish Transport Safety Agency. Such a prohibition shall be in effect no longer than until the issue has been resolved. Any order of prohibition shall be entered in the licence records of the person concerned.

Section 150 Suspension of medical certificate

A medical certificate may be suspended if the holder, by reason of illness, disability or other reason affecting flight safety, no longer satisfies the requirements for obtaining such a certificate.

Section 151

Returning the licence or certificate to the authority

In cases referred to in section 149 and 150 above, the licence holder may be required to return his/her licence or certificate immediately to the issuing authority.

Section 152

Disciplinary actions imposed on certificates issued to organisations

The Finnish Transport Safety Agency may, where necessary, undertake the actions referred to in sections 153–155 with regard to:

- 1) organisations issued with a permission to deviate from the Rules of the Air as concerns an unmanned aircraft used for experimentation and research purposes in accordance with section 6, subsection 3;
- 2) continuing airworthiness management organisations;
- 3) design, manufacture or maintenance organisations;
- 4) maintenance training organisations;
- 5) air operator certificate holders;
- 6) air carriers operating scheduled or non-scheduled air services between Finland and a third country;
- 7) aerial work certificate holders;
- 8) flight training providers and airshow or flying competition organisers;
- 9) aerodrome operators;
- 10) regulated agents and regulated postal administrations;
- 11) air navigation service providers;
- 12) training organisations for air navigation services personnel; or
- 13) holders of obstacle approvals as referred to in section 165.

Section 153

Admonitions and warnings to organisations

If the holder of a certificate issued to an organisation fails to comply with the terms of an approval referred to in this Act or with other regulations concerning the operations covered by the certificate, the certificate holder may be issued an admonition or a warning notice.

A warning notice shall be issued when, considering the circumstances as a whole, an admonition cannot be regarded as sufficient. A warning notice shall always be given in writing.

Section 154

Amendment, limitation or revocation of a certificate issued to an organisation

The Finnish Transport Safety Agency may amend or limit a certificate issued to an organisation in accordance with this Act, revoke it or suspend it temporarily, if:

- 1) there is reasonable cause to suspect that the organisation is unable to conduct the operations safely;
- 2) the requirements for issuing the certificate are no longer satisfied and the defects or non-compliances are not corrected within the time limit specified;
- 3) the certificate holder essentially fails to comply with the terms of the approval or other regulations concerning the operations covered by the certificate;
- 4) the certificate holder continues operating contrary to the terms of the approval despite an admonition or warning notice, or continues violating against other applicable regulations; or
- 5) the certificate holder fails to comply with the air services agreement on which its operating authorisation is based, or with other international obligations.

A certificate may only be revoked when, considering the circumstances as a whole, a more lenient sanction to the organisation cannot be regarded as sufficient.

Section 155

Refusal to amend or renew a certificate due to neglected payment

The authority may not, without a specific reason, accept an application for amendment or renewal of a certificate issued by it, if a payment prescribed for the certificate is overdue and has not, despite request, been paid within a reasonable time, and the default in payment is serious and significant.

Section 156

Expiration of air operator certificate, flight permit or operating authorisation

An air operator certificate, flight permit or operating authorisation shall expire if:

- 1) the certificate holder has not undertaken to use the traffic rights in accordance with the operating authorisation obtained;
- 2) the certificate holder ceases or discontinues flight operations and fails to demonstrate, within a time limit of at least six months determined by the Finnish Transport Safety Agency, that it continues to satisfy the operational and financial requirements for obtaining the certificate, or that the interruption in air services is due to such exceptional circumstances that the operating authorisation holder was not able to control; or

3) the conditions for obtaining the certificate no longer exist, and the certificate holder fails to make the corrections within the time limit of at least one month determined by the Finnish Transport Safety Agency.

Section 157
Conditional fines and conditional orders of execution

The Finnish Transport Safety Agency may, so as to make an order or prohibition issued on the basis of this Act or Community regulations more effective, impose conditional fines or orders of execution or suspension as provided for in the Conditional Fine Act (1113/1990).

Chapter 17
Miscellaneous provisions

Section 158
National authority referred to in the EASA Regulation

Unless otherwise provided elsewhere, the Finnish Transport Safety Agency shall be the national competent authority as referred to in the EASA Regulation and any Commission Regulations issued by virtue of it.

Section 159
Maintenance of professional competence

Where the duties of a person employed by the Finnish Transport Safety Agency are subject to special requirements concerning the maintenance of professional competence, he/she may maintain that competence by working for an aviation operator as a secondary occupation. The terms and conditions of such work shall be separately agreed upon between the Agency, the employee and the operator concerned.

The provisions of section 28, subsection 1, item 4 of the Administrative Procedure Act on the disqualification of the person referred to in subsection 1 above when an issue concerning the operator referred to in the said subsection is handled by the Finnish Transport Safety Agency, shall not be applied to the oversight of air navigation services or related decision-making.

Section 160
**Finnish Transport Safety Agency's right to obtain information
and inspect operations**

An aviation operator, aircraft owner, possessor or operator and anyone performing flight safety related duties shall, when requested and notwithstanding secrecy provisions, deliver the following information to the Finnish Transport Safety Agency for the oversight of aviation operations, as far as the information is at his/her disposal or available to him/her:

- 1) information concerning the aircraft and its movements, including radar recordings;
- 2) recordings related to air navigation services, aviation search and rescue services and aircraft telephone and radio communications;
- 3) other information necessary for flight safety than that referred to in items 1 and 2 above;

- 4) information on the operator's activities, finances and insurances;
- 5) information necessary for ensuring that passenger rights are respected.

The Finnish Transport Safety Agency shall have the right to obtain, on request, information necessary for the performance of duties referred to in this Act from:

- 1) passengers;
- 2) aircraft crew members;
- 3) owners of items transported in aircraft.

The Finnish Transport Safety Agency shall, for the performance of duties referred to in this Act and to monitor compliance with this Act and Community regulations, have the right to:

- 1) access the aircraft and other locations where aviation operations are conducted; the right of access shall not, however, apply to residential premises;
- 2) otherwise inspect the activities of the operator.

Section 161 **Right to obtain assistance from other authorities**

The Finnish Transport Safety Agency shall, for the duties assigned to it, have the right to obtain assistance from the police, Border Guard and defence forces.

Section 162 **Oversight records**

Registers are kept of any licences, privileges and approvals granted by the Finnish Transport Safety Agency under this Act. These registers shall be governed by the Act on the Openness of Government Activities and Personal Data Act, and by the provisions of Chapter 2 and 6 of this Act.

Section 163 **Crew member certificate**

The Finnish Transport Safety Agency shall, on application, issue crew member certificates to aircraft crew members. To the application shall be attached an operating licence holder's declaration confirming that the applicant is employed by that operator.

For the issue and validity of the crew member certificate, it is required that:

- 1) the applicant is employed as a crew member by a holder of an operating licence issued by the Finnish Transport Safety Agency;
- 2) the applicant meets the requirements for granting a right of access in accordance with section 105.

The operating licence holder shall inform the Finnish Transport Safety Agency when a crew member certificate holder's employment is terminated.

Section 164 **Regulations concerning environmental impacts of aviation**

The Finnish Transport Safety Agency may, considering the balanced approach referred to in section 137, issue regulations on flight operations and aircraft maintenance where necessary to grant an exemption aimed to prevent or reduce aircraft noise or other environmental nuisance. The regulations may concern:

- 1) times or procedures for aerodrome use or the number of take-offs and landings;
- 2) restriction or prohibition of engine test runs at certain times;
- 3) restriction of operations by exceptionally noisy aeroplanes;
- 4) prohibition of operations by an earlier approved aeroplane type after a transitional period.

Section 165 **Obstacles to air navigation**

Masts, cranes, lights, radio equipment or other facilities, buildings, structures or signs shall not be set up, arranged or directed so that they could be mistaken as facilities or signs serving aviation. The structures or facilities may not interfere with air navigation facilities or air traffic or constitute any other hazard to flight safety.

Permission is required for setting up a facility, building, structure or sign which might cause confusion, interference or hazard as referred to in subsection 1 above, if the obstacle:

- 1) extends to a height of more than 10 metres above ground level and is located within a rectangular area around a runway of an aerodrome, light aviation aerodrome or emergency landing site, with the long sides of the rectangle at a distance of 500 metres from runway centreline and the short sides at a distance of 2500 metres from runway thresholds;
- 2) extends to a height of more than 30 metres above ground level and is located outside the area referred to in item 1, but no farther than 45 kilometres from the reference point of an airport referred to in section 81;
- 3) extends to a height of more than 30 metres above ground level and is located outside the area referred to in item 1, but no farther than 10 kilometres from the reference point of an emergency landing site or an aerodrome other than an airport referred to in section 81; or
- 4) extends to a height of more than 60 metres above ground level and is located outside the areas referred to in items 1–3.

No permission is required for facilities, buildings, structures or signs set up by the aerodrome operator or by the aerodrome operator's order.

The Finnish Transport Safety Agency may exempt an obstacle referred to in subsection 2 from the requirement for permission, if it has no impact on aerodrome obstacle limitation surfaces or flight procedures and is located in the immediate vicinity of an existing obstacle. The Finnish Transport Safety Agency may issue more detailed regulations on the construction of the obstacles or on other similar aspects of a technical nature.

Applications for a permission to establish a facility, building, structure or sign as referred to in subsection 2 shall be addressed to the Finnish Transport Safety Agency. A statement of the relevant air traffic service provider must be attached to the application. If flight safety is not compromised, the Finnish Transport Safety Agency may grant a permission to set up a facility, building, structure or sign referred to in subsection 2. The permission shall be granted if its refusal would cause unreasonable disadvantage to the land owner or to anyone holding a special right to the land, compared with the disadvantage caused by the obstacle to an expeditious flow of air traffic. Any obstacles to air navigation shall be marked as specified in the regulations issued by the Finnish Transport Safety Agency.

The person responsible for maintaining the obstacle shall, without delay, notify any changes in his/her contact information or in the obstacle itself to the Finnish Transport Safety Agency.

Section 166 **Activities hazardous to flight safety**

Where necessary for flight safety reasons or to ensure a smooth flow of traffic, the Finnish Transport Safety Agency may, by issuing an order or a decision, prohibit shooting, fireworks or blasting activities and the use of airborne or ground devices or a laser beam, restrict such activities or impose conditions on them.

The Finnish Transport Safety Agency may also issue an order to prohibit or restrict other activities conducted in the vicinity of an aerodrome or other area serving aviation, which pose a hazard to flight safety or significantly impede the flow of traffic.

Section 167 **Preparedness for emergency conditions**

The following holders of aviation certificates or approvals issued in Finland shall prepare for emergency conditions by participating in emergency planning and by preparing in advance for operations in emergency conditions and comparable disruptions of normal operations:

- 1) continuing airworthiness management organisations referred to in section 24, to which an air operator certificate holder has assigned the duties listed in section 23, subsection 1;
- 2) holders of an air operator certificate referred to in section 68;
- 3) holders of an airport certificate referred to in section 88;
- 4) providers of air traffic services and meteorological services designated by the Ministry of Transport and Communications by virtue of section 116.

Airport operators and providers of air traffic services and meteorological services shall, in addition to the provisions of subsection 1 above, prepare to ensure that their operations continue as

undisturbed as possible also in emergency conditions referred to in the Emergency Powers Act (1080/1991) and in comparable disruptions of normal operations.

In addition to the provisions on the powers of the Government and the Ministry in the Emergency Powers Act, the Ministry of Transport and Communications may issue further provisions and instructions for emergency planning as necessary to prepare for emergency conditions and comparable disruptions of normal operations.

Section 168

Transfer of certain regulatory functions

In case a Finnish aircraft is, by lease or other similar arrangement, used by an operator whose principal place of business or domicile is in another state, the Finnish Transport Safety Agency may, with regard to an individual aircraft and its crew, transfer functions assigned to it in Chapters 3 and 5 and sections 59 and 60 to the Authority of that foreign state, as agreed with the state in question.

Section 169

Delegation of functions to a sport aviation organisation

The Finnish Transport Safety Agency may, by an agreement, delegate certain public administrative duties related to sport aviation oversight to a national, registered sport aviation organisation. The duties to be delegated may concern the approval and listing of sport aviation aircraft and equipment, training of persons operating such aircraft and equipment, and the issue of their licences and certificates of competence.

The Finnish Transport Safety Agency shall, on application, approve as a sport aviation organisation referred to in subsection 1 above any legal person operating in the whole national territory, which has access to the necessary skilled personnel, equipment and facilities, working procedures and instructions for the duties referred to in subsection 1 above. The approval may be granted for a fixed period or indefinitely. The Finnish Transport Safety Agency shall oversee the operations of the sport aviation organisation referred to in this section.

Provisions on the procedures applied when a sport aviation organisation attends to public administrative duties are contained in the Administrative Procedure Act, Act on Electronic Services and Communication in the Public Sector, Language Act, Act on the Openness of Government Activities, Personal Data Act and Archives Act. Any decision made by a national sport aviation organisation concerning sport aviation oversight cannot be appealed. However, rectification to the decision can be claimed from the Finnish Transport Safety Agency within 30 days of receipt of service. The decision issued by the Finnish Transport Safety Agency as a result of the claim for rectification is subject to appeal as provided for in the Administrative Judicial Procedure Act.

Section 170

Joint responsibility for use of aerodromes and air navigation services and prevention of aircraft departure pending payment

The aircraft owner, possessor and operator shall be jointly liable for the costs of services obtained from aerodrome operators or service providers during their period of ownership, possession or right of use, and during the period for which they are listed in the aircraft register as owners, possessors or operators.

An aerodrome operator may, by refusing to provide services or by using equipment or constructions intended to prevent aircraft departure, prevent an aircraft from departing until the charges due in accordance with subsection 1 above have been paid or a security for them has been given. The measures shall be proportioned and implemented so as not to pose a hazard to life or health or cause damage to parked aircraft. The right to prevent departure shall not, however, apply to aircraft departing for international scheduled flights.

Section 171 Prevention of aircraft departure for other reasons

The Finnish Transport Safety Agency may prohibit a flight and prevent an aircraft from departing:

- 1) when there is reason to believe that the aircraft at the time of its departure is not airworthy or properly manned;
- 2) when there is reason to believe that the provisions of this Act or any regulations issued by virtue of it and governing the flight have otherwise not been complied with; or
- 3) when the use of the aircraft for aviation is otherwise prohibited on the basis of this Act.

The measures needed to prevent the aircraft from departing shall be proportioned and implemented so as not to pose a hazard to life or health or cause damage to parked aircraft.

The aerodrome manager, any person employed by the aerodrome operator, or anyone having duties in air navigation services or in a maintenance organisation or ground handling organisation have the right to provide necessary assistance in preventing the departure of an aircraft, when so requested by the Finnish Transport Safety Agency.

The persons referred to in subsection 3 above shall have the right to prevent an aircraft from departing, when it is obvious that the deficiencies referred to in subsection 1 may seriously compromise flight safety. In this case, the prevention of departure shall be notified without delay to the Finnish Transport Safety Agency, which shall take the necessary action. As to measures permitted to prevent the departure, the provisions in subsection 2 apply.

Section 172 Interception of aircraft

For reasons of public order and safety, the Finnish Transport Safety Agency, and when immediate action is required also the aerodrome providing air traffic control service, the area control centre, or the manager of the aerodrome providing air traffic service or his/her substitute, and where necessary to maintain public order and safety or to secure an important state event, a military authority, may prohibit an aircraft from departing, order it to land, require identification, assign a heading or flight altitude or otherwise intercept an aircraft in flight. If an aircraft is required to land, the aerodrome designated for landing shall be suitable for safe landing of the aircraft type concerned.

Separate provisions shall be issued on aircraft interception for reasons of customs control and for surveillance or safeguarding territorial integrity.

Section 173

Interception of aircraft to prevent a communicable disease from spreading

To prevent the spreading of a generally hazardous communicable disease referred to in section 4, subsection 2 of the Communicable Diseases Act (583/1986), the Finnish Transport Safety Agency may, with the assistance of the air traffic service provider, order an aircraft to land at an airport (*medical examination airport*) which has the capacity to carry out the measures in accordance with Article 20 and Annex I to the International Health Regulations issued by the World Health Organization (2005) (Treaty Series of the Statutes of Finland, 51/2007).

Where immediate action is required, the decision referred to in subsection 1 above may, in an individual case, be made by the Ministry of Social Affairs and Health instead of the Finnish Transport Safety Agency.

Unless otherwise required by flight safety considerations, the aircraft must land at the medical examination airport in accordance with the order issued by the Finnish Transport Safety Agency or decision made by Ministry of Social Affairs and Health as referred to in subsection 1 and 2.

Provisions on medical examination airports will be given by Government decree.

Section 174

Air traffic service provider's and airport operator's duty to assist

The air traffic service provider and airport operator shall provide assistance in the practical arrangements related to cases referred to in section 173 and in the implementation of decisions made by the authorities, when the measures are aimed at air traffic or aircraft, or at air passengers and aircraft crew at the airport.

Section 175

Intoxicating substances and decrease in ability

No person shall perform duties on board an aircraft or in a glider or other device used for aviation or perform flight safety-related duties in a ground organisation, while his/her blood alcohol level is raised due to the consumption of alcohol, or he/she has used some intoxicating substance other than alcohol so that detectable amounts remain within his/her system.

Furthermore, the duties referred to in subsection 1 above shall not be performed by a person who, due to illness, fatigue or other similar reason, is not able to perform these duties without compromising flight safety.

The provisions of subsection 1 and 2 above shall also apply to actions directly related to flight preparation.

Where necessary, military aviation authorities may impose more stringent requirements than those laid down in subsection 1-3 to be applied in military aviation, as required by the nature of the operations.

Section 176
Aircraft mortgages

Provisions on mortgages on aircraft are contained in the Act on Aircraft Mortgages (211/1928).

Section 177
Aviation statistics

The Finnish Transport Safety Agency shall be responsible for statistics on aviation. While attending to duties related to statistics, the Finnish Transport Safety Agency shall comply with the provisions of the Statistics Act (280/2004).

Those mentioned in section 160, subsection 1 shall, notwithstanding secrecy provisions, deliver statistical data concerning their operations to the Finnish Transport Safety Agency on request.

Section 178
Participation in the drafting of international agreements

The Finnish Transport Safety Agency shall participate in the drafting of international agreements in the field of civil aviation and be in charge of their implementation.

Chapter 18
Penalties
Section 179
Causing a traffic hazard

Penalties for causing a traffic hazard and causing a serious traffic hazard are prescribed in section 23, subsection 1 and 2 of the Penal Code.

Section 180
**Air traffic intoxication, relinquishing a vehicle to an intoxicated person
and operation of a vehicle without a licence**

Penalties for air traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a licence are prescribed in section 23, subsection 6, 8 and 10 of the Penal Code.

Section 181
Use of intoxicating substances in aviation

If a person is performing duties on board an aircraft or flight safety-related tasks in a ground organisation, although his/her blood alcohol level is raised due to the consumption of alcohol, or he/she has used alcohol or other intoxicating substance so that detectable amounts remain within his/her system, or if a person referred to in this section offends against the requirements concerning the use of alcohol or other intoxicating substances issued by military aviation authorities by virtue of section 175, subsection 4, he/she shall be sentenced for the *use of an intoxicating substance in aviation* to a fine, unless a more severe punishment is prescribed elsewhere in law.

Section 182

Aviation violation

Anyone who, by intent or gross negligence:

- 1) breaches a regulation issued on the basis of section 6, subsection 4;
- 2) operates or allows someone else to operate an aircraft for aviation contrary to section 7;
- 3) violates a prohibition or restriction referred to in section 8;
- 4) neglects the duty to notify referred to in sections 16 and 25;
- 5) uses an aircraft for aviation while it has no appropriate markings as required by section 19 or equivalent foreign markings, or while it carries wrong markings;
- 6) uses or allows someone else to use an aircraft for aviation contrary to section 23, subsection 2, or equivalent provisions on airworthiness management contained in Community regulations;
- 7) performs without approval a task for which an approval is required under section 31 or under the provisions on design, manufacture and maintenance contained in the EASA Regulation or other Commission regulations issued by virtue of it;
- 8) uses an aircraft not complying with the regulations issued on the basis of section 33;
- 9) violates a duty imposed by section 62;
- 10) violates a duty imposed on passengers by section 64;
- 11) engages in commercial air transport operations without an approval referred to in section 68 or 70, or violates the conditions of such an approval;
- 12) engages in operations referred to in sections 77–79 without the required approval, or violates the conditions of such an approval,
- 13) uses an area other than those aerodromes and areas permitted by section 82 for take-off or landing;
- 14) operates an aerodrome without an airport certificate referred to in section 88 or an aerodrome operating permit referred to in section 90, or violates the conditions of such a certificate or permit;
- 15) neglects a duty prescribed in section 94 or violates a prohibition or restriction imposed by the aerodrome operator or the Finnish Transport Safety Agency on the basis of that section;
- 16) violates the prohibition prescribed in section 104;
- 17) crosses the state border elsewhere than at a border crossing point referred to in section 114, subsection 2, item 5;

18) moves an aircraft, part thereof or other object referred to in section 129, subsection 1 without permission;

19) violates the prohibition prescribed in section 134, subsection 2;

20) breaches the regulations referred to in section 164;

21) violates a prohibition or order imposed by section 165;

22) violates a prohibition or restriction referred to in section 166; or

23) violates a prohibition or order referred to in section 172, subsection 1;

shall be sentenced to a fine for an *aviation violation*, unless a more severe punishment is prescribed elsewhere.

Section 183 Waiver of measures

If the violation referred to in section 182 above is minor or the administrative sanctions imposed on the offender can be considered sufficient with regard to the seriousness of the violation, prosecution of or punishment for the violation may be waived.

Where the violation obviously is of the nature intended in subsection 1 above, the Finnish Transport Safety Agency may, without taking any other action, issue an admonition to the offender.

Section 184 Hearing of the Finnish Transport Safety Agency and military aviation authorities

Before deciding on whether to prosecute for an act referred to in this Chapter, the public prosecutor shall reserve the Finnish Transport Safety Agency an opportunity to give a statement on the case.

When trying a case referred to in this Chapter, the court shall give the Finnish Transport Safety Agency an opportunity be heard.

If the case is related to military aviation, the public prosecutor and the court shall hear the military aviation authorities.

Chapter 19 Appeals Section 185 Appeals

Any decision made by the Government, the Ministry or the Finnish Transport Safety Agency under this Act may be appealed as provided for in the Administrative Judicial Procedure Act. With the exception of decisions on construction permits, conditional fines and conditional orders of execution, the decision shall nevertheless be complied with regardless of appeal, unless otherwise determined by the appellate authority.

A decision made by a sport aviation organisation as referred to in section 169 above cannot be appealed. However, rectification to the decision can be claimed from the Finnish Transport Safety Agency within 30 days of receipt of service. The decision issued by the Finnish Transport Safety Agency as a result of the claim for rectification is subject to appeal as provided for in the Administrative Judicial Procedure Act.

Chapter 20
Transitional provisions and entry into force
Section 186
Entry into force

This Act enters into force on 1 January 2010.

Section 139 of this Act shall apply to marginally compliant jet aeroplanes registered in a state referred to in Article 8 of the Noise Management Directive as of 28 March 2012, provided that the aeroplane is noise certified in accordance with the standard specified in Volume I, Part II, Chapter 3 of Annex 16 to the Chicago Convention and has been operating at the airport referred to in section 136 between 1 January 1996 and 31 December 2001. Moreover, the aeroplane must have been in that state's registry during the whole period mentioned above, and must continue to be operated by a natural or legal person established in that state.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

Section 187
Repealed provisions

This Act repeals the Aviation Act of 29 December 2005 (1242/2005), as amended.

The provisions and regulations issued by virtue of the Act repealed in subsection 1 must still be complied with, as far as they are not in contradiction with this Act.

Section 188
Transitional provisions

The entry into force of this Act shall not affect any permits, approvals, prohibitions or decisions issued under the law in force at the time of entry into force of this Act. Moreover, this Act shall not entail any amendment to an agreement concluded with a foreign state prior to the Act's entry into force.

Matters pending at the time of entry into force of this Act shall be dealt with and resolved pursuant to the provisions repealed under section 187.