

Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Transport and Communications, Finland

Act on Environmental Protection in Maritime Transport
(1672/2009; amendments up to 586/2018 included)

Chapter 1

General provisions

Section 1

Purpose of the Act

The purpose of this Act is to prevent environmental pollution resulting from the normal operation of ships, by prohibiting discharges and emissions of noxious substances into water and air, or by setting limits on discharges and emissions into water and air. Furthermore, the purpose of this Act is to organise the reception of waste in ports resulting from the normal operation of ships.

This Act lays down the provisions for the national implementation of international commitments binding on Finland and European Community legal instruments pertaining to the prevention of environmental pollution resulting from the normal operation of ships, as well as other provisions pertaining to the prevention of environmental pollution resulting from the normal operation of ships.

This Act lays down the provisions for the national implementation of Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC. (628/2017)

Section 2

Definitions

For the purposes of this Act:

- 1) *MARPOL 73/78 Convention* means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (SopS 51/1983), as amended;
- 2) *Helsinki Convention* means the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (SopS 2/2000), as amended;
- 3) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974 (SopS 11/1981), as amended;
- 4) *AFS Convention* means the International Convention on the Control of Harmful Anti-fouling Systems on Ships, concluded in London on 5 October 2001, as amended;

- 5) *Ballast Water Convention* means the International Convention for the Control and Management of Ships' Ballast Water and Sediments adopted in London on 13 February 2004, as amended; (473/2016)
- 6) *TBT Regulation* means Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships;
- 7) *Ship Recycling Regulation* means Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC; (628/2017)
- 8) *territorial waters, internal waters and territorial sea* means areas defined in the Act on the Delimitation of the Territorial Waters of Finland (463/1956);
- 9) *inland waters* means lakes, rivers and canals;
- 10) *Finnish waters* means the territorial waters and inland waters;
- 11) *Finland's exclusive economic zone* means the sea area defined in the Act on the Exclusive Economic Zone of Finland (1058/2004);
- 12) *Baltic Sea area* means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8" N, together with internal waters declared by each state;
- 13) *nearest land* means the outer limit of the internal waters or the areas defined in the MARPOL 73/78 Convention;
- 14) *international voyages* mean voyages between Finnish and foreign ports or voyages between foreign ports, as well as voyages between a Finnish port and any area outside Finland's territorial waters, excluding voyages defined below in item 13;
- 15) *domestic voyages* mean voyages between Finnish ports; voyages to Vyborg via the Saimaa Canal and the Russian waters immediately adjacent thereto, as well as voyages between Vichrevoy and Vyborg, shall be equated with domestic voyages;
- 16) *ship* means any sea-going vessel or craft and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft, as well as fixed or floating platforms;
- 17) *oil tanker* means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and chemical tankers when carrying a cargo of oil in bulk;
- 18) *chemical tanker* means a ship constructed or adapted primarily to carry noxious liquid substances in bulk in its cargo spaces and includes oil tankers when carrying a cargo of noxious liquid substances in bulk;
- 19) *passenger ship* means a ship entitled to carry more than 12 passengers, where 'passenger' means every person other than the master of the ship and the members of the crew or other persons employed or engaged in any capacity on board the ship in the business of that ship, and children under one year of age;

20) *recreational craft* means a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;

21) *fishing vessel* means any ship equipped or used commercially for catching fish or other living resources of the sea;

22) *inland waterway vessel* means any ship designed for use on inland waterways in particular, as defined in Council Directive 82/714/EEC of 4 October 1982 laying down technical requirements for inland waterway vessels, including any and all ships that have been issued an inland navigation certificate, as defined in the aforementioned Directive;

23) *ship of the Finnish Defence Forces or the Border Guard* means any ship with clear national insignia and under the command of a person who has been duly appointed by the Finnish Defence Forces or the Border Guard and entered into the relevant record of services or the like;

24) *gross tonnage* means tonnage determined by using the formula set out in Annex I of the International Convention on Tonnage Measurement of Ships, 1969 (SopS 31/1982);

25) *ship-generated waste* means all waste which is generated during the normal operation of a ship, including oily waste originating from the machinery spaces, sewage and garbage; cargo residue(s) shall not, however, be considered ship-generated waste;

26) *noxious substance* means oil, noxious liquid substances, sewage, and garbage; if a noxious substance has been mixed into a non-noxious substance, the mixture of such substances shall also be considered a noxious substance;

27) *cargo residues* means material remnants of any cargo material on board in cargo holds and tanks which must be removed from the ship as waste when the unloading procedures are completed; (275/2017)

28) *discharge*, as defined by the MARPOL 73/78 Convention, means any release of harmful substances, however caused, from a ship, and includes any escape, disposal, spillage, leakage, pumping, emitting or emptying; for the purposes of this Act, the definition of 'discharge' does not include dumping at sea of waste generated on land (*dumping*), harmful substances directly arising from the exploitation of sea-bed mineral resources, or the release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

29) *environmental pollution* means, with regard to the state of water areas, any hazards to human health, harm to living resources and to life in water areas, hindrances to fishing or to other legitimate use of water areas, impairment of water quality with respect to the use of said water, reduction of amenities, or any similar inconvenience, or harm related to air quality or to the climate, caused by the normal operation of ships, such as harm caused by nitrogen and sulphur in engine exhaust gases, or harm caused by ozone-depleting substances;

30) *oil* means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

31) *oily mixture* means a mixture with oil content;

32) *liquid substance* means a substance that has a vapour pressure not exceeding 0.28 megapascals (absolute pressure) at a temperature of 37.8 °C;

33) *noxious liquid substance* means substances falling into categories X, Y and Z of the list of chemicals of the MARPOL 73/78 Convention;

34) *substance* means chemical elements and their compounds in the natural state or obtained by any production process;

35) *preparation* means mixtures or solutions composed of two or more substances;

36) *sewage* means

a) drainage and other wastes from any form of toilets, urinals and WC scuppers;

b) drainage from medical premises via washbasins, wash tubs and scuppers;

c) drainage from spaces containing living animals; and

d) other waste waters when mixed with the drainages defined above;

37) *treated sewage* means sewage processed through a properly approved treatment facility;

38) *garbage* means all kinds of food wastes, domestic wastes and operational wastes, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically, except those substances which are defined or listed in Annexes to MARPOL 73/78 Convention, excluding Annex V; garbage excludes fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities which involve the transport of fish including shellfish for placement in the aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing; (275/2017)

39) *air pollutant* means substances which have been regulated in Annex VI to the MARPOL 73/78 Convention in order to prevent air pollution, and which have a harmful effect on air, water and other environments;

40) *fuel* means the fuel oils used in the main engines and auxiliary engines of ships;

41) *placing on the market* means supplying marine fuel for distribution to fuel users or making it available to them, for a consideration or free of charge, for use as fuel for ships in areas under Finland's jurisdiction, excluding, however, marine fuels supplied or made available for export in cargo tanks of ships;

42) *marine fuel* means the liquid fuel produced from crude oil and intended for use, or currently in use, in a ship, including fuels defined by the ISO 8217 standard;

43) *marine diesel oil* means fuel used in shipping meeting the DMB quality definition in ISO 8217 Table I, excluding the reference to sulphur content; (998/2014)

44) *marine gas oil* means fuel used in shipping meeting the DMA and DMZ quality definitions in ISO 8217 Table I, excluding the reference to sulphur content; (998/2014)

45) *sulphur oxide emission control area* means sea areas which the IMO has defined as control areas in accordance with Annex VI to the MARPOL 73/78 Convention;

46) *nitrogen oxide emission control area* means sea areas which the IMO has defined as control areas in accordance with Annex VI to the MARPOL 73/78 Convention;

47) *ship at berth* means a ship duly moored or anchored in a Finnish port while being loaded or unloaded, or which is waiting at the port;

48) *emission abatement method* means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in Annex VI of the MARPOL 73/78 Convention and Directive 2012/33/EU of the European Parliament and of the Council amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels and that is verifiable, quantifiable and enforceable; (998/2014)

49) *anti-fouling system* means a coating, paint, surface treatment, surface or device that is used on a ship to control or prevent the attachment of unwanted organisms;

50) *ballast water* means water and solid substances contained in it transported on a ship to control its trim, heel, draught, stability or stress loads; (473/2016)

51) *ballast water treatment* means any mechanical, physical, chemical or biological processes used, either individually or in combination, to remove or neutralise harmful aquatic organisms and pathogens in the ballast water and sediments or to avoid their entry into the vessel or their release from the vessel; (473/2016)

52) *sediments* mean solid substances in the ship's ballast water; (473/2016)

53) *VTS authority* means the unit of the Finnish Transport Agency that provides vessel traffic services in accordance with the Vessel Traffic Service Act (623/2005);

54) *recognized classification society* means a society referred to in section 2, paragraph 42 of the Act on the Technical Safety and Safe Operation of Ships (1686/2009); (473/2016)

55) *regular service* means that a ship is operating repeatedly, based on a schedule or a pre-confirmed route, between designated ports, and that it calls, at least once every two weeks, at a Finnish port located along the route and concerning which an exemption from the mandatory delivery of ship-generated waste has been applied for;

56) *port* means a location or a geographical area made up of such equipment as to permit, principally, the reception of ships, including fishing vessels and recreational craft; it does not, however, mean a location or area where the facilities and services available for ships are limited and the number of users and amount of waste are low;

57) *port operator* means a person or body responsible for the management of the separate operational entities that make up the port, or who collects the port charge or a similar public fee for using the port.

Section 3

Scope of application

This Act shall apply to ships sailing in Finnish waters or within Finland's exclusive economic zone. Exceptions to the application of this Act concerning inland waters and domestic voyages are set out below.

This Act shall also apply to Finnish ships when sailing outside Finnish waters or outside Finland's exclusive economic zone.

This Act shall apply to the reception of waste resulting from the normal operation of ships. The Waste Act (646/2011) shall become applicable to the waste resulting from the normal operation of ships once such waste has been delivered ashore from the ship. (655/2011)

This Act shall not apply to the release of noxious substances referred to in Article 2(3)(b)(ii) of the MARPOL 73/78 Convention, directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

Section 4

Applicability of the Act to ships of the Finnish Defence Forces or the Border Guard

This Act applies to ships of the Finnish Defence Forces or the Border Guard, unless the special nature of their construction or operation otherwise requires.

However, this Act applies without exception to such ships of the Finnish Defence Forces or the Border Guard that are regularly used in public transport to carry passengers or cargo.

Section 5

Applicability of the Act to ships of foreign states

Notwithstanding what is provided in this Act, provisions laid down in international treaties and agreements regarding the legal status of a ship or warship flying the flag of a foreign state must be followed.

Section 6

Prohibition on the discharge of noxious substances and air pollutants

It is prohibited to discharge noxious substances and air pollutants into water or air, as provided in, or by virtue of, this Act or as provided in European Community legal instruments.

If noxious substances falling under different discharge provisions are mixed with each other, the most stringent discharge provisions shall apply.

Section 7

Floating platforms equipped with a permanent fixed shore connection

The Environmental Protection Act (527/2014) and Waste Act shall apply to the prevention of environmental pollution caused by floating platforms equipped with a permanent fixed shore connection. (535/2014)

A 'floating platform equipped with a permanent fixed shore connection' means a ship intended for accommodation, restaurant or recreational purposes, or work activities, having a permanent fixed shore connection, such as a water pipe, sewer, electric cable or a fixed gangway, as well as a firmly anchored floating ship intended for recreational purposes.

Chapter 2

Prevention of ship-generated oil discharges and spills

Section 1

Prohibition and restrictions on the discharge of oil

It is prohibited to discharge oil or oily mixtures from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as set out in Annex I to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

In addition to the provisions of subsection 1, it is prohibited to discharge oily mixtures from the machinery spaces of ships through the bilge water filtration system into water in inland waters and in Finland's territorial waters within an area of four nautical miles from the nearest land.

It is prohibited to add water, chemicals or other substances to oil discharges in order to circumvent the discharge restrictions.

Section 2

Discharge of oil in exceptional circumstances

The provisions of section 1 shall not apply to the discharge of oil or oily mixtures into water, if:

- 1) the discharge is necessary for the purpose of securing the safety of the ship or saving life at sea;
- 2) the discharge of oil into water results from damage to the ship or its equipment and all reasonable precautions have been taken after the occurrence of the damage; or
- 3) the discharge into water consists of an oil-containing substance that was used to minimise damage from pollution, and the competent accident response authority has made a decision in each individual case concerning the use of such a substance.

The provisions of subsection 1, paragraph 2 shall not apply to incidents where the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Section 3

Structural and equipment requirements for the machinery spaces of ships

In ships of 400 gross tonnage and above, the machinery equipment, structure and arrangements necessary to ensuring the prevention of oil discharges must be in accordance with the requirements set out in Annex I to the MARPOL 73/78 Convention. Upon written application, the Finnish Transport Safety Agency may grant exemptions from the requirements set out in this subsection, provided that the equipment, arrangements or structure fulfils the requirements set out in Annex I to the MARPOL 73/78 Convention.

Finnish ships of 24 metres or more in length and less than 400 gross tonnage shall have either a bilge water holding tank, or equipment of a design approved by the Finnish Transport Safety Agency that will ensure that the oil content of the effluent without dilution does not exceed 15 parts per million.

The Finnish Transport Safety Agency may, on the conditions set out in Annex I to the MARPOL 73/78 Convention, decide that equipment, structures or arrangements of other types are deemed equivalent to the equipment required under subsections 1 and 2, provided that they are as effective as the equipment, structures or arrangements required under subsections 1 and 2.

In Finnish ships, oil shall not be carried in tanks located forward of the collision bulkhead.

Section 4

Structural and equipment requirements for oil tanker cargo spaces

The structure and equipment of an oil tanker shall be in accordance with the requirements set out in Annex I to the MARPOL 73/78 Convention and Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94, as amended.

The Finnish Transport Safety Agency may issue an order on equivalents and, in accordance with the provisions of Annex I to the MARPOL 73/78 Convention and upon written application, may grant exemptions from the requirements set out in subsection 1.

Section 5 (275/2017)

Shipboard oil pollution emergency plan

Oil tankers of 150 gross tonnage and above, and other ships of 400 gross tonnage and above, shall have a shipboard oil pollution emergency plan in accordance with Annex I to the MARPOL 73/78 Convention.

The emergency plans of Finnish ships referred to in subsection 1 shall be approved by the Finnish Transport Safety Agency or a recognised classification society.

Section 6

Oil record book

On board oil tankers of 150 gross tonnage and above, the master, or under his direction another of the ship's officers, shall keep an oil record book.

In addition to the provision in subsection 1, the master, or under his direction another of the ship's officers, shall keep an oil record book to record relevant machinery space operations on oil tankers of 150 gross tonnage and above, and on other ships of 400 gross tonnage and above.

The Finnish Transport Safety Agency shall approve the form of the oil record book in accordance with Annex I to the MARPOL 73/78 Convention. The Finnish Transport Safety Agency shall, in accordance with Annex I to the MARPOL 73/78 Convention, draft a model oil record book for oil tankers of less than 150 gross tonnage.

The Finnish Transport Safety Agency and, when the ship calls at a foreign port, the competent foreign authority, shall be entitled to inspect the oil record book and, upon request, to receive a copy thereof which shall be certified by the master. The actions undertaken by the Finnish Transport Safety Agency in accordance with this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

The oil record book shall be kept in a place where it is easily accessible for inspection, and preserved for a period of three years after the last entry has been made.

Section 7

IOPP Certificate

Oil tankers of 150 gross tonnage and above engaged in international voyages and other ships of 400 gross tonnage and above engaged in international voyages must fulfil the structural and equipment requirements set out in Annex I to the MARPOL 73/78 Convention. As proof thereof, the ship shall be issued an international oil pollution prevention certificate (*IOPP Certificate*).

The Finnish Transport Safety Agency or a recognised classification society shall, upon written application, issue an IOPP Certificate to a Finnish ship in the form set out in Annex I to the MARPOL 73/78 Convention, provided that the ship fulfils the requirements set out in Annex I to the MARPOL 73/78 Convention. The Finnish Transport Safety Agency may issue the IOPP Certificate to a foreign ship at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time. (275/2017)

Section 8

Transport of oil on inland waters

Oil tankers operating on inland waters are prohibited from carrying:

- 1) heavy fuel oil in the cargo tanks; and
- 2) oil of any type whatsoever in cargo tanks located along the bottom shell area or along the outer surface of the hull.

Section 9

Drilling rigs and other platforms

The following provisions shall apply to the fixed and floating drilling rigs referred to in Annex I to the MARPOL 73/78 Convention which are engaged in the exploration, exploitation and associated off-shore processing of sea-bed mineral resources, as well as to other platforms:

- 1) provision of chapter 1, section 6, subsection 2 on the mixing of noxious substances;
- 2) provisions of sections 1–4 of this chapter on discharges of oil and the prevention thereof; and
- 3) provisions of sections 6, subsections 2–4 of this chapter on the oil record book concerning machinery space operations.

Section 10

Further provisions

Further provisions on the handling, properties and origin of oily mixtures, as well as on the discharge restrictions relating to the operation of ships, drilling rigs or other types of platforms, within Finland's territorial waters or Finland's exclusive economic zone, or also regarding Finnish ships outside Finland's territorial waters or Finland's exclusive economic zone, may be issued by government decree for the implementation of Annex I to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as for the implementation of European Community legal instruments.

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation of Annex I to the MARPOL 73/78 Convention, the Helsinki Convention, and European Community legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) exemptions and equivalents concerning requirements set out for ships, drilling rigs and other platforms, as well as the design of oil filtering equipment, and fluid-transfer models for such vessels and platforms, referred to in sections 3 and 4;
- 2) the contents and outline of the emergency plan referred to in section 5;
- 3) the form of the oil record book referred to in section 6; and
- 4) the form of the IOPP Certificate referred to in section 7.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may be extended to apply to ships sailing on inland waters and engaged in domestic voyages.

Chapter 2a (275/2017)

Ship-to-ship oil cargo transfers

Section 1 (275/2017)

Areas designated for STS transfers

Ship-to-ship transfers of oil cargo between oil tankers (*STS transfers*) may only be carried out in port areas and in designated areas in the Finnish waters and Finland's exclusive economic zone.

In order to maintain the protection of the marine environment the Finnish Transport Safety Agency shall, after negotiating with the Border Guard, the Finnish Environment Institute, the Customs and the VTS authority referred to in the Vessel Traffic Service Act (623/2005), designate the areas referred to in subsection 1 and keep a list of them. Before the areas are designated, the relevant stakeholders shall be consulted.

For particular reasons and after consulting the authorities referred to in subsection 2, the Finnish Transport Safety Agency may grant exceptions to what is provided in subsection 1.

For reasons associated with the protection of the marine environment, the Finnish Transport Safety Agency may prohibit a planned STS operation in individual cases.

The provisions in this Chapter shall not apply to STS operations necessary for the purpose of securing the safety of the ship or saving life at sea, or carried out to prevent certain pollution incidents for the purpose of reducing the damages caused by environmental pollution.

Section 2 (275/2017)

STS transfer plan

Oil tankers of 150 gross tonnage and above used for STS transfers at sea shall have an STS transfer plan for oil cargoes (*STS transfer plan*), which meets the requirements set out in Annex I to the MARPOL 73/78 Convention.

The STS transfer plans of Finnish ships shall be approved by the Finnish Transport Safety Agency or a recognised classification society.

Section 3 (275/2017)

Obligation to give advance notification of an STS transfer

The operator, owner, agent or master of the ship must give notification:

1) to the Customs of any plan to carry out an STS transfer using an electronic information management system for shipping referred to in section 20a of the Vessel Traffic Service Act;

2) to the VTS authority of its plan to carry out an STS transfer within Finland's exclusive economic zone as referred to in paragraph 1.

The notification referred to in subsection 1 shall be given in good time and at minimum 48 hours before the planned STS transfer is carried out. The notification shall contain the information specified in Annex I to the MARPOL 73/78 Convention.

If, in an exceptional case, all of the information specified in Annex I to the MARPOL 73/78 Convention is not available not less than 48 hours in advance, the oil tanker discharging the oil cargo shall notify the authorities referred to in subsection 1 and using the procedure referred to in this subsection not less than 48 hours in advance that an STS operation will occur. Information specified in Annex I to the MARPOL 73/78 Convention shall be submitted to the aforementioned authorities at the earliest opportunity.

The Customs and the VTS authority shall inform the Finnish Transport Safety Agency and the other authorities referred to in section 1, paragraph 2 of the STS transfer notification. To an STS transfer taking place in Finnish waters, the provisions of section 22a of the Vessel Traffic Service Act shall apply, and to an STS transfer taking place within Finland's exclusive economic zone, the provisions of this act on VTS authorities shall apply.

Section 4 (275/2017)

Qualification requirements of the person with overall control of an STS operation

A ship referred to in section 2 shall have a person in overall advisory control of STS operations qualified to perform all relevant duties as set out in Annex I to the MARPOL 73/78 Convention.

Section 5 (275/2017)

Responsibility for the costs of preparedness measures

The operator or owner of the vessel receiving the oil shall assume responsibility for the costs incurred by the Finnish oil pollution response authorities from preparedness in connection with an STS transfer.

Section 6 (275/2017)

Further provisions

Further provisions on the arrangements and restrictions related to carrying out STS transfers, including preparedness measures and the costs incurred from them in Finnish waters or within Finland's exclusive economic zone and, concerning Finnish ships, also outside Finnish waters or Finland's exclusive economic zone, may be issued by government decree for the implementation of Annex I to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as for the application of European Union legal instruments.

Technical regulations related to the application of Annex I to the MARPOL 73/78 Convention, the Helsinki Convention or European Union legal instruments may be issued by the Finnish Transport Safety Agency:

1) in Finnish waters or within Finland's exclusive economic zone, or also regarding Finnish ships outside Finnish waters or Finland's exclusive economic zone, on the practical arrangements of STS transfers; and

2) on the contents of the STS transfer plan.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing on inland waters and engaged in domestic voyages.

Chapter 3

Oil discharge fee

Section 1

Obligation to pay an oil discharge fee

For a violation of the prohibition, laid down in chapter 2, section 1, on the discharge of oil or oily mixtures in Finland's territorial waters or Finland's exclusive economic zone, a monetary penalty (*oil discharge fee*) shall be imposed, unless the discharge is deemed minor in amount and impact. However, an oil discharge fee shall be imposed on foreign ships in transit for any violation of the discharge prohibition in Finland's exclusive economic zone, only if the discharge causes considerable damage or risk of damage to Finland's shoreline or to the interests pertaining thereto, or to the natural resources in Finland's territorial sea or within Finland's exclusive economic zone.

The oil discharge fee shall be imposed on a natural person or a legal person, who is the owner (*party liable for payment*) at the time of the offence. The oil discharge fee cannot be imposed on the owner, if he or she can prove that a manager, operator or bareboat charterer has been operating the ship in the owner's stead.

For a shipping company, the owners shall be jointly and severally liable for the oil discharge fee.

The provisions set out in this chapter shall not apply to ships belonging to the Police, the Customs, the Finnish Defence Forces or the Border Guard. (998/2014)

Section 2

Amount of the oil discharge fee

The amount of the oil discharge fee shall be determined based on the amount of oil discharged and the gross tonnage of the ship, in accordance with the rates specified in the appendix to this Act.

Section 3

Exemption from the oil discharge fee

The competent authority may waive the imposition of an oil discharge fee or reduce the amount of the fee if the party liable for payment shows that the imposition of the fee would be manifestly unfair due to an emergency or accident to which the special provisions of chapter 2, section 2, cannot be applied, or due to some other comparable reason.

Section 4

Subsidiary function of the oil discharge fee

Oil discharge fees cannot be imposed on a person who has received a legally valid sanction for the oil discharge incident in question.

The authority that has imposed the oil discharge fee shall, upon application, waive the fee, if the person upon whom the oil discharge fee has been imposed is subsequently subject to a sanction for the same oil discharge incident.

Section 5

Imposing the oil discharge fee

The oil discharge fee shall be imposed by the Border Guard. Within the Border Guard, a decision on the matter shall be made by the Commander or the Deputy Commander of the Coast Guard, or the Head of the Operational Office.

The oil discharge fee shall be payable to the State.

Section 6

Actions to secure the imposition of the oil discharge fee

Measures under this chapter and under sections 11–13 of chapter 12 necessary for the solving of the matter may be undertaken in order to impose the oil discharge fee. (1005/2010)

The Border Guard can also detain ships on the conditions set out in sections 11 and 12 of chapter 12, if this is justifiable in order to secure due payment. For a justifiable reason, a decision to detain a ship may be reached before making a decision concerning payment. The Border Guard may impose conditions under which ships are able to continue their voyage, namely that a sufficient cash deposit be provided to the Border Guard for the fulfilment of potential payment obligations. Provisions of the act on the deposit of cash, book entries, securities or instruments in payment of debts or for release from other liabilities (281/1931) shall apply to the depositing of the payment guarantee. The cash deposit must be refunded to the depositor once the conditions for holding it no longer exist. (1005/2010)

Detention orders and decisions concerning the cash deposit must be complied with regardless of appeal. If a cash deposit has been provided for the payment of the oil discharge fee or if other grounds for detaining a ship have ceased to exist, the detention order shall immediately be revoked. Detention orders shall remain valid for a period not exceeding 14 days from the date of issuance of the order.

The flag state must be informed of the conditions under which the ship may continue its voyage.

Section 7

Opportunity to be heard

Before a decision is made on the fee, the owner or the company shall be given the opportunity and sufficient time, considering the nature of the matter, to present an explanation.

If the purpose underlying the decision referred to in section 6, subsection 2 would otherwise be put at risk, the matter can be resolved without hearing the party involved.

The master shall represent the party liable for payment in matters relating to the oil discharge fee.

Section 8

Executive assistance in matters relating to the oil discharge fee

In order for the Border Guard to carry out its duties concerning the oil discharge fee, competent authorities shall give the Border Guard any necessary executive assistance they are authorised to provide.

Section 9

Right to receive information

If disclosing information does not hinder the resolution of the issue, the authority conducting the preliminary investigation shall, notwithstanding the secrecy provisions of the Act on the Openness of Government Activities (621/1999) be entitled to disclose to the Border Guard such information that has arisen during preliminary investigations on illegal discharges of oil and that may be of significance when deciding on the imposition of the oil discharge fee for the same oil discharge incident.

Section 10

Right of appeal

The party liable for payment is entitled to appeal the decision regarding the oil discharge fee and the order referred to in section 6, subsection 2 by submitting his or her appeal to the maritime court operating within the Helsinki District Court.

The maritime court shall have a quorum in the composition required under chapter 21, section 1, subsection 3 of the Maritime Code (674/1994).

Section 11

Appeal procedure

An appeal must be submitted in writing within 30 days of the date the decision and the appeal instructions thereto were given to the party liable for payment. The petition for appeal shall be submitted to the Border Guard.

The Border Guard must, without delay, deliver the petition for appeal to the registry of the Helsinki District Court and attach to the petition for appeal copies of any and all accumulated documentation and its own statement. When delivering the documents to the District Court, the date of receipt of the petition for appeal must be declared.

The appeal shall be initiated in the maritime court upon the arrival of the documents required under subsection 2 to the registry of the court. Without delay, the court must notify the appellant and the Border Guard of the time and place of the hearing and of the consequences of the appellant's non-attendance.

If the appellant has submitted the petition for appeal directly to the competent court, the appellant shall not lose the right to plead.

Section 12

Procedure in the maritime court

Based on the appeal and other evidence obtained in the matter, the maritime court must examine whether the prerequisites for imposing the oil discharge fee exist. Insofar appropriate, what is provided concerning criminal procedure applies to the hearing of the case in court.

During the course of proceedings in the maritime court, the Border Guard must show justification for the imposition of the oil discharge fee by providing proof of the necessary facts on which the fee was based. The maritime court must ensure that the case is processed thoroughly.

The decision-maker or an official representative must be present in the maritime court when the case is being heard. The appellant is entitled to be present in the maritime court. The case may be decided in the absence of the appellant, if:

- 1) the court does not deem it necessary to hear the appellant in person; and
- 2) the appellant has been ordered to be present under threat that the case may be heard and decided regardless of his or her absence.

Section 13

Continued appeal

Any appeal against a decision reached by the maritime court must be presented to the Court of Appeal, as stipulated in the Code of Judicial Procedure. An order of the maritime court in a case concerning the detention of a ship and a cash deposit is not subject to appeal.

The provisions of chapters 26 and 30 of the Code of Judicial Procedure shall, where appropriate, be applied to the consideration of the case in the Court of Appeal and to appeals to the Supreme Court. When considering an appeal, the Court of Appeal must provide the Border Guard with an opportunity to be heard with respect to the appeal and, where necessary, to present evidence in the case.

Where necessary for upholding the uniformity of legal practice, the Border Guard is entitled to appeal a decision issued by the maritime court or the Court of Appeal on the basis of this Act, if the maritime court or the Court of Appeal has revised or repealed the Border Guard's decision.

Section 14

Deadline for imposing the oil discharge fee

The oil discharge fee can no longer be imposed when three years have passed from the date of the discharge.

Section 15

Enforcement of the oil discharge fee

A decision on the fee shall be enforced once it has attained legal validity.

Section 16

Payment deadline for, and interest on, the oil discharge fee

The oil discharge fee must be paid within 30 days of the receipt of notice of the decision.

Penalty interest shall be charged for the late payment of the oil discharge fee, in accordance with the interest rate specified in section 4, subsection 1 of the Interest Act (633/1982) when the fee has fallen due and has not been paid by the deadline.

Section 17

Authority responsible for the enforcement of the oil discharge fee

The Legal Register Centre shall be responsible for the enforcement of decisions concerning oil discharge fees.

The Border Guard and the court must notify the Legal Register Centre of their decisions. The Legal Register Centre must also be notified of decisions to reduce or revoke the oil discharge fee.

Chapter 4

Prevention of the discharge of noxious liquid substances from ships

Section 1

Categorisation of noxious liquid substances

In accordance with regulation 6 of Annex II to the MARPOL 73/78 Convention, the Annex shall be applied to the transport of noxious liquid substances falling into Categories X, Y or Z.

If a noxious liquid substance does not fall into Categories X, Y or Z, the substance shall be assessed in accordance with Annex II in order to determine the applicable carriage procedures.

The Finnish Transport Safety Agency may, on a case-by-case basis and upon written application, grant an exemption regarding the categorisation of a noxious liquid substance when such a substance is being carried on domestic voyages, provided that adherence to the categorisation

provisions would cause unreasonable inconvenience or unreasonable expenses, and would be ill-founded due to the minor hazard presented to the environment.

Section 2

Prohibition against and restrictions on the discharge of noxious liquid substances

It is prohibited to discharge noxious substances from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as laid down in Annex II to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

Subsection 2 was repealed by Act 275/2017.

Section 3

Discharge of noxious liquid substances in exceptional circumstances

The provisions of section 2 shall not apply to the discharge of noxious liquid substances into water, if:

- 1) the discharge is necessary for the purpose of securing the safety of the ship or saving life at sea;
- 2) the discharge of the noxious liquid substance into water results from damage to the ship or its equipment and all reasonable precautions have been taken after the occurrence of the damage; or
- 3) the discharge into water consists of a noxious liquid substance that was used to minimise damage from pollution, and the competent accident response authority has made a decision in each individual case concerning the use of such a substance.

The provisions of subsection 1, paragraph 2 shall not apply to incidents where the owner or the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Section 4

Structural and equipment requirements for chemical tankers

Chemical tankers carrying noxious liquid substances falling into Categories X, Y or Z in accordance with section 1 above shall meet the requirements set out in Annex II to the MARPOL 73/78 Convention.

The performance tests of individual ships concerning the pumping and piping systems of chemical tankers are subject to approval by the Finnish Transport Safety Agency or a recognised classification society as set out in Annex II to the MARPOL 73/78 Convention. (275/2017)

The Finnish Transport Safety Agency may, in accordance with the provisions of Annex II to the MARPOL 73/78 Convention, grant exceptions from and, upon written application, exemptions to the requirements set out in subsection 1, or issue regulations on equivalents to such requirements.

Section 5

Shipboard marine pollution emergency plan

Chemical tankers of 150 gross tonnage and above shall have a shipboard marine pollution emergency plan for noxious liquid substances, as set out in Annex II to the MARPOL 73/78 Convention.

The plan referred to in subsection 1 may be combined with the shipboard oil pollution emergency plan required under chapter 2, section 5. The title of such a combined plan shall be 'shipboard marine pollution emergency plan'.

The emergency plans of Finnish vessels referred to in subsections 1 and 2 shall be approved by the Finnish Transport Safety Agency or a recognised classification society. (275/2017)

Section 6

Procedures and arrangements manual

The master of a chemical tanker, or under his direction another of the ship's officers, must keep a procedures and arrangements manual concerning the unloading and cleaning of the ship, as set out in Annex II to the MARPOL 73/78 Convention.

The procedures and arrangements manuals of Finnish ships shall be approved by the Finnish Transport Safety Agency or a recognised classification society upon written application, provided that the manual complies with the requirements set out in Annex II to the MARPOL 73/78 Convention. (275/2017)

Section 7

Cargo record book

The master of a chemical tanker, or under his direction another of the ship's officers, shall keep a cargo record book concerning cargo operations and damage incurred in the context of unloading, as set out in Annex II to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency and, when the ship is in a foreign port, the competent foreign authority is entitled to inspect the cargo record book and, upon request, to receive a copy thereof which shall be certified by the master. The actions undertaken by the Finnish Transport Safety Agency in accordance with this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

The cargo record book shall be kept in a place where it is easily accessible for inspection, and must be preserved for a period of three years from the date of the last entry.

The Finnish Transport Safety Agency shall approve the form of the cargo record book.

Section 8

Other certificates concerning the carriage of noxious liquid substances

Chemical tankers must have a certificate of conformity with the standard for the safe carriage by sea of dangerous and noxious liquid chemicals in bulk (*IBC Code*) or the standard for the safe carriage of dangerous and noxious chemicals in bulk (*BCH Code*) of the International Maritime Organization.

Chemical tankers must have a certificate of conformity with requirements, except for the requirement concerning the location of the cargo tank, laid down in the IBC Code concerning type 3 ships, as set out in Annex II to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency or a recognised classification society shall issue the certificate referred to in subsection 1 or 2 to a Finnish ship upon written application, provided that the ship complies with the requirements set out in Annex II to the MARPOL 73/78 Convention. The Finnish Transport Safety Agency may issue a certificate to a foreign ship at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time. (275/2017)

Section 9

Unloading of cargo and supervising the cleaning of tanks

The master of a chemical tanker shall be liable for ensuring that noxious liquid substances are unloaded, and that tanks and piping are cleaned, tank washings are discharged and entries are made in the cargo record book in accordance with the provisions of Annex II to the MARPOL 73/78 Convention and the Helsinki Convention.

At ports where noxious liquid substances are loaded or unloaded, inspectors nominated by the Finnish Transport Safety Agency must inspect that the loading and unloading of cargo belonging to different categories, the cleaning of the tanks and piping, and the entries into the cargo record book are done in accordance with this Act and the provisions issued under it, as well as Annex II of the MARPOL 73/78 Convention and the Helsinki Convention. Ships shall be liable for the expenses arising from inspections.

The ship's agent shall notify the Finnish Transport Safety Agency of any unloading of a noxious liquid substance falling into Categories X or Y at a given port. Such notification must be given in good time and, where possible, no less than 48 hours before unloading is to commence.

The provisions of Annex II to the MARPOL 73/78 Convention shall apply to the prewash and ventilation of cargo tanks and holds. The Finnish Transport Safety Agency may grant exemptions from prewashing and issue regulations on the ventilation of cargo residues in accordance with Annex II.

Section 10

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of Annex II to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as European Community legal instruments,

concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) the categorisation of noxious liquid substances, referred to in section 1;
- 2) discharge limitations pertaining to the unloading of cargo, prewash requirements, the contents of effluent, control of the washing of tanks, the ventilation of cargo spaces, and the effluent discharge conditions, referred to in sections 2 and 9; and
- 3) structural and equipment requirements for chemical tankers, referred to in section 4.

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation of Annex II to the MARPOL 73/78 Convention, the Helsinki Convention, and European Community legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) exceptions, exemptions and equivalents referred to in section 4;
- 2) the emergency plan referred to in section 5;
- 3) the procedures and arrangements manual referred to in section 6;
- 4) the cargo record book referred to in section 7; and
- 5) the certificates referred to in section 8.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing in inland waters and engaged in domestic voyages.

Chapter 5

Prevention of discharges of ship-generated sewage

Section 1

Prohibition against and restrictions on the discharge of sewage

It is prohibited to discharge either untreated or treated sewage from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as set out in Annex IV to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Union legal instruments.

The Finnish Transport Safety Agency or a recognised classification society shall approve the individual rates of Finnish ships calculated according to guidelines issued by the International Maritime Organization at which untreated sewage may be released at sea at a distance exceeding 12 nautical miles from the nearest land in accordance to Annex IV to the MARPOL 73/78 Convention. (275/2017)

Section 2

Discharge of sewage in exceptional circumstances

The provisions of section 1 shall not apply to the discharge of sewage into water, if:

- 1) the discharge is necessary for the purpose of securing the safety of the ship and those on board or saving life at sea;
- 2) the discharge of sewage results from damage to the ship or its equipment, and all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimising the discharge.

Section 3

Requirements applicable to a ship's sewage system (275/2017)

Ships of 400 gross tonnage and above and ships certified to carry more than 15 persons and all passenger ships shall comply with the requirements set out down in Annex IV to the MARPOL 73/78 Convention. (275/2017)

A Finnish ship that does not meet the criteria of subsection 1 and that is not a recreational craft, but which is fitted with a toilet, must comply with the provisions of Annex IV to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency or a recognized classification society shall approve upon written application a Finnish ship's sewage treatment system or sewage comminution and disinfection system provided that the system meets the requirements of European Union legal instruments and Annex IV to the MARPOL 73/78 Convention. (275/2017)

The Finnish Transport Safety Agency may issue more detailed technical regulations applicable within Finland's territorial waters or Finland's exclusive economic zone, or also regarding Finnish ships outside Finland's territorial waters or Finland's exclusive economic zone, on the structure and other properties of the ship's sewage tank. (275/2017)

Section 4

Requirements for recreational craft

Recreational craft fitted with a toilet must be equipped with a retention system for sewage in accordance with Regulation 5 of Annex IV to the Helsinki Convention, such that the ship has a functioning holding tank or a sewage treatment facility that is in compliance with the MARPOL 73/78 Convention. The water closet on the recreational craft must be connected to the holding tank or to the sewage treatment facility.

Section 5 (275/2017)

ISPP Certificate

Ships of 400 gross tonnage and above or certified to carry more than 15 persons on international voyages and all passenger ships engaged on international voyages must have an International

Sewage Pollution Prevention Certificate compliant with the requirements laid down in Annex IV to the MARPOL 73/78 Convention (*ISPP certificate*).

The Finnish Transport Safety Agency or a recognized classification society shall, upon written application, issue the ISPP Certificate to Finnish ships in the form set out in Annex IV to the MARPOL 73/78 Convention, provided that the ships fulfil the requirements set out in Annex IV to the Convention. The Finnish Transport Safety Agency may issue the ISPP Certificate to foreign ships at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time.

Section 6

Granting of exemptions from the prohibition on the discharge of sewage

The Finnish Transport Safety Agency may, upon written application and on the conditions laid down in Annex IV to the Helsinki Convention, grant exemptions from the prohibition and restrictions on the discharge of untreated sewage into water and from compliance with the requirements concerning sewage retention systems within Finnish waters, if such an exemption is not in contradiction with international commitments binding on Finland or with European Community legal instruments, and the exemption has only minor implications for the prevention of marine pollution.

The preconditions for granting exemptions, in addition to the preconditions laid down in subsection 1, are as follows:

- 1) the ship is a recreational craft or other type of ship of less than 400 gross tonnage or is certified to carry no more than 15 persons;
- 2) the ship has been built before 1 January 2000; and
- 3) the installation of facilities or equipment necessary for complying with the discharge prohibition is technically difficult or the installation costs are unreasonably high considering the value of the ship.

The Finnish Transport Safety Agency must notify the Baltic Marine Environment Protection Commission of decisions made in accordance with this section.

Section 7

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of Annex IV to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as European Community legal instruments, concerning Finland's territorial waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) the prohibition and restrictions on the discharge of sewage, referred to in section 1;
- 2) what type of sewage shall be considered 'treated sewage' as defined in section 1;

- 3) requirements for ships and recreational craft, referred to in sections 3 and 4; and
- 4) exceptions to the discharge prohibition, referred to in section 6.

The further provisions referred to in subsection 1 may also be extended to ships sailing on inland waters and on domestic voyages.

Chapter 6

Prevention of discharges of ship-generated garbage

Section 1

Prohibition against and restrictions on the disposal of garbage

It is prohibited to dispose of garbage from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as set out in Annex V to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

It is prohibited to dispose of garbage from Finnish ships or from fixed or floating platforms used for exploration, exploitation and associated offshore processing of seabed mineral resources, as set out in Annex V to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

The Finnish Transport Safety Agency may, in accordance with Annex V to the MARPOL 73/78 Convention, issue type approvals for garbage comminutors and grinders. When such equipment is used, the more lenient provisions referred to in Annex V to the MARPOL 73/78 Convention concerning the disposal of garbage into water may be applied.

Section 2 (275/2017)

Disposal of garbage in exceptional circumstances

The provisions in section 1 shall not apply when:

- 1) the disposal of garbage from the ship is necessary for the purpose of securing the safety of the ship and those on board or saving life at sea;
- 2) the escape of garbage results from damage to the ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimising the escape;
- 3) the disposal of fishing gear for the purpose of protecting the marine environment or securing the safety of the ship and those on board or saving life at sea; or
- 4) the accidental loss of fishing gear, provided that all reasonable precautions have been taken to prevent such a loss.

The requirements concerning the ship's operation set out in Regulations 4 and 6 of Annex V to the MARPOL 73/78 Convention shall not be applied to disposal of food wastes if it is obvious that storing these wastes on the ship presents an immediate health risk to those on board.

The disposal or escape referred to in subsection 1 shall be recorded in the garbage record book or, on a ship of less than 400 gross tonnage, in the ship's log.

In Finnish waters or in Finland's exclusive economic zone, as well as on Finnish ships outside Finland's territorial waters or exclusive economic zone, accidental loss or disposal of fishing gear causing a significant threat to the marine environment or shipping shall be reported to the Finnish Transport Safety Agency. When the loss or disposal from a Finnish ship takes place in waters falling within the jurisdiction of another coastal state, the report must also be made to the coastal state in question.

Section 3 (275/2017)

Placards on garbage disposal prohibitions and restrictions

Ships of 12 metres or more in length must have a conspicuously placed placard as required in Annex V to the MARPOL 73/78 Convention, declaring that the requirements concerning the handling of garbage, as required under Regulations 3–6 of Annex V, are observed on board the ship. The placard shall be written in the working language of the ship's personnel, and on ships engaged in international voyages, also in English, French or Spanish.

Section 4 (275/2017)

Garbage management plan on ships

Ships of 100 gross tonnage and above and ships certified to carry 15 persons or more, as well as fixed or floating platforms, must have a garbage management plan written in the working language of the ship's personnel, as set out in Annex V to the MARPOL 73/78 Convention. The crew must follow the ship's garbage management plan.

Section 5

Garbage record books of ships

On board Finnish ships and foreign ships of 400 gross tonnage and above engaged in international voyages calling at a Finnish port, or on board ships certified to carry 15 persons or more, as well as on fixed or floating platforms, the master, or under his direction another of the ship's officers, shall keep a garbage record book.

The garbage record book shall be kept in a place where it is easily accessible for inspection, and must be preserved for a period of two years from the date of the last entry.

The Finnish Transport Safety Agency and, when the ship is in a foreign port or at an offshore terminal, the competent foreign authority shall be entitled to inspect the garbage record book and, upon request, to receive a copy thereof certified by the master. This also applies to the ship's logs of ships with less than 400 gross tonnage. The actions undertaken by the Finnish Transport Safety Agency in accordance with this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship. (275/2017)

The Finnish Transport Safety Agency shall confirm the form of the garbage record book in accordance with Annex V to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency may, on the conditions set out in Annex V to the MARPOL 73/78 Convention and upon written application, grant an exemption from the requirement to keep a garbage record book on board a ship.

Section 6

Further provisions

Further provisions on the prohibition and restrictions on disposal, referred to in section 1, may be issued by government decree for the implementation of Annex V to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as European Community legal instruments, concerning Finland's territorial waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone.

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation of Annex V to the MARPOL 73/78 Convention, the Helsinki Convention, and European Community legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) type approvals for comminuters and grinders needed for complying with the garbage disposal prohibition, referred to in section 1; and
- 2) the form of ships' garbage record book, referred to in section 5.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may be extended to apply to ships sailing in inland waters and engaged in domestic voyages.

Chapter 7

Prevention of air pollution from ships

Section 1

Prohibition against and restrictions on the emission of air pollutants

It is prohibited to emit air pollutants from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as set out in Annex VI to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

Section 2

Prohibition against and restrictions on emissions of volatile organic compounds from oil and chemical tankers

Emissions of volatile organic compounds from oil and chemical tankers may be prohibited in accordance with the provisions of section 15, or restrictions can be imposed on such emissions in ports located within the territory of Finland in accordance with the provisions of Annex VI to the MARPOL 73/78 Convention, other international commitments binding on Finland, or European Community legal instruments.

Section 3

Restrictions on and prohibition against the use of ozone-depleting substances

Provisions on limitations to and prohibiting the use of ozone-depleting substances in ships are laid down in the Environmental Protection Act and in the provisions issued under it, unless otherwise provided in European Community legal instruments.

Section 4 (998/2014)

Emissions of air pollutants in exceptional circumstances

The prohibitions against and restrictions on emissions laid down in this chapter shall not apply to:

- 1) emissions necessary for the purpose of securing the safety of the ship or saving life at sea;
- 2) emissions resulting from damage to the ship or its equipment, provided that all reasonable precautions have been taken after the occurrence or discovery of the damage or the discharge for the purpose of preventing or minimising the emissions, and provided that neither the owner nor the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; nor
- 3) As set out in Regulation 13.5 of Annex VI to the MARPOL 73/78 Convention and when the criteria laid down in this Regulation are met, to diesel engines of a ship operating within a nitrogen oxide emission control area which are subject to the emission limits applicable to the nitrogen oxide emission control area but which do not meet these limits, or which are capable of running on both gas and liquid fuels.

Section 5

Requirements for shipboard equipment

The cleaning equipment and cleaning methods of ships' diesel engines and exhaust gases must meet the requirements set out in European Community legal instruments. If the power output of a diesel engine exceeds 130 kilowatts, the cleaning equipment and cleaning methods must also meet the requirements set out in Annex VI to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency or a recognised classification society authorised by the Finnish Transport Safety Agency shall, upon written application, approve the diesel engine and

exhaust gas cleaning equipment and cleaning methods used in Finnish ships, provided that they meet the requirements set out in Annex VI to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency may issue regulations on the equivalency, based on efficiency, of a specific fitting, material, appliance or apparatus and, upon written application, grant exemptions on a case-by-case basis, as set out in Annex VI to the MARPOL 73/78 Convention and in European Community legal instruments.

Section 6

IAPP Certificate

Ships of 400 gross tonnage and above on international voyages must have an international air pollution prevention certificate (*IAPP Certificate*) to prove that they comply with the provisions of Annex VI to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency or a recognized classification society shall, upon written application, issue the IAPP Certificate to Finnish ships in the form set out in Annex VI to the MARPOL 73/78 Convention, provided that the ships fulfil the requirements set out in Annex VI to the Convention. The Finnish Transport Safety Agency may issue IAPP Certificates to foreign ships at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time. (275/2017)

Section 6 a

Records to be kept in the ship's engine room log-book

The data set out in Regulation 1 of Annex VI to the MARPOL 73/78 Convention shall be entered in the ship's engine room log-book for diesel engines with a certificate of meeting both level II and III emission regulations on the reduction of nitrogen oxide emissions under Annex VI when the ship enters a level III control area for reducing nitrogen oxide emissions as set out in rule 13 of Annex VI or exits it, or when level II or III on/off status concerning the reduction of nitrogen oxide emissions from a diesel engine changes in such an area.

Fuel oils used on board ships must meet the requirements set out in Annex VI to the MARPOL 73/78 Convention and in European Union legal instruments.

The requirements referred to in subsection 1 shall not, however, apply to fuel oils intended for research and testing purposes, or to fuel oils used on a ship operating an approved emission abatement system referred to in section 9a that meets the requirements set out in Annex VI to the MARPOL 73/8 Convention and European Union legal instruments.

If obtaining marine fuel that meets the requirements set out in subsection 1 for the ship has not been possible, the master or a person duly authorised by the master shall notify the flag state competent authority and the competent authority in the port of destination. The competent authority for Finnish ships and Finnish ports is the Finnish Transport Safety Agency.

The Finnish Transport Safety Agency shall report to the European Commission and the International Maritime Organization any cases where a ship calling at a Finnish port has shown proof that marine fuel meeting the requirements set out in subsection 1 has not been available.

Section 7 (998/2014)

Requirements for fuel oil quality

Fuel oils used on board ships must meet the requirements set out in Annex VI to the MARPOL 73/78 Convention and in European Union legal instruments.

The requirements referred to in subsection 1 shall not, however, apply to fuel oils intended for research and testing purposes, or to fuel oils used on a ship operating an approved emission abatement system referred to in section 9a that meets the requirements set out in Annex VI to the MARPOL 73/8 Convention and European Union legal instruments.

If obtaining marine fuel that meets the requirements set out in subsection 1 for the ship has not been possible, the master or a person duly authorised by the master shall notify the flag state competent authority and the competent authority in the port of destination. The competent authority for Finnish vessels and Finnish ports is the Finnish Transport Safety Agency.

The Finnish Transport Safety Agency shall report to the European Commission and the International Maritime Organization any cases where a ship calling at a Finnish port has shown proof that marine fuel meeting the requirements set out in subsection 1 has not been available.

Section 8

Methods for determining the compliance of marine fuels

The methods used to determine the compliance of marine fuels with Annex VI to the MARPOL 73/78 Convention shall meet the requirements set out in Annex VI, in the Helsinki Convention, in European Community legal instruments, and in other international commitments binding on Finland.

Section 9 (998/2014)

Bunker delivery notes, fuel oil samples and keeping fuel records in the ship's log and the oil record book

Ships of 400 gross tonnage and above on international voyages shall carry a bunker delivery note issued by the fuel oil supplier, as set out in Annex VI to the MARPOL 73/78 Convention, accompanied by a representative sample of fuel oil. The delivery note and the sample shall be kept on board as set out in Annex VI to the MARPOL 73/78 Convention.

Any actions relevant to the fuel shall be recorded in the ship's log and oil record book in compliance with Annex VI to the MARPOL 73/78 Convention and European Union legal instruments.

Section 9a (998/2014)

Emission abatement methods

Instead of fuel compliant with the requirements set out in section 7, subsection 1, an emission abatement method may be used on the ship, by means of which the ship's sulphur dioxide

emissions can be fully and continuously reduced at minimum to the level they would be if fuel compliant with the requirements set out in section 7, subsection 1 were used on the ship.

Emission abatement methods used on Finnish ships shall be approved in compliance with the provisions of Directive 2012/33/EU of the European Parliament and of the Council amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels.

Section 10 (998/2014)

Testing of new emission abatement methods

Testing of new ship emission abatement methods shall meet the requirements set out in Annex VI to the MARPOL 73/78 Convention and in European Union legal instruments.

The Finnish Transport Safety Agency shall, upon written application, issue testing permits, provided that the requirements referred to in subsection 1 are met. Such permits can be issued for a period not exceeding 18 months.

Test results shall be delivered to the Finnish Transport Safety Agency. The Agency will publish the results within six months of the date upon which testing was completed.

Section 11

Shipboard incineration

It is prohibited to incinerate ship-generated waste on board ships sailing in Finnish waters.

The incineration of ship-generated waste within Finland's exclusive economic zone, and on Finnish ships sailing outside Finland's exclusive economic zone, is allowed only in shipboard incinerators. Provisions concerning substances that may not be incinerated within Finland's exclusive economic zone or on board Finnish ships sailing outside Finland's exclusive economic zone are laid down in Annex VI to the MARPOL 73/78 Convention and in European Community legal instruments.

Shipboard incinerators must meet the requirements set out in Annex VI to the MARPOL 73/78 Convention.

Section 11a (998/2014)

Obligations of marine fuel suppliers

Marine fuel suppliers shall issue to ships of 400 gross tonnage and above on international voyages a bunker delivery note as set out in Annex VI to the MARPOL 73/78 Convention, accompanied by a sealed fuel oil sample signed by a representative of the receiving ship. The marine fuel supplier shall keep a copy of the bunker delivery note for a minimum of three years after its issue.

Section 12 (998/2014)

Verification of marine fuel oil compliance

The Customs is responsible for the verification of whether marine fuel oils delivered to ships from Finland are compliant with sulphur limits. The verification shall be performed by taking a

representative number of samples from fuel oil storages and distribution stations, by analysing the samples, and by reporting the results to the Finnish Transport Safety Agency.

The Finnish Transport Safety Agency supervises compliance with the requirements applicable to marine fuels set out in Annex VI to the MARPOL 73/78 Convention and European Union legal instruments.

Section 13 (998/2014)

Reporting and information exchanges concerning marine fuel oils

Manufacturers, sellers and importers of marine fuel oils are obliged to submit information to the Finnish Transport Safety Agency concerning the amounts and quality of marine fuel oils placed on the Finnish market, as set out in Annex VI to the MARPOL 73/78 Convention and in European Union legal instruments.

The Finnish Transport Safety Agency shall maintain a public register of local suppliers of marine fuels.

The Finnish Transport Safety Agency shall report on marine fuels to the European Commission and the International Maritime Organization and ensure information exchanges concerning marine fuels as set out in Annex VI to the MARPOL 73/78 Convention and European Union legal instruments.

Section 14

Temporary exemptions from fuel oil quality requirements

The Ministry of the Environment may, upon written application and on the conditions set out in Annex VI to the MARPOL 73/78 Convention, grant temporary exemptions from the fuel oil quality requirements laid down in this chapter and in European Community legal instruments. Such exemptions shall be valid for a period not exceeding six months at a time.

Section 14a § (275/2017)

Competent authority

The competent authority referred to in Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC, is the Finnish Transport Safety Agency.

Section 14b (275/2017)

National accreditation body

The national accreditation body referred to in Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC, is the Finnish Accreditation Service FINAS.

Section 15

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as for the implementation of European Union legal instruments, concerning Finnish waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone: (998/2014)

- 1) the prohibition and restrictions on emissions referred to in section 1;
- 2) the prohibition and restrictions on emissions referred to in section 2;
- 3) the emission requirements for ships' engines, the exhaust gas cleaning equipment and cleaning methods used in engines, and discharges into water due to the use of exhaust gas cleaning equipment, referred to in section 5;
- 4) exemptions granted from the requirements for the cleaning equipment and cleaning methods of ships' diesel engines and exhaust gases, referred to in section 5;
- 5) the IAPP Certificate, referred to in section 6;
- 6) the quality requirements for fuel oils used on board ships, fuel control procedures, bunker delivery notes and their issuance, and arranging the related verification and control, referred to in sections 7–9;
- 6a) the emission abatement methods referred to in section 9a and their approval; (998/2014)
- 7) testing of new ship emission abatement technologies, referred to in section 10;
- 8) substances referred to in section 11 that may not be incinerated on board ships within Finland's exclusive economic zone or on board Finnish ships outside Finland's territorial waters and Finland's exclusive economic zone;
- 9) the operators' obligation to submit information to the authority designated by decree on the amounts, quality and sulphur content of fuel oil, and on the results of the testing of ship emission reduction and control technologies, referred to in sections 10 and 13, in order for the operators to fulfil their obligations laid down in this chapter; and
- 10) more detailed grounds for granting temporary exemptions to fuel oil quality requirements, referred to in section 14.

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention, and European Union legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

1) equivalents based on the efficiency of any specific fitting, material, appliance or apparatus with the required cleaning equipment and cleaning methods of ships' engines and exhaust gases referred to in section 5, subsection 3;

2) entries in the ship's log and oil record book referred to in section 9, subsection 2.

(998/2014)

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may be extended to apply to ships sailing in inland waters and engaged in domestic voyages.

Chapter 7a (998/2014)

Ship energy efficiency

Section 1 (998/2014)

Requirements for ship energy efficiency

An attained energy efficiency design index value shall be calculated for ships in accordance to the requirements set out in Annex VI to the MARPOL 73/78 Convention.

The attained energy efficiency design index value of a ship shall be compliant with the requirements set out in Annex VI to the MARPOL 73/78 Convention.

Section 2 (998/2014)

SEEMP plan

Ships of 400 gross tonnage and above shall have a Ship Energy Efficiency Management Plan compliant with Annex VI to the MARPOL 73/78 Convention (*SEEMP plan*). This plan may be part of the ship's safety management system.

Section 3 (998/2014)

IEE Certificate

Ships of 400 gross tonnage and above on international voyages must have an International Energy Efficiency certificate (*IEE Certificate*) proving their compliance with the provisions of Annex VI to the MARPOL 73/78 Convention.

The Finnish Transport Safety Agency or a recognised classification society shall, upon written application, issue a Finnish ship's IEE certificate, provided that the ship complies with the requirements set out in Annex VI to the MARPOL 73/78 Convention. The Finnish Transport Safety Agency may issue IEE Certificates to foreign ships at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time. (275/2017)

Section 4 (998/2014)

Exceptions to the requirements for ship energy efficiency

The Finnish Transport Safety Agency shall make decisions on exceptions set out in Annex VI, Regulation 19 of the MARPOL 73/78 Convention to ship energy efficiency requirements.

Section 5 (998/2014)

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as for the implementation of European Union legal instruments, concerning Finnish waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) arrangements for supervising compliance with the requirements of the energy efficiency design index referred to in section 1;
- 2) exceptions to the requirements for ship energy efficiency referred to in section 4;

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention, and European Union legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) calculation of the energy efficiency design index referred to in section 1;
- 2) preparation of the SEEMP Plan;
- 3) the IEE Certificate.

Chapter 8

Other international commitments binding on Finland concerning the prevention of environmental pollution resulting from the normal operation of ships

Section 1

Prohibition on harmful anti-fouling systems on ships

Provisions concerning the prohibition on the use of harmful anti-fouling systems on ships flying the flag of a member state of the European Community and on ships that call at ports or offshore terminals of a member state flying the flag of a non-member state are laid down in the TBT Regulation banning the use of tributyltin.

It is prohibited to use harmful anti-fouling systems on ships flying the flag of states that are Parties to the AFS Convention in inland waters, in Finland's territorial waters or within Finland's exclusive economic zone, as well as on Finnish ships outside inland waters, Finnish waters or Finland's exclusive economic zone, as set out in the AFS Convention.

Section 2

AFS Declaration

AFS Declarations of Finnish ships shall be submitted to the Finnish Transport Safety Agency.

Section 3

Submission of information in accordance with the AFS Convention (473/2016)

The information required under the AFS Convention shall be submitted to the International Maritime Organization by the Finnish Transport Safety Agency. The Finnish Environment Institute shall submit information on anti-fouling systems approved, restricted or prohibited under national legislation to the Finnish Transport Safety Agency.

Section 4 (473/2016)

Application of the Ballast Water Convention and provisions on ballast waters

The Ballast Water Convention and the provisions on ballast waters in this Chapter shall not be applied to:

- 1) recreational craft with a total length of less than 50 metres and maximum volume of ballast water of eight cubic metres;
- 2) ships mainly used for marine search and rescue operations with a total length of less than 50 metres and maximum volume of ballast water of eight cubic metres;
- 3) Border Guard vessels;
- 4) ships that operate exclusively in Finnish waters or Finland's exclusive economic zone.

Section 5 (473/2016)

Prohibition on discharging untreated ballast waters and sediments

Discharging untreated ballast water and sediments at sea from a ship subject to the Ballast Water Convention is prohibited in Finnish waters and Finland's exclusive economic zone and from Finnish ships outside Finland's territorial waters or exclusive economic zone as set out in the Ballast Water Convention and this Act.

Section 6 (473/2016)

Discharging untreated ballast waters and sediments in exceptional circumstances

The provisions of section 5 shall not apply to the discharge of untreated ballast water at sea, if:

- 1) the discharge is necessary for the purpose of securing the safety of the ship in an emergency or saving life at sea;
- 2) the discharge results from damage to the ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence or discovery of the damage for the purpose of preventing or minimising the escape of ballast water into the sea and provided that the owner or the master has not caused the damage intentionally or by negligence;
- 3) the purpose of the discharge is to avoid or limit pollution caused by the ship;
- 4) the ballast water and sediments are taken up and later discharged at open sea; or
- 5) the ballast water and sediments are discharged from the vessel on the location where they originated, provided that they have not been mixed with untreated ballast waters and sediments from other areas; if mixing has taken place, ballast waters taken from other areas shall be treated in accordance with the Ballast Water Convention.

Section 7 (473/2016)

Warnings related to ballast water uptake

The Finnish Transport Agency shall communicate to seafarers and the relevant coastal states warnings prepared in accordance with Regulation C-2 of Annex to the Ballast Water Convention concerning areas where ships should not uptake ballast water.

The provisions in section 6, paragraphs 1–3 on discharging untreated ballast waters and sediments in exceptional circumstances also apply to the uptake of ballast water from areas regarding which a warning referred to in subsection 1 has been given.

Section 8 (473/2016)

Treatment and exchange of ballast water

The ballast waters of a ship subject to the Ballast Water Convention shall be treated and exchanged in compliance with the Ballast Water Convention.

Section 9 (473/2016)

Requirements for ballast water treatment systems

The ballast water treatment systems on ships shall be compliant with European Union legal instruments and the requirements set out in the Ballast Water Convention.

The Finnish Transport Safety Agency or a recognised classification society authorised by the Finnish Transport Safety Agency shall, upon written application, approve the ballast water

treatment systems on Finnish ships, provided that they meet the requirements of European Union legal instruments and the Ballast Water Convention.

The Finnish Transport Safety Agency may issue regulations on equivalents based on efficiency of a specific fitting, material, appliance or apparatus as set out in European Union legal instruments and the Ballast Water Convention.

Section 10 (473/2016)

Testing new ballast water treatment techniques

The testing of new ballast water treatment techniques shall meet the requirements set out in the Ballast Water Convention and the relevant guidelines issued by the International Maritime Organization.

The Finnish Transport Safety Agency shall, upon written application, issue testing permits, provided that the requirements referred to in subsection 1 are met. To a ship participating in a programme for testing and assessing promising ballast water treatment techniques approved by the Finnish Transport Safety Agency before the ballast water performance standard set out in Regulation D-2 of the Annex to the Ballast Water Convention is applicable to the ship in question, the standard in Regulation D-2 shall only be applied five years after the date on which the ship would otherwise have been required to comply with this standard.

To a ship for which the ballast water performance standard set out in Regulation D-2 of the Annex to the Ballast Water Treatment Convention has already entered into force and which is participating in a programme for testing and assessing promising ballast water treatment techniques approved by the Finnish Transport Safety Agency with preconditions for reaching higher standards than those under Regulation D-2, the standard under Regulation D-2 shall only be applied five years after the date on which such technologies have been installed on the ship.

Section 11 (473/2016)

Ballast water plan

A ship subject to the Ballast Water Convention shall have a ballast water plan compliant with this convention.

The ballast water plan of a Finnish ship shall be approved by the Finnish Transport Safety Agency or a recognised classification society.

Section 12 (473/2016)

Ballast water record book

A ship subject to the Ballast Water Convention shall have a ballast water record book compliant with this convention.

The Finnish Transport Safety Agency has the right to inspect the ballast water record book and, on request, obtain an extract of it certified by the master. The actions undertaken by the Finnish Transport Safety Agency in accordance with this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

Section 13 (473/2016)

Ballast water management certificate

Ships of 400 gross tonnage and above on international voyages that are subject to the Ballast Water Convention, excluding floating platforms and other floating units referred to in Regulation E-1 of the Annex to the Ballast Water Convention, shall have a management certificate referred to in the Ballast Water Convention.

The Finnish Transport Safety Agency or a recognised classification society shall, upon written application, issue a Finnish ship's ballast water management certificate, provided that the ship meets the requirements of the Ballast Water Convention. The Finnish Transport Safety Agency may also issue a certificate to a foreign ship at the request of the flag state.

The certificate shall be issued for a fixed period of validity, not exceeding five years at a time.

Section 14 (473/2016)

Granting an exemption to the obligation of treating and exchanging ballast water

The Finnish Transport Safety Agency may, upon written application, grant an individual ship an exemption from the obligation of treating and exchanging ballast water in Finnish waters and Finland's exclusive economic zone referred to in section 8 if this exemption will not impair or damage the environment, human health, property or resources.

An exemption may be granted to a ship that operates between certain ports or locations. The conditions for granting an exemption include that the ship does not mix ballast waters or sediments other than between the ports or locations specified in the exemption.

An adequate assessment of the risks that the exemption could cause to the environment, human health, property and natural resources shall be attached to the application. The instructions issued by the International Maritime Organization and the Baltic Marine Environment Protection Commission on this matter shall be complied with in the preparation of the risk assessment. The Finnish Transport Safety Agency may request a statement on the risk assessment from the Finnish Environment Institute.

The Finnish Transport Safety Agency shall consult a state that may be adversely affected by an exemption with a view to resolving any identified concerns.

The exemption shall be valid for no more than five years. During the period of validity of the exemption, the Finnish Transport Safety Agency shall have the right to carry out an interim inspection to ensure that the preconditions for granting the exemption still exist. If, during an interim inspection or otherwise, it is found that the conditions for granting the exemption no longer are met, the Finnish Transport Safety Agency may cancel the exemption.

An exemption shall only enter into force after the Finnish Transport Safety Agency has informed the International Maritime Organization of it, and the relevant information has been circulated to the parties to the Ballast Water Convention.

The exemption shall be noted in the ballast water plan referred to in section 11 and the ballast water record book referred to in section 12.

Section 15 (473/2016)

Submission of information referred to in the Ballast Water Convention

The information required under the Ballast Water Convention shall be submitted to the International Maritime Organization by the Finnish Transport Safety Agency .

Section 16 (473/2016)

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of the Ballast Water Convention concerning Finnish waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) the prohibition on discharges referred to in section 5;
- 2) the discharge of untreated ballast waters and sediments in exceptional situations referred to in section 6;
- 3) the warnings concerning the uptake of ballast water referred to in section 7.
- 4) the treatment and replacement of ballast waters referred to in section 8;
- 5) requirements concerning ballast water treatment systems referred to in section 9;
- 6) testing of new ballast water treatment technologies referred to in section 10; and
- 7) granting exemptions referred to in section 14.

Technical regulations on the following subjects may be issued by the Finnish Transport Safety Agency for the implementation the Ballast Water Convention concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) requirements concerning ballast water treatment systems referred to in section 9;
- 2) testing of new ballast water treatment technologies referred to in section 10;
- 3) the contents and structure of the ballast water plan referred to in section 11;
- 4) the form of the ballast water record book referred to in section 12;
- 5) the form of the ballast water management certificate referred to in section 13; and
- 6) the method of preparing and contents of the risk assessment referred to in section 14, subsection 3.

Chapter 8a (628/2017)

Ship recycling

Section 1 (628/2017)

Designation of administration

The administration referred to in Article 3(1)(9) of the Ship Recycling Regulation in Finland is the Finnish Transport Safety Agency.

Section 2 (628/2017)

Sending of information

The information required under the Ship Recycling Regulation shall be sent to the European Commission by the Finnish Transport Safety Agency.

The Finnish Transport Safety Agency shall send to the competent authority of the state where the ship recycling facility is located the information referred to in Article 7(4) of the Ship Recycling Regulation on the request of this authority.

Section 3 (628/2017)

Further provisions

The Finnish Transport Safety Agency shall issue regulations on the timeframe within which the owner shall give to the Finnish Transport Safety Agency the notification referred to in Article 6(1)(b) of the Ship Recycling Regulation of their intention to recycle the ship in a specified ship recycling facility or facilities.

Chapter 9

Port reception of waste

Section 1

Port reception facilities

Every port operator shall ensure that the port has sufficient facilities for the reception of the following types of waste from ships using the port:

- 1) oily waste;
- 2) waste containing noxious liquid substances;
- 3) sewage;
- 4) garbage;

5) exhaust gas cleaning residues, whose emission is prohibited in accordance with Annex VI to the MARPOL 73/78 Convention; and

6) cargo residues.

Furthermore, oil terminals must have sufficient equipment to receive oily ballast waters and tank washings from tankers using the terminal.

The importer or other consignee or the exporter or other consignor of the substance carried shall be responsible for the acquisition and use of the reception facilities, as well as for the transport and treatment of waste and mixtures thereby accumulated, pertaining to the noxious liquid substances referred to in subsection 1, paragraph 2.

The obligation of the operator of a harbour, which mainly serves recreational craft (*marina*), to receive waste, concerns harbours accommodating no less than 50 recreational craft, or harbours that can offer winter docking for no less than 50 recreational craft, and where a fee or other compensation is charged for the berth. The marina operator may agree with another harbour operator on maintaining a common reception facility, in which case the harbours shall be deemed one harbour in this respect.

Section 2 (473/2016)

Reception facilities in repair ports

The port operator must ensure that ports where ships are repaired (*repair ports*) are provided, in addition to the reception facilities required under section 1, with reception facilities adequate for:

- 1) ships using the port for the reception of ozone-depleting substances and equipment containing such substances when removed from ships;
- 2) ships using the port for the reception of oily ballast waters and tank washings;
- 3) chemical tankers that dock to undergo repairs; and
- 4) sediments from ships' ballast water tanks.

Section 3

Waste reception and management plan for ports

The port operator shall draw up a waste reception and management plan in order to organise the management of ship-generated waste referred to in section 1. A marina may prepare a common waste reception and management plan for one or more types of waste, with another marina.

When planning activities described in the waste reception and management plan, such as waste reception, collection, storage, treatment and recovery, the size and type of port, as well as the types of ships and vessels using the port, shall be taken into account. The plan shall further lay down requirements stipulating that activities necessary to implementing the waste reception and management plan must be monitored, that detected deficiencies must be remedied without delay, and that waste management activities must be continuously developed and perfected.

After the waste reception and management plan has been approved, the port must be in compliance with it.

Section 4

Approval of waste reception and management plans for ports

Waste reception and management plans for ports shall be submitted for approval by the centre for economic development, transport and the environment in whose territory the port is located. However, waste reception and management plans for marinas shall be submitted for approval by the municipal environmental protection authority in whose territory the marina is located.

The waste reception and management plan for a port shall be revised if significant changes occur in the quality, amount, or management of waste delivered to the port. If no need has arisen to revise the waste reception and management plan for the port during a period of three years from the date of the approval of the plan, the port operator shall notify the competent supervisory authority that the waste reception and management plan is still valid. The waste reception and management plan must be revised if the supervisory authority so requests. In its request, the supervisory authority must state to what extent the waste reception and management plan is to be revised.

The waste reception and management plan for a port must be approved if the reception of waste and the reception facilities meet the requirements set out in this chapter and in Chapter 10, as well as in provisions issued under these chapters.

Upon approval of the waste reception and management plan for a port, the centre for economic development, transport and the environment and the municipal environmental protection authority shall register the plan in the environmental protection information system referred to in the Environmental Protection Act. A copy of such a register entry must be sent to the port operator.

Section 5 (998/2014)

Hearing of parties and provision of information concerning waste reception and management plans for ports

Prior to submitting the waste reception and management plan for a port for approval by the centre for economic development, transport and the environment or the municipal environmental protection authority, the port operator must provide the operators of ships and vessels using the port, as well as their representatives and other parties that may be affected by the waste reception and management plan, with the opportunity to express their opinion on the waste reception and management plan for the port or its revision. The draft waste reception and management plan must be posted in the port operator's office, and otherwise made available in a suitable manner, for no less than fourteen days during the operating period of the port. The port operator shall inform port users and other parties of the posting of the plan on its notice board and website, using electronic communications, by letter or by some other appropriate method.

Information on the waste reception and management arrangements and the waste management fees of the port must be made available by the port operator to those responsible for waste management on ships using the port and their representatives in such a manner that all significant groups of port users receive the information. When approving the waste reception and management plan for a port, the centre for economic development, transport and the environment or the municipal environmental protection authority may, where necessary, determine the

language(s) in which the information shall be provided to those responsible for waste management on ships using the port and their representatives.

Section 6

Avoiding unnecessary delays

The reception of ship-generated waste in accordance with section 1 above must be arranged in such a manner as not to cause unnecessary delays to ships.

Section 7

Reporting

The centres for economic development, transport and the environment, the Finnish Transport Safety Agency and ports shall provide the information required under Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues (hereinafter *Ship-Generated Waste Directive*) to the Finnish Environment Institute, which is responsible for compiling the reports to be sent to the Commission of the European Community.

Section 8

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of the MARPOL 73/78 Convention, the Helsinki Convention, and Finland's other international commitments, as well as European Community legal instruments:

- 1) waste reception arrangements at ports, referred to in section 1;
- 2) waste reception arrangements at repair ports, referred to in section 2; and
- 3) the outline and contents of the port waste reception and management plans, referred to in section 3.

The further provisions referred to in subsection 1 may also be extended to apply to ships sailing in inland waters or engaged in domestic voyages.

Chapter 10

Delivery of waste to port reception facilities

Section 1

Obligation to deliver ship-generated waste and cargo residues

Finnish ships entering a port in the Baltic Sea area or within the European Community and non-Finnish ships entering a Finnish port shall, before the ship leaves the port, deliver all ship-generated waste and cargo residues into the waste reception facilities of the port.

If no reception facilities are available on the marina grounds, waste originating from recreational craft must be delivered to another adequate reception facility ashore, if the waste cannot, in accordance with this Act, be retained on board.

The waste delivery obligation laid down in subsection 1 shall not apply to:

- 1) insignificant amounts of waste, as will be provided by government decree;
- 2) situations where the delivery of waste in a port causes an unnecessary delay to the ship for reasons not attributable to the ship; it is further required that there be sufficiently spacious, separate storage on board the ship for all ship-generated waste and cargo residue(s) that have already accumulated and that will accumulate during the intended voyage of the ship; or
- 3) delivery of sewage from ships, if there is capacity in the sewage tanks of the ship for the voyage to the next port.

Notwithstanding the provisions in subsection 3, where necessary the Finnish Transport Safety Agency may require that ships deliver all waste to the port reception facilities prior to departure, if there is justifiable reason to presume that the waste is to be delivered to a port without adequate reception facilities or the port to which the waste will be delivered is not known, and there is therefore a risk that waste will be discharged at sea. (998/2014)

The master of the ship is responsible for ensuring that the obligations laid down in, and by virtue of, this chapter are complied with on board the ship.

Section 2

Fees for ship-generated waste and cargo residues

In order to cover waste reception and management expenses, the port operator shall charge a fee from every ship that calls at the port, regardless of whether or not the ship delivers any waste in the port. The fee shall cover the expenses of managing the following ship-generated waste:

- 1) oily waste;
- 2) garbage, excluding cargo residue(s); and
- 3) sewage.

In order to cover waste reception and management expenses, the port operator shall also charge a fee from those ships that call at the port and deliver cargo residues to the port reception facilities.

These fees may be included in the port charges collected from ships. The port must publicise the amount of and grounds for the fees. The fees may be varied according to, for example, the type or category or size of the ship, but the amount of the fees must not be dependent on how much waste the ship delivers to port reception facilities. A rebate may be given on the fees if equipment, methods, or a benign fuel is used on board that reduces the amount of waste delivered to port reception facilities to a lower level than usual, or that makes such waste recoverable.

The fee referred to in subsection 1 shall not, however, be charged from fishing vessels or recreational craft entitled to carry no more than 12 passengers. Furthermore, the fee shall not be charged from ships exempted by the Finnish Transport Safety Agency from the mandatory delivery of ship-generated waste and waste residues by virtue of section 4 of this chapter.

Section 3 (275/2017)

Notification of ship-generated waste and cargo residues

Notification of ship-generated waste and cargo residues shall be provided to the operator of a Finnish destination port by the master of a ship or a person duly authorised by the master prior to the arrival of the ship at the port using an information management system for shipping referred to in section 20a of the Vessel Traffic Service Act. The notification shall be given at least 24 hours prior to arrival at the port or, if the duration of the voyage is less than 24 hours, immediately upon departure from the previous port. If the port of call of a ship is known less than 24 hours prior to arrival at the port, the notification shall be given as soon as the port of call is known. Such information shall be kept on board the ship, at least until arrival at the next port of call, and shall be presented upon request to the authorities of a member state of the European Union.

The provisions of subsection 1 shall not apply to fishing vessels or recreational craft that are only entitled to carry 12 passengers or less.

The Finnish Transport Safety Agency shall monitor the enforcement of the Ship-Generated Waste Directive, by reviewing notifications and inspecting ships, as provided in the Directive.

Section 4 (275/2017)

Exemption from the mandatory delivery of waste and to the obligation to provide notification

The Finnish Transport Safety Agency may, upon written application, grant exemptions from the mandatory delivery of ship-generated waste and cargo residues, set out in section 1, and the obligation to provide notification of ship-generated waste and cargo residues, set out in section 3, to ships engaged in regular service, meaning that they operate on a schedule or a pre-confirmed route, between designated ports and that they call at one designated Finnish port located along the route at least once every two weeks. Furthermore, exemptions may be granted to cruise ships or ships engaged in other service, whereby the ship departs from and arrives at the same Finnish port without calling at other ports. Exemptions may be granted on the condition that the ship has concluded a waste management agreement with a qualified waste management company or port. A statement confirming that the ship is mainly using services provided for in the waste management agreement must be submitted to the Finnish Transport Safety Agency, as laid down in more detail in the decision. Exemptions shall be granted for a fixed period not exceeding five years at a time.

The Finnish Transport Safety Agency shall inform the relevant ports of decisions concerning them.

The Finnish Transport Safety Agency shall regularly, and at least once a year, inform the Commission of the European Union of any exemptions granted.

Section 5 (275/2017)

Further provisions

Further provisions on the conditions on which ships are exempted, in accordance with section 1, subsection 3, paragraph 2, from the obligation to deliver waste at ports may be issued by government decree for the implementation of the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as European Union legal instruments.

The further provisions referred to in subsection 1 may also be extended to ships sailing in inland waters and engaged in domestic voyages.

Chapter 11

Obligations of the shipmaster in an incident at sea

Section 1

Notification concerning an oil spill or a risk thereof, and immediate response

If oil has been discharged into water from a ship, or if there is a risk of an oil leak due to a ship running aground, engine breakdown, collision, or other disaster at sea, the master must immediately report the oil spill or risk thereof to the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or the VTS centre. Masters of Finnish ships sailing outside Finnish waters or Finland's exclusive economic zone must report an oil spill or any risk thereof to the authorities of the nearest coastal state. Masters must also take any immediate measures that can be reasonably expected of them.

If, in Finland's territorial waters or Finland's exclusive economic zone, the master of a Finnish ship observes such an extensive amount of oil in the water that, considering the weather and other conditions, there is a risk of an oil disaster, he or she must report the observation to the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or the VTS centre. When the master of a Finnish ship is sailing outside Finnish waters, such an observation must be reported to the authorities of the nearest coastal state. If a member of the ship's crew makes a similar observation, he or she must report this to the master.

The master is not obliged to inform the authorities in accordance with subsection 2, if it is evident that the authorities referred to in subsection 2 have already been informed of the matter.

Section 2

Notification concerning discharges of other noxious substances or a risk thereof, and immediate response

If a noxious substance other than oil is illegally discharged from a ship in Finnish waters or within Finland's exclusive economic zone, the master must, without delay, inform the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or VTS centre of the circumstances related to the ship, its condition, location, cargo and the nature of the incident, and must take any immediate action in response that can be reasonably expected of him or her.

With regard to ships of 15 metres in length and over, the master must inform the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or VTS centre of the circumstances referred to in subsection 1, including in a situation where no discharge has yet occurred but such an occurrence is conceivable. This applies to situations where the ship has sustained damage, the cargo has shifted, or machinery or equipment on the ship has sustained damage posing a risk to the safety of navigation.

Masters of ships sailing outside Finnish waters or Finland's exclusive economic zone, must give notice, referred to in subsections 1 and 2, to the competent authorities of the nearest coastal state.

If the master is incapable of giving the notification referred to in this section, the owner, the charterer, the operator, or the manager, or their representatives must assume responsibility for discharging the master's obligation to provide notification.

Section 3

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of the MARPOL 73/78 Convention, European Community legal instruments, the Helsinki Convention, and Finland's other international commitments, concerning Finland's territorial waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) the way that oil spills and any risk thereof is reported, referred to in section 1; and
- 2) the way that discharges of other noxious substances and any risk thereof is reported, referred to in section 2.

The further provisions referred to in subsection 1 may also be extended to ships sailing in inland waters and engaged in domestic voyages.

Chapter 12

Supervision and administrative enforcement

Section 1

Supervisory authorities

The competent supervisory authorities referred to in this Act are the Finnish Transport Safety Agency, the Finnish Environment Institute, centres for economic development, transport and the environment, the Border Guard, the Customs, and the Police. (998/2014)

The Ministry of Transport and Communications and the Ministry of the Environment shall provide general guidance on activities carried out under this Act, follow-up of these activities and see to the development of the Act within their administrative sectors.

Section 2

Supervisory duties of the Finnish Transport Safety Agency

The Finnish Transport Safety Agency shall monitor compliance with this Act and with the provisions issued under it, insofar as the provisions relate to:

- 1) ships and their construction, as well as cargo;
- 2) fuels used by ships and their quality;
- 3) emissions and discharges from ships into air and water;
- 4) harmful anti-fouling systems on ships;
- 5) shipborne equipment;
- 6) the operation of ships;
- 7) certificates and other documents of ships;
- 8) the notification obligations of the master or other members of the crew;
- 9) the obligation to deliver ship-generated waste to port reception facilities; (473/2016)
- 10) the treatment and replacement of ballast waters and sediments on ships. (473/2016)

Furthermore, the Finnish Transport Safety Agency shall be otherwise responsible for enforcing compliance with this Act and with the provisions issued under it, unless otherwise provided in this Act.

The Finnish Transport Safety Agency is the primary competent authority with respect to the monitoring of compliance with the provisions set out in or issued under this Act regarding discharges from ships within inland waters.

Section 3

Supervisory duties of the Finnish Environment Institute

The Finnish Environment Institute is the primary supervisory authority with respect to the monitoring of compliance with the provisions set out in or issued under this Act regarding discharges from ships in Finland's territorial waters and within Finland's exclusive economic zone.

Section 4

Supervisory duties of the centres for economic development, transport and the environment

Each centre for economic development, transport and the environment shall, within its territory, monitor compliance with this Act and with the provisions issued under it, insofar as the provisions relate to:

- 1) waste management planning at ports;
- 2) port reception facilities for ship-generated waste; and (473/2016)
- 3) fees relating to waste management at ports.

In particular, supervisory duties are directed at merchant shipping ports that require an environmental permit in accordance with the Environmental Protection Act.

Section 5

Supervisory duties of the municipal environmental protection authority

In particular, the municipal environmental protection authority shall monitor waste management at marinas and the reception of waste originating from recreational craft.

Section 6

Supervisory duties of the Border Guard

The Border Guard shall monitor compliance with this Act and with the provisions issued under it, insofar as the provisions relate to discharges from ships in Finland's territorial waters and within Finland's exclusive economic zone.

The Border Guard shall participate in the monitoring of emissions from ships into air and harmful anti-fouling systems as well as ballast waters and sediments discharged from ships at sea in Finland's territorial waters and within Finland's exclusive economic zone as provided in sections 11 and 12. (473/2016)

Section 7 (998/2014)

Monitoring tasks of the Customs

The Customs shall monitor compliance with this Act and with the provisions issued by virtue of it, insofar as the provisions relate to the quality of fuel oils placed on the Finnish market.

Section 8

Supervisory duties of the Police

The Police shall monitor compliance with this Act and with the provisions issued under it, insofar as the provisions relate to discharges from ships in inland waters and Finland's territorial waters.

The Police shall participate in the monitoring of emissions from ships into air and harmful anti-fouling systems as well as ballast waters and sediments discharged from ships on inland waters and in Finland's territorial waters as provided in sections 11 and 12. (473/2016)

Section 9

Executive assistance

In order for a supervisory authority to carry out its duties prescribed under this Act, the Finnish Meteorological Institute, the Finnish Environment Institute, the Finnish Defence Forces, and the regional state administrative agencies shall give the supervisory authority all necessary executive assistance that they are authorised to provide.

Provisions on executive assistance in matters relating to the oil discharge fee are laid down in chapter 3, section 8.

Section 10

Supervision directed at the construction, equipment, fittings, functions and arrangements of ships

Provisions concerning control, inspections and other measures directed at the construction, equipment, installations, routines and arrangements on board ships within Finnish waters, as well as Finnish ships outside Finnish waters, are laid down in the Ship Safety Control Act (370/1995).

Section 11

Investigation of discharges and actions to prevent immediate risk of marine pollution

In order to investigate discharges, the use of harmful anti-fouling systems, and ballast waters and sediments released into water in breach of the Ballast Water Convention or this Act, the Finnish Transport Safety Agency, the Border Guard and the Police are entitled to carry out inspections on board Finnish ships and to take samples for determining the origins of oil, other noxious substances or ballast waters and sediments detected in water as well as to determine the quality of the fuel used on the ship and other sources of emissions from the ship to air. The same applies to foreign ships when in port or at anchor within Finnish waters, or when sailing in Finnish waters. Provisions on measures directed at foreign ships sailing in Finland's territorial waters are laid down in section 12. (473/2016)

If necessary for investigating discharges, the use of harmful anti-fouling systems or ballast waters or sediments discharged into water in breach of the Ballast Water Convention or this Act, or if there is justified reason to suspect an immediate risk of immediate environmental pollution or spread of invasive alien species related to the voyage of the ship for reasons other than those pertaining to its construction, equipment, installations, routines and arrangements, the Finnish Transport Safety Agency, the Border Guard and the Police may detain the ship while in port or at anchor in Finnish waters. The same applies to Finnish ships sailing in or outside Finnish waters and foreign ships sailing in Finnish waters. Provisions on measures directed at foreign ships sailing in Finland's territorial sea are laid down in section 12. (473/2016)

The measures referred to in subsections 1 and 2 shall, taking into consideration the provisions of chapter 1, section 4, apply to ships of the Finnish Defence Forces and the Border Guard only where appropriate.

The right to carry out an inspection does not extend to spaces used as permanent living quarters.

Section 12

Right to carry out inspections, receive information and detain ships in Finland's territorial sea or exclusive economic zone

When there is justified reason to suspect that a foreign ship sailing in Finland's territorial waters has caused discharges, used a harmful anti-fouling system or discharged ballast waters or sediments into the water in breach of the Ballast Water Convention or this Act in the territorial waters, the Finnish Transport Safety Agency, the Border Guard and the Police may take any and all measures referred to in section 11, subsections 1 and 2. (473/2016)

When there is justified reason to suspect that a violation of this Act or of provisions issued under it has been committed on board a foreign ship sailing in Finland's territorial sea or within Finland's exclusive economic zone, the Finnish Transport Safety Agency, the Border Guard and the Police are entitled to receive, from the ship, information regarding the ship, its port of registry, its latest port of call, and its port of destination, as well as other information needed to determine whether the provisions have been violated.

In a situation referred to in subsection 2, the Finnish Transport Safety Agency, the Border Guard and the Police are entitled to inspect the ship, in the event that a violation of the provisions referred to in subsection 2 results in a considerable discharge, causing significant pollution of the marine environment or a risk thereof, and the ship has refused to submit information, or the information submitted by the ship is clearly inconsistent with the actual situation, and the circumstances call for an inspection in other respects.

If it is evident that a violation of this Act, or of the provisions issued under it, has been committed within Finland's exclusive economic zone by a foreign ship so that considerable damage or risk thereof is caused to Finland's shoreline or any interests pertaining to it, or to the natural resources of Finland's territorial sea or exclusive economic zone, the Finnish Transport Safety Agency, the Border Guard and the Police may detain the ship when it sails in the territorial sea or in the exclusive economic zone.

The measures referred to in subsections 2–4 may also be directed, on the conditions laid down in the subsections, to foreign ships sailing within Finland's exclusive economic zone that are suspected of having violated this Act, or the provisions issued under it, when sailing in Finland's territorial sea.

The right to carry out an inspection does not extend to spaces used as permanent living quarters.

Section 13

Obligation to avoid unnecessary delay and the principle of lesser harm

The measures provided for in sections 11 and 12 above must be carried out without causing unnecessary delay to the ship.

Inspections of foreign ships must be limited to the inspection of certificates and other documents required under international conventions binding on Finland, or to the inspection of other similar documents. Ships may be inspected more thoroughly only if they have first been inspected in accordance with the first sentence of this subsection and if there is justified reason to suspect that the condition of the ship or its equipment materially differs from the information contained in the documents, or if the information contained in the documents is insufficient to confirm or verify a

suspected violation of regulations, or if the ship does not have valid certificates or documents in accordance with the relevant requirements.

Even when investigations carried out in accordance with sections 11 and 12 reveal that a violation of this Act or of provisions issued under it has been committed on board a foreign ship, the ship must be allowed to continue its voyage without delay.

If unreasonable risk of damage is caused to the marine environment by allowing a foreign ship, detained under section 12, subsection 4 when sailing within Finland's exclusive economic zone, to continue its voyage, the Finnish Transport Safety Agency may forbid the ship from continuing its voyage, or may allow the ship to continue its voyage on condition that the ship be transferred to the nearest appropriate repair yard. The flag state of a foreign ship must be informed, without delay, of the decision forbidding or imposing conditions on the continuation of the voyage.

The provisions of the Ship Safety Control Act shall apply to inspection and detention of foreign ships, and restrictions on their operation.

Section 14

Depositing a payment guarantee

If it is evident that a violation of this Act or of provisions issued under it has been committed on board a ship sailing in Finnish waters or within Finland's exclusive economic zone and this causes considerable damage or risk thereof to Finland's shoreline or any interests pertaining to it, or to the natural resources of Finland's territorial sea or exclusive economic zone, the ship may be permitted to continue its voyage on condition that sufficient cash payment is deposited on behalf of the ship for the fulfilment of any potential liability for damages.

The Finnish Environment Institute shall decide on the depositing and amount of the cash payment. The decision may be appealed to the Helsinki Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). The decision must be complied with regardless of appeal. The decision of the Administrative Court is not subject to appeal. The provisions of the act on the deposit of cash, book entries, securities or instruments in payment of debts or for release from other liabilities shall apply to the depositing of the cash payment. The cash deposit must be refunded to the depositor once the conditions for holding it no longer exist.

The flag state must be informed of the conditions under which the ship may continue its voyage.

Section 15

Administrative enforcement

The Finnish Transport Safety Agency and the centres for economic development, transport and the environment may, within their competence as prescribed under this Act:

- 1) prohibit a party acting in violation of this Act, or decrees or regulations issued under it, from continuing or repeating activities that are in violation of legislation or regulations;
- 2) order a party acting in violation of this Act, or decrees or regulations issued under it, to fulfil its obligations in some other manner;

3) order a party acting in a manner referred to in paragraphs 1 and 2 to restore the environment to its original condition or to remove any damage or disadvantage caused to the environment by the said party's violation.

Section 16

Notice of a conditional fine, notice of enforced compliance and notice of enforced suspension

The Finnish Transport Safety Agency and the centres for economic development, transport and the environment may reinforce a prohibition or order issued under this Act by imposing sanctions such as notice of a conditional fine, notice of enforced compliance, or notice of enforced suspension, as provided in the Act on conditional fines (1113/1990).

Section 17

Supervisory authorities' duty to take action when a ship breaches its obligation to deliver waste to port reception facilities or when a ship discharges environmental pollutants

If there is clear evidence that a ship has breached its obligation to deliver ship-generated waste and cargo residues to port reception facilities, the Finnish Transport Safety Agency must detain the ship or, if the ship's next port of call is a foreign port, inform the competent supervisory authority as provided in the Ship-Generated Waste Directive.

If a ship has been found to have discharged oil or any noxious liquid substance in Finnish waters, within Finland's exclusive economic zone or in the high seas, the Finnish Environment Institute, the Border Guard or the Finnish Transport Safety Agency must inform the ship's next port of call and the flag state of the observed discharge, and must request that action be taken due to the discharge in accordance with the provisions of the European Parliament and Council Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements, as amended.

Section 18 (998/2014)

Further provisions

Further provisions on the supervisory duties of the Finnish Transport Safety Agency, the Finnish Environment Institute, the centres for economic development, transport and the environment, the Border Guard, the Customs and the Police, or on the division of duties of these authorities, may be issued by government decree.

Chapter 13

Miscellaneous

Section 1

Charges, fees and reimbursement of costs

The provisions of the Act on Criteria for Charges Payable to the State (150/1992) shall apply to charges payable for the services provided and control measures undertaken by authorities in accordance with this Act. Further provisions on charges payable to state authorities shall be issued by a decree of the Ministry of Transport and Communications. Charges can be collected for the performance of official duties of municipalities under this Act. Where appropriate, the basis of such charges must correspond to the Act on Criteria for Charges Payable to the State. The basis of charges payable to municipalities shall be determined in more detail in the rates approved by municipalities.

The party requesting an inspection of a ship must pay a fee to the nominated inspector for actions taken in accordance with this Act or with the provisions issued under it, or for a document issued based on such action(s). The provisions of the Act on the Technical Safety and Safe Operation of Ships (1686/2009) concerning fees payable to nominated inspectors and admeasurers shall apply to the grounds determining the amount of fees. Further provisions on the amount of fees shall be issued by government decree.

The nominated inspector is entitled to receive a daily allowance and compensation for travel expenses, in accordance with the State Travel Regulations. If the ship is not at berth, the nominated inspector must be transported to the ship, or he or she is entitled to receive compensation for any costs and expenses incurred for arranging the transport.

The charges, fees and reimbursements of costs referred to in this section may be collected from the party liable for payment in the order prescribed in the Act on Enforcement of Taxes and Charges (706/2007).

Section 2

Nominated inspectors and their qualifications, appointment and governance requirements

The provisions of the Act on the Technical Safety and Safe Operation of Ships concerning nominated surveyors shall apply to the qualifications, as well as to the granting and revoking of letters of appointment, of nominated inspectors appointed by the Finnish Transport Safety Agency. Further provisions on the qualifications of nominated inspectors shall be issued by government decree.

In the performance of their public administrative duties under this Act, nominated inspectors must comply with the provisions of the Administrative Procedure Act (434/2003), the Language Act (423/2003), the Act on Electronic Services and Communication in the Public Sector (13/2003) and the Act on the Openness of Government Activities. The technical documents of ships must, however, be provided on board ships in the language in which technical documents are generally drawn up on board.

In the performance of their duties under this Act, provisions on the criminal liability of public officials for the legality of their actions shall be applied to nominated inspectors appointed to the task by the Finnish Transport Safety Agency. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 2a (473/2016)

A classification society employee's liability for acts in office

The provisions on criminal liability for acts in office shall be applied to an employee of a recognised classification society when they are performing a public administration duty referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act.

Section 3

Penal provisions

Penalties for degrading the environment in violation of this Act or provisions issued under it, where such activity that caused the degradation is not due to negligence on board a foreign ship, shall be imposed in accordance with chapter 48, sections 1–4 of the Criminal Code of Finland (39/1889).

Whosoever deliberately or through gross negligence, in a manner other than referred to in subsection 1, violates:

- 1) the prohibition and restrictions on the discharge of oil, referred to in chapter 2, section 1;
- 2) the requirements concerning oil tankers, referred to in chapter 2, section 3, subsections 1, 2 and 4;
- 3) the prohibitions on the carriage of oil, referred to in chapter 2, section 3, subsection 4 and section 8;
 - 3 a) the areas designated for STS transfers in chapter 2a, section 1, subsection 1, the STS transfer plan in section 2, subsection 1, the duty to give advance notification in section 3, subsections 1–3 and the provisions on the qualification requirements applicable to persons with overall control of an STS transfer in section 4; (275/2017)
- 4) the prohibition and restrictions on the discharge of noxious liquid substances, referred to in chapter 4, section 2;
- 5) the structural and equipment requirements for chemical tankers, referred to in chapter 4, section 4;
- 6) the prohibition and restrictions on the discharge of sewage, referred to in chapter 5, section 1;
- 7) the prohibition and restrictions on the disposal of garbage, referred to in chapter 6, section 1;
- 8) the requirements, such as equipment requirements, concerning diesel engines and incinerators, or requirements concerning fuel oils, laid down in order to restrict emissions, referred to in chapter 7, sections 5, 7 and section 11, subsection 3;

8 a) the monitoring and reporting duties laid down in Articles 8–12 of Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC; (275/2017)

9) the prohibition on the incineration of waste and the related emission restrictions, referred to in chapter 7, section 11, subsections 1) and 2;

10) the prohibition on the use of harmful anti-fouling systems, referred to in chapter 8, section 1;

10 a) the prohibition on discharging untreated ballast waters and sediments referred to in chapter 8, section 5; (473/2016)

10 b) the prohibition or restriction on installing or using hazardous materials on ships referred to in Article 4 or Article 12(2) of the Ship Recycling Regulation; (628/2017)

Section 10b added by virtue of Act 628/2017 shall enter into force on a date provided in a decree.

10 c) an obligation related to recycling a ship or preparing to send a ship for recycling referred to in Article 6 of the Ship Recycling Regulation; (628/2017)

Section 10c added by virtue of Act 628/2017 shall enter into force on a date provided in a decree.

11) the obligation to arrange sufficient facilities for the reception of waste at ports, referred to in chapter 9, sections 1 and 2;

12) the obligation to deliver waste to port reception facilities, referred to in chapter 10, section 1;

13) the obligation to give notifications concerning ship-generated wastes, referred to in chapter 10, section 3;

14) the obligation to give notifications concerning an oil spill or a risk thereof, referred to in chapter 11, section 1; or

15) the obligation to give notifications concerning discharges of noxious substances other than oil, or a risk of discharging such substances, referred to in chapter 11, section 2,

shall be fined for *infraction of the Act on Environmental Protection in Maritime Transport*, unless the offence is of a minor nature or unless a more severe punishment is provided for elsewhere under law.

A person who breaches such an obligation or violates such a prohibition, prescribed under this Act, where a sanction such as notice of a conditional fine, notice of enforced compliance, or notice of enforced suspension has been imposed to reinforce a prohibition or order, cannot be punished for the same act in accordance with subsection 2.

For conduct punishable in accordance with subsection 2 above, the person into whose sphere of responsibility the act or negligence belongs shall be sentenced. The circumstances of the party, the nature and extent of his or her duties and powers, and his or her contribution to how the illegality arose and continued, shall be taken into consideration in making the assessment.

An owner who deliberately or by negligence fails to comply with the obligation related to an inventory of hazardous materials laid down in Article 5 or 12 of the Ship Recycling Regulation shall also be sentenced for infraction of the Act on Environmental Protection in Marine Transport. (628/2017)

Subsection 5 added by virtue of Act 628/2017 shall enter into force on a date provided in a decree.

Section 4

Obligation to inform the flag state of the ship

When measures referred to in chapter 12, sections 11 and 12, are directed at a foreign ship, the Finnish Transport Safety Agency must, without delay, inform the flag state thereof. If the act in question was committed in Finnish waters, only information concerning the judicial proceedings must be submitted.

Section 5

Right to use coercive measures against foreign ships in Finland's exclusive economic zone

When investigating an act referred to in section 3 which is punishable under chapter 48, sections 1-4 of the Criminal Code and which only carries a possible penalty of a fine under chapter 48, section 10 of the Criminal Code, the right to use coercive measures shall be determined in accordance with the penal sanctions laid down in chapter 48, sections 1-4 of the Criminal Code.

Section 6

Criminal jurisdiction regarding foreign ships

Notwithstanding the provisions of chapter 1 of the Criminal Code concerning violations referred to herein in section 3, subsection 2, Finnish law shall also apply to offences committed on board foreign ships while sailing in Finland's exclusive economic zone.

If the offence referred to in section 3 has been committed on board a foreign ship while sailing in Finland's exclusive economic zone, the criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, unless any of the circumstances referred to in chapter 1, section 12, subsection 2 of the Criminal Code.

If a foreign ship has not called at a Finnish port voluntarily or anchored voluntarily in Finnish waters, charges for offences referred to in subsection 2 may only be brought if the discharge has caused considerable damage or a risk thereof to Finland's shoreline or to the interests pertaining thereto, or to the natural resources in Finland's territorial sea or within Finland's exclusive economic zone.

Charges may not be brought for offences referred to in subsection 2, if the flag state of the ship takes legal action in order to impose a penalty within six (6) months of the initiation of the preliminary investigation in Finland. Proceedings pending in Finland must be terminated upon the completion of any legal action taken by the flag state.

Notwithstanding the provisions of subsection 4, charges for offences referred to in subsection 2 may be brought if the offence has caused considerable damage to Finland as a coastal state, or if the flag state of the ship has repeatedly neglected its duty to effectively enforce obligations concerning violations of international conventions on the prevention of marine pollution from ships, committed on board ships flying its flag.

Section 7

Claim for a revised decision

A party may submit a claim to the Finnish Transport Safety Agency for a revised decision as provided in the Administrative Procedure Act if a decision concerns: (473/2016)

1) an inspection of the ship carried out by the Finnish Transport Safety Agency or a recognised classification society, or any document concerning the ship issued under this Act, or a decision issued following an inspection conducted by an inspector appointed by the Finnish Transport Safety Agency; or (473/2016)

2) a fee payable for proceedings conducted or a decision or certificate issued in accordance with this Act, imposed by an inspector nominated by the Finnish Transport Safety Agency.

Decisions for which a revised decision may be sought are not subject to ordinary appeal. The instructions for a claim for a revised decision shall be appended to the decision. A revised decision must be sought within 30 days of the serving of the decision or of the date of issuance of a payment order.

The Finnish Transport Safety Agency shall make a decision concerning the claim for a revised decision referred to in this section within two months of the beginning of *lis pendens* of the claim for a revised decision. However, if the decision is preventing the normal operation of the ship, the decision on the claim for a revised decision must be issued within 14 days of the beginning of *lis pendens* of the claim for a revised decision.

Section 8

Appeal

Decisions other than those referred to in chapter 3, section 5, and chapter 12, sections 14 and 16, as well as in section 7 of this chapter, may be appealed as laid down in the Administrative Judicial Procedure Act.

If the Finnish Transport Safety Agency has not issued a decision regarding a claim for a revised decision within the time specified in section 7, subsection 3 of this chapter, the deadline for filing an appeal shall be calculated from the expiry of the time limit prescribed in section 7, subsection 3 of this chapter.

If the decision is preventing the normal operation of the ship, the appeal must be processed as urgent.

Section 9

Enforcement of decisions

Consideration of claims for a revised decision or appeals does not prevent the enforcement of decisions, unless otherwise ordered by the authority considering the claim for a revised decision or by the appellate authority.

Provisions on the enforcement of payment decisions concerning oil discharge fees are laid down in chapter 3, section 15.

Section 10

Competent court

Regarding a specific ship, or an alleged act of environmental pollution caused by it, the competent court in matters falling within the scope of this Act shall be the district court (*maritime court*) referred to in chapter 21, section 1, of the Maritime Act, in whose jurisdiction the incident that resulted in the judicial proceedings occurred. If the incident has occurred while the ship was at sea, the matter may be brought before the maritime court in whose jurisdiction the port, at which the ship first calls, is located.

When the offence referred to in section 3 of this chapter has been committed within Finland's exclusive economic zone, the criminal case shall be heard by the maritime court. The court closest to whose jurisdiction the offence can be deemed to have been committed, shall, by applying the provisions of chapter 4, section 1, subsections 1–2 of the Criminal Procedure Act (689/1997). When applying this section, the judicial districts of these maritime courts shall be considered to extend, without a change in direction, from the outer limit of the internal territorial waters to the outer limit of the exclusive economic zone.

When the offence referred to in section 3 of this chapter has been committed outside Finnish territory and outside Finland's exclusive economic zone, the criminal case shall be heard by the Helsinki District Court.

Section 11

Entry into force

This Act shall enter into force on 1 January 2010.

This Act repeals the Act on the Prevention of Pollution from Ships issued on 16 March 1979 (8300/1979) as amended.

Nonetheless, the following decrees shall remain in force:

1) the Decree on Ship Surveys, issued on 3 December 1999 (1123/1999);

Subsection 2 was repealed by Act 1503/2011.

3) the Decree on Chemical and Gas Tankers, issued on 26 March 1982 (244/1982).

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

Section 12

Transitional provisions

Temporary certificates, equivalents, exemptions and other permits issued prior to the entry into force of this Act will remain valid under this Act until the termination of their periods of validity.