

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

**Act**  
**on the Technical Safety and Safe Operation of Ships**  
(1686/2009, amendments up to 169/2019 included)

By decision of Parliament, the following is enacted:

**Chapter 1**  
**General provisions**

**Section 1**  
**Scope of application**

This Act lays down provisions on the technical safety, load line, survey, tonnage measurement and safe operation of ships.

**Section 2**  
**Definitions**

For the purposes of this Act and the provisions issued under it:

- 1) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974 (Finnish Treaty Series 11/1981), as amended.
- 2) *Non-SOLAS Directive* means Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships;
- 3) *MARPOL 73/78 Convention* means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973 (Finnish Treaty Series 51/1983), as amended.
- 4) *Helsinki Convention* means the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Finnish Treaty Series 2/2000), and its Annexes, as amended;
- 4 a) *Ballast Water Management Convention* means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004, as amended;
- 5) *High-Speed Craft Code* means the International Code of Safety for High-Speed Craft, contained in Resolution MSC.36(63) (1994 HSC Code), adopted by the Maritime Safety Committee of the International Maritime Organization (IMO) on 20 May 1994 and in Resolution MSC.97(73) (2000 HSC Code), adopted by the Maritime Safety Committee on 5 December 2000, as amended;
- 6) *Fishing Vessel Directive* means Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, as amended by Commission Directives 99/19/EC and 2002/35/EC, Directive 2002/84/EC, and Regulation (EC) No 219/2009 of the European Parliament and of the Council;
- 7) *Torremolinos Protocol* means the Protocol of 1993 relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977, as amended;
- 8) *Special Purpose Ship Code* means the Code of Safety for Special Purpose Ships, contained in Resolution A.534(13), adopted on 17 November 1983 by the IMO General Assembly and Resolution MSC.266(84), adopted on 13 May 2008 by the IMO Maritime Safety Committee, as amended;

- 9) *Classification Society Directive* means Directive 2009/15/EC of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, as amended;
- 10) *Load Line Convention* means the 1966 International Load Line Convention (Finnish Treaty Series 52/1968), as amended;
- 11) *Agreement on Load Lines for the Baltic Sea* means the Agreement between the Government of the Republic of Finland and the Government of the Union of Soviet Socialist Republics on Load Lines on the Baltic Sea (Finnish Treaty Series 26/1988);
- 12) *Tonnage Measurement Convention* means the International Convention on Tonnage Measurement of Ships, 1969 (Finnish Treaty Series 31/1982);
- 13) *Maritime Labour Convention* means the International Maritime Labour Convention, 2006 (Finnish Treaty Series 52/2013);
- 13a) *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;
- 14) *Vessel* includes every description of watercraft used or capable of being used as a means of transport on water;
- 15) *Workboat* means any vessel of not less than 2.5 metres but less than 24 metres in length used to carry out a profession or a trade;
- 16) *Special purpose ship* means a self-propelled ship which, in addition to the crew, carries more than 12 special personnel, i.e. persons who are specially needed for the particular operational duties of the ship such as scientific research, training of ships' crews, cable laying, salvage of ships and property or other similar purposes, however not ships used as ordinary passenger ships;
- 17) *Pleasure craft* means any boat of any type intended for sports and leisure purposes of hull length from 2.5 metres to 24 metres, measured according to the harmonised standard, regardless of propulsion; a vessel that is chartered with or without a crew is not a recreational craft;
- 18) *Fishing vessel* means any vessel equipped and used commercially for catching fish or other living resources of the sea;
- 19) *Passenger ship* means a ship used for merchant shipping which carries more than 12 passengers. Passenger means any person other than the master and crew members or any other person employed on the ship in whatever capacity or serving in that capacity for the ship; however, children under one year of age are not included in the number of passengers;
- 20) *Ro-ro passenger ship* means a ship intended to carry more than 12 passengers and equipped with ro-ro cargo spaces or special category spaces as defined in Annex I, regulation II-2/A/2 of the Non-SOLAS Directive;
- 21) *High-speed craft* means a high-speed craft as defined in chapter X, regulation 1 in the Annex to the SOLAS Convention;
- 22) *High-speed passenger craft* means a high-speed craft, as defined in chapter X, regulation 1 in the Annex to the SOLAS Convention, which carries more than 12 passengers; passenger ships of classes B, C or D engaged on domestic voyages in sea areas, as referred to in paragraph 38 shall not be considered high-speed passenger craft when their volume of displacement corresponding to the design waterline is less than 500 cubic metres and their maximum speed, as defined in paragraph 1.4.30 of the HSC Code, is less than 20 knots;
- 23) *Barge* means a vessel of not less than 12 metres in length with no propulsion machinery of its own; the minimum length does not apply to barges used for underwater work;
- 24) *Charter boat* means a vessel within the scope of the Act on the Safety of and Discharge Requirements for Certain Recreational Craft (1712/2015), chartered for recreational purposes with or without crew and carrying a maximum of 12 passengers in non-regular service; sailing boats of less than 5.5 metres in hull length, as declared by the manufacturer, boats equipped

with an engine whose engine output, as declared by the engine manufacturer, is less than 15 kilowatt, personal watercraft (PWC) and rowing boats are not charter boats;

25) *Cargo ship* means any ship of not less than 5.5 metres in length which is not defined in paragraphs 15) to 24) above;

26) *Tanker* means a cargo ship constructed or chiefly adapted for the carriage of liquid cargoes in bulk;

27) *Ship's length* means 96% of the total length of the ship on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this is measured shall be parallel to the design waterline. In ships less than 12 m in length, the length equals the ship's overall length;

28) *Gross tonnage* means the gross tonnage specified in the Tonnage Certificate of a ship determined in accordance with the formula included in Annex I to the International Convention on Tonnage Measurement of Ships; the gross tonnage of an integrated system formed by a pusher and a barge is their overall gross tonnage;

29) *Net tonnage* means the net tonnage specified in the Tonnage Certificate of a ship determined in accordance with the formula included in Annex I to the International Convention on Tonnage Measurement of Ships; the net tonnage of an integrated system formed by a pusher and a barge is their overall net tonnage;

30) *International load line mark* means a load line mark determined in accordance with the Load Line Convention;

31) *Load line mark for the Baltic Sea* means a load line mark determined in accordance with the Agreement on Load Lines for the Baltic Sea;

32) *Fishing vessel classes* mean classes I, II and III, with vessels of less than 15 metres in length belonging to class I; vessels of 15 metres but less than 24 metres in length belonging to class II; and vessels of not less than 24 metres in length belonging to class III;

33) *Regular service* means a series of ship crossings operated either according to a specific timetable or according to specified routes;

34) *International trade* means voyages between foreign ports, or between a Finnish port and a foreign port; international trade is divided into four trading areas as follows:

a) *Baltic Sea trade* is traffic beyond the area of domestic voyages in the Baltic Sea proper, including the Gulf of Finland and the Gulf of Bothnia, with the parallel of the Skaw between Denmark and Sweden at 57° 44.8' N marking the boundary between the Baltic Sea and the North Sea;

b) *near-coastal trade* is traffic beyond the area of Baltic Sea trade in the North Sea and its connecting waters, but no farther west than 12°W, south than 48°N or north than 64°N;

c) *European trade* is traffic beyond the area defined as near-coastal, but no farther west than 12°W, south than 30°N or east than 45°E;

d) *worldwide trade* is traffic beyond the areas defined as near-coastal and European;

35) *international voyages* mean sea voyages from Finnish ports to foreign ports or vice versa;

36) *Domestic trade* means voyages between Finnish ports. Voyages to Vyborg via the Saimaa Canal and its connecting Russian territorial waters, and voyages between Vichrevoy and Vyborg are considered equivalent to domestic trade. Domestic trade is divided into three trading areas as follows:

a) *trading area I*, comprising rivers, canals, ports and lakes, and areas in the inner archipelago which are not directly exposed to swell from the open sea, as well as short exposed fairway sections in the inner archipelago;

b) *trading area II*, comprising the outer archipelago and island areas directly exposed to swell from the open sea;

c) *trading area III*, comprising the areas of open sea in domestic trade.

37) *Domestic voyages* mean voyages on the Finnish territorial sea from Finnish ports to other Finnish ports or to the same Finnish ports;

38) *Sea areas* mean the following areas:

- a) *Area A* is the sea area outside areas B, C and D;
- b) *Area B* is the sea area whose geographic coordinates are at no point further than 20 miles from the coastline but which is outside areas C and D;
- c) *Area C* is the sea area whose geographic coordinates are at no point further than 5 miles from the coastline but which is outside area D and where the probability of a significant wave height exceeding 2.5 metres is smaller than 10% over a one-year period;
- c) *Area D* is the sea area whose geographic coordinates are at no point further than 3 miles from the coastline and where the probability of a significant wave height exceeding 1.5 metres is smaller than 10% over a one-year period;

(8.2.2019/169)

*Section 38 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

38) *Classes of passenger ships* mean the classes of non-SOLAS ships defined according to the sea area in which they operate:

- a) *Class A* means a passenger ship engaged on domestic voyages in or beyond the areas covered by Classes B, C and D;
- b) *Class B* means a passenger ship engaged on domestic voyages, also in sea areas covered by Classes C and D, in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height;
- c) *Class C* means a passenger ship engaged on domestic voyages, also in sea areas covered by Class D, in sea areas where the probability of a significant wave height exceeding 2.5 metres is smaller than 10% over a one-year period for all-year round operation, or over a specific restricted period of the year for operation exclusively in such a period, in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height;
- d) *Class D* means a passenger ship engaged on domestic voyages in sea areas where the probability of a significant wave height exceeding 1.5 metres is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period, in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height;

38a) *Classes of passenger ships* mean the classes of non-SOLAS ships defined according to the sea area in which they operate:

- a) *Class A* means a passenger ship engaged on domestic voyages which may operate in areas A, B, C and D;
- b) *Class B* means a passenger ship engaged on domestic voyages which may operate in areas B, C and D;
- c) *Class C* means a passenger ship engaged on domestic voyages which may operate in areas C and D;
- d) *Class D* means a passenger ship engaged on domestic voyages which may operate in area D;

(169/2019)

*Section 38a added by Act 169/2019 enters into force on 21 December 2019.*

39) *Catch area I* means lakes and the inner and outer archipelago to the outer limit of Finland's inner territorial waters; *catch area II* means the open sea in the Gulf of Finland, the northern Baltic Sea and the Gulf of Bothnia north of latitude 59° 00'N; and *catch area III* means the other sea areas in the Baltic Sea as far as the parallel of the Skaw between Denmark and Sweden at 57° 44.8'N;

40) *Winter navigation* means navigation through a newly broken ice channel or navigation involving ramming of fast ice;

41) *Classification Society Regulation* means Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations;

42) *Recognised classification society* means any organisation recognised in accordance with the Classification Society Regulation and with which the Finnish Transport and Communications Agency has concluded an authorisation agreement to conduct surveys;

43) *Owner* means the owner or charterer of a ship who, either on his own or together with other persons, has effective control in matters connected with the safety of the ship; under this Act, a person who under an agreement or otherwise has assumed effective responsibility for matters connected with the safety of the ship is considered to be equal to an owner; (169/2019)

*Section 43 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

43) *Owner* means the owner or charterer of a ship who, either on his own or together with other persons, has effective control in matters connected with the safety of the ship; under this Act, a person who under an agreement or otherwise has assumed effective responsibility for matters connected with the safety of the ship is considered to be equal to an owner;

44) *port area* means a water area controlled by a port company; (169/2019)

*Section 44 added by Act 169/2019 enters into force on 21 December 2019.*

45) *Traditional ship* means a historical vessel entered in the National Board of Antiquities' Register of traditional ships of not less than 5.5 m in length which does not operate in regular trade and which was designed before 1965; (169/2019)

*Section 45 added by Act 169/2019 enters into force on 21 December 2019.*

46) *Pleasure yacht* means a craft intended for sports and leisure purposes of a hull length of over 24 metres, measured according to the harmonised standard, and gross tonnage of less than 500. (169/2019)

*Section 46 added by Act 169/2019 enters into force on 21 December 2019.*

*The Act on the Safety of and Discharge Requirements for Certain Pleasure Craft 621/2015 was repealed by Act 1712/2015. See the Act on the Safety of and Discharge Requirements for Pleasure Craft 1712/2015.*

### **Section 3** **Vessels within the scope of application of the Act**

This Act applies to Finnish vessels in and outside Finnish waters and to foreign vessels in Finnish waters as provided below.

This Act applies to Finnish fishing vessels of 10 metres in length and over. However, in domestic trading area I the Act applies only to fishing vessels of 12 metres in length and over. In addition, the Act applies to foreign fishing vessels of Class III which are used in fishing in Finnish territorial waters or which discharge their catch in a Finnish port.

This Act does not apply to pleasure craft or pleasure yachts. (169/2019)

*Subsection 3 as amended by Act 169/2019 enters into force on 21 December 2019, The previous wording was:*

This Act does not apply to pleasure craft.

This Act does not apply to the following vessels if subject to another appropriate survey regime:

- 1) ships belonging to the Finnish Defence Forces or the Border Guard Service, unless they are used for public-service transport of passengers or cargo; or
- 2) ships used in non-commercial voluntary maritime search and rescue.

#### **Section 4 (169/2019)**

##### **References to other legislation**

The Ship Safety Control Act (370/1995) contains provisions on the supervision of compliance with the provisions on the safety of ships.

The Act on the Safe Loading and Unloading of certain Bulk Carriers (1206/2004) contains provisions on the harmonised requirements and procedures for the safe loading and unloading of bulk carriers.

The Pressure Equipment Act (1144/2016) contains provisions on ensuring safety and the duties of the supervisory authority in respect of pressure equipment on ships.

In addition to the provisions laid down in this Act, provisions concerning electrical installations in ships are also laid down in the Electrical Safety Act (1135/2016).

Provisions on pollution prevention are laid down in the Act on Environmental Protection in Maritime Transport (1672/2009).

The Water Traffic Act (463/1996) contains provisions on requirements applicable to merchant vessels and pleasure craft insofar as these are not regulated elsewhere by law.

The Act on Safety of and Discharge Requirements for Recreational Craft contains provisions on the protection of human health and safety as well as of property and the environment from the harmful effects of pleasure craft, personal watercraft and their equipment as well as from their exhaust and noise emissions.

Provisions on marine equipment, the conformity of which is governed by international conventions, are laid down in the Marine Equipment Act (1503/2011).

Provisions on inspections and statements related to issuance of a maritime labour certificate in accordance with the Maritime Labour Convention are laid down in the Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012).

*Section 4 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

#### **Section 4**

##### **References to other legislation**

The Ship Safety Control Act (370/1995) contains provisions on the supervision of compliance with the provisions on the safety of ships.

The Act on the Safe Loading and Unloading of certain Bulk Carriers (1206/2004) contains provisions on the harmonised requirements and procedures for the safe loading and unloading of bulk carriers.

The Pressure Equipment Act (869/1999) contains provisions on ensuring safety and the duties of the supervisory authority in respect of pressure equipment on ships.

In addition to the provisions laid down in this Act, provisions concerning electrical installations in ships are also laid down in the Electrical Safety Act (410/1996).

Provisions on pollution prevention are laid down in the Act on Environmental Protection in Maritime Transport (1672/2009). (910/2011)

The Water Traffic Act (463/1996) contains provisions on requirements applicable to merchant vessels and recreational craft insofar as these are not regulated elsewhere by law.

The Act on Safety of and Discharge Requirements for Recreational Craft contains provisions on the protection of human health and safety as well as of property and the environment from the harmful effects of recreational craft, personal watercraft and their equipment as well as from their exhaust and noise emissions.

Provisions on marine equipment, the conformity of which is governed by international conventions, are laid down in the Marine Equipment Act (1503/2011). (1505/2011)

Provisions on inspections and statements related to issuance of a maritime labour certificate in accordance with the Maritime Labour Convention are laid down in the Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012). (879/2014)

*The Electrical Safety Act 410/1996 was repealed by the Electrical Safety Act 1135/2016 valid from 1 January 2017.*

## **Section 5**

### **General vessel safety requirements**

A vessel used for navigation shall be such in design, construction, equipment and loading, or in such ballast and fitted with such necessary equipment, and also such in all other respects, that life, property and the environment may be considered to be safeguarded, having regard both to the nature of the fairways and the service on which the ship is engaged.

## **Chapter 2**

### **Safety requirements for ships covered by the SOLAS Convention**

#### **Section 6 (946/2018)**

##### **General technical safety requirements**

Ships covered by the SOLAS Convention shall meet the requirements imposed on them under the Convention regarding structure, equipment and ship operation. The functional requirements under the SOLAS Convention to ensure the safety of ships shall be complied with in the operation of the ship.

Ships covered by the SOLAS Convention shall comply with the mandatory provisions of the Codes relating to the SOLAS Convention concerning structure, equipment and operation of ships.

In addition to the provisions of the SOLAS Convention, ships covered by the Convention shall also comply with the rules of a recognised classification society concerning the hull, machinery

and electrical installations and automation of ships, or with equivalent regulations of the Finnish Transport and Communications Agency.

In order to ensure an adequate level of ship safety, the Finnish Transport and Communications Agency may issue more specific technical regulations on the technical and functional requirements under the SOLAS Convention, primarily through application of IMO Guidelines and Recommendations, and may approve safety structures, systems and equipment in accordance with the SOLAS Convention.

### **Section 7 (946/2018)** **Exemptions**

A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake an international voyage may be exempted by the Finnish Transport and Communications Agency from any of the requirements of the SOLAS Convention provided that the ship complies with safety requirements which are adequate in consideration of the length, nature and route of the voyage which is to be undertaken by the ship.

Subject to the conditions laid down in the SOLAS Convention, the Finnish Transport and Communications Agency may furthermore exempt any ship which embodies features of a novel kind from any of the equipment requirements relating to safe navigation, the application of which might seriously impede the development of such features and their incorporation in ships engaged on international voyages.

### **Section 8 (946/2018)** **Equivalents**

Where the SOLAS Convention requires that a particular fitting, material, appliance, or apparatus shall be fitted or carried in a ship, or that any particular provision shall be made, the Finnish Transport and Communications Agency may allow any other fitting, material, appliance or apparatus to be fitted or carried, or any other provision to be made in that ship, if it is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or provision, is at least as effective as that required by the SOLAS Convention.

Subject to the conditions laid down in the SOLAS Convention, the Finnish Transport and Communications Agency may allow in an individual case any fitting, material, appliance or apparatus to be fitted or carried in a ship, or other provision to be made in a ship, to be replaced in a manner other than defined under the SOLAS Convention.

### **Section 9 (946/2018)** **Exemptions from technical safety requirements**

In the cases defined in the SOLAS Convention and subject to the conditions laid down therein, the Finnish Transport and Communications Agency may exempt an individual ship or class of ships from the requirements imposed on the ship or class of ships concerning construction, equipment or operation.



**Section 10 (946/2018)****Alternative means of implementing ship safety arrangements**

The Finnish Transport and Communications Agency may accept the implementation of safety arrangements on a particular ship by means alternative to those provided in the SOLAS Convention, if at least the same standard of safety is achieved by such means as in compliance with the provisions of the SOLAS Convention.

**Section 11 (946/2018)****Exceptions, exemptions and equivalents concerning safety of navigation requirements**

The Finnish Transport and Communications Agency issues regulations in accordance with chapter V of the Annex to the SOLAS Convention as to the extent to which regulations V/15–28 of the SOLAS Convention shall apply to ships of less than 150 gross tonnage, and to ships of less than 500 gross tonnage which operate solely in Finland in sheltered coastal waters or in inland navigation. The Finnish Transport and Communications Agency also issues regulations on the extent to which the regulations of chapter V of the SOLAS Convention shall apply to ships engaged in domestic trade.

The Finnish Transport and Communications Agency may issue regulations in accordance with chapter V of the SOLAS Convention on a general exemption from navigational equipment requirements to ships without mechanical means of propulsion.

The Finnish Transport and Communications Agency may grant to a ship an exemption of a partial or conditional nature from the safety of navigation requirements or an equivalent thereto in accordance with chapter V of the SOLAS Convention when any such ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety are such as to render the full application of the SOLAS Convention unreasonable or unnecessary. In such a case, the Finnish Transport and Communications Agency shall take into account the effect such exemptions and equivalents may have upon the safety of all other ships.

**Section 12 (946/2018)****Permit to operate high-speed craft**

The owner or his representative shall obtain a permit in accordance with the High-Speed Craft Code referred to in the SOLAS Convention to operate high-speed craft.

The permit to operate high-speed craft in accordance with the High-Speed Craft Code shall be issued and, when necessary, revoked, by the Finnish Transport and Communications Agency on the grounds set forth in the Code.

**Section 13 (946/2018)****Notifications to the IMO**

The Finnish Transport and Communications Agency shall notify the IMO of any exemption granted under section 7, subsection 2, any alternative means of implementation approved under section 10, and any exemption of partial or conditional nature or equivalent granted under section 11, subsection 3.

The Finnish Transport and Communications Agency shall notify the IMO of any decisions on equivalents referred to in section 8, subsection 1 and supply a report of the trials made.

### **Chapter 3**

## **Safety requirements for passenger ships covered by the Non-SOLAS Directive engaged on domestic voyages**

### **Section 14 (946/2018)**

#### **Classes of passenger ships**

Passenger ships covered by the Non-SOLAS Directive shall be divided into Classes A, B, C and D in accordance with the Non-SOLAS Directive on the basis of the sea area in which they operate.

The limits of the sea areas referred to in subsection 1 are defined by the Finnish Transport and Communications Agency.

Upon application of provisions concerning radio communication, the sea areas shall be defined in accordance with the regulations of chapter IV of the SOLAS Convention.

### **Section 15 (946/2018)**

#### **General technical safety requirements**

Passenger ships covered by the Non-SOLAS Directive shall comply with the technical safety requirements imposed on the relevant class of passenger ships in the non-SOLAS Directive.

In addition to the provisions of the Non-SOLAS Directive, ships covered by the Directive shall also comply with the rules of a recognised classification society concerning the hull, machinery, electrical installations and automation of ships, or with equivalent regulations of the Finnish Transport and Communications Agency.

For the implementation of the Non-SOLAS Directive, the Finnish Transport and Communications Agency issues more specific regulations on the technical safety of ships.

### **Section 16 (946/2018)**

#### **Additional safety requirements**

In order to ensure an adequate level of ship safety, the Finnish Transport and Communications Agency may issue more specific technical regulations on matters of technical safety on passenger ships covered by the Non-SOLAS Directive if the safety requirements under the Directive should be enhanced due to climatic and weather conditions or other specific local circumstances.

### **Section 17 (946/2018)**

#### **Equivalents**

The Finnish Transport and Communications Agency may issue regulations allowing equivalents for the regulations contained in Annex I of the Non-SOLAS Directive, provided that such equivalents are at least as effective as the regulations in Annex I.

## **Section 18 (946/2018)**

### **Exemptions**

The Finnish Transport and Communications Agency may issue more specific technical regulations to exempt passenger ships covered by the Non-SOLAS Directive from certain special requirements of the Directive when the ships engage on domestic voyages.

The Finnish Transport and Communications Agency shall make the exemption subject to the functional requirements under the Non-SOLAS Directive to ensure that the safety level is not reduced.

## **Section 19 (946/2018)**

### **Permit to operate high-speed craft**

The owner or his representative shall obtain a permit in accordance with the High-Speed Craft Code referred to in the Non-SOLAS Directive to operate a high-speed craft.

The permit to operate a high-speed craft in accordance with the High-Speed Craft Code referred to in the Non-SOLAS Directive shall be issued and, when necessary, revoked, by the Finnish Transport and Communications Agency on the grounds set forth in the Code.

## **Section 20 (946/2018)**

### **Notifications to the Commission**

The Finnish Transport and Communications Agency shall notify the Commission of the European Communities without delay of any measures referred to in sections 16 to 18.

## **Chapter 4**

### **Safety requirements for fishing vessels, special purpose ships and other vessels, and special requirement concerning bow doors on ro-ro ships (1322/2011)**

## **Section 21 (946/2018)**

### **Fishing vessels covered by the Fishing Vessel Directive**

Fishing vessels covered by the Fishing Vessel Directive shall comply with the technical safety requirements imposed on the said vessels in the Fishing Vessel Directive and in other Directives. The vessels shall also comply with the requirements of the Torremolinos Protocol as laid down in the Fishing Vessel Directive.

In addition to the provisions of the Fishing Vessel Directive, the standards determined by a recognised classification society, or equivalent regulations issued by the Finnish Transport and Communications Agency, shall be observed in the design, construction and servicing of the hull, main and auxiliary machinery, and electrical installations and automation of fishing vessels.

For the implementation of the Fishing Vessel Directive and other Directives, the Finnish Transport and Communications Agency issues more specific regulations on the technical safety of fishing vessels.

For particular reasons, the Finnish Transport and Communications Agency may grant individual exemptions from the requirements of the Fishing Vessel Directive, provided that such exemption does not reduce ship safety.

Subject to the conditions laid down in the Fishing Vessel Directive, the Finnish Transport and Communications Agency may decide that any fitting, material, appliance or apparatus, or other provision to be made, is deemed in an individual case to be equivalent to that otherwise required under the Fishing Vessel Directive.

### **Section 22 (946/2018)** **Special purpose ships**

Special purpose ships covered by the Special Purpose Ship Code shall comply with the technical safety requirements imposed on those ships in that Code.

In order to ensure an adequate level of ship safety, the Finnish Transport and Communications Agency may issue more specific technical regulations on the technical requirements for special purpose ships in accordance with IMO Guidelines and Recommendations.

The Finnish Transport and Communications Agency may grant an individual exception from the provisions of the Special Purpose Ship Code for an individual voyage in coastal waters and provided that the ship complies with safety requirements which are adequate in consideration of the length, nature and route of the voyage which is to be undertaken by the ship.

A ship which is not normally used as a special purpose ship but which, in exceptional circumstances, undertakes a voyage as a special purpose ship may be exempted by the Finnish Transport and Communications Agency from the provisions of the Special Purpose Ship Code provided that the ship complies with safety requirements which are adequate in consideration of the length, nature and route of the voyage which is to be undertaken by the ship.

Subject to the conditions laid down in the Special Purpose Ship Code, the Finnish Transport and Communications Agency may decide that any fitting, material, appliance or apparatus, or other provision to be made, is deemed in an individual case to be equivalent to that otherwise required under the Special Purpose Ship Code.

The Finnish Transport and Communications Agency issues regulations on the application of the Special Purpose Ship Code to special purpose ships of less than 500 gross tonnage.

### **Section 22 a (1322/2011)** **Inland waterway vessels**

Directive 2009/100/EC of the European Parliament and of the Council on reciprocal recognition of navigability licences for inland waterway vessels, hereinafter the Navigability Directive, is in force in Finland. However, the technical requirements under the Navigability Directive or other inland waterway Directives of the European Union shall not apply to vessels engaged on voyages in the inland waterways of Finland, unless otherwise provided elsewhere by law.

### **Section 23 (946/2018)** **Other vessels**

The Finnish Transport and Communications Agency issues to vessels other than those referred to in sections 21 and 22 more specific technical regulations for compliance with the general safety requirements laid down in section 5 and in order to ensure an adequate level of ship safety. Such regulations may concern a vessel's:

- 1) construction and equipment;
- 2) stability;
- 3) main and auxiliary machinery, installations and systems;
- 4) navigational equipment;
- 5) navigation lights, and communication and signalling devices;
- 6) radio equipment;
- 7) fire safety;
- 8) life-saving appliances;
- 9) electrical installations;
- 10) other similar technical aspects.

For particular reasons, the Finnish Transport and Communications Agency may grant individual exceptions from the regulations referred to in subsection 1, provided that such exception does not materially reduce ship safety.

### **Section 23a (169/2019)** **Conformity with requirements for workboats**

To ensure conformity with technical regulations issued by the Finnish Transport and Communications Agency by virtue of section 23, workboat manufacturers shall ensure that a workboat conforms with the requirements in its design and construction, and that the conformity of a pleasure craft is assessed by a notified body referred to in chapter 4 of the Act on the Safety of and Discharge Requirements for Pleasure Craft, a corresponding notified body designated by another European Union Member State or a European Economic Area state, or a recognised classification society. A corresponding notified body designated by another European Union Member State or a European Economic Area state shall have a representative who is domiciled in Finland and who speaks for the notified body in courts and before other authorities. If significant modifications and alterations are made to a workboat after its conformity with requirements has been assessed, the owner shall ensure that the conformity of the workboat is reassessed.

Upon application, the Finnish Transport and Communications Agency issues a workboat certificate to a workboat conforming with the requirements and to a workboat approved by a competent authority in another state in compliance with corresponding rules valid in that state if its safety level corresponds at least to the safety level specified for a workboat in technical regulations issued by the Finnish Transport and Communications Agency by virtue of section 23. A certificate issued by a recognised classification society proving that the workboat meets the requirements of the recognised classification society's rules or standards will be considered equivalent to a workboat certificate.

More specific regulations may be issued by the Finnish Transport and Communications Agency on the assessment of conformity of a workboat and the procedure used for it referred to in subsection 1 and applying for a workboat certificate referred to in subsection 2.

*Section 23a added by Act 169/2019 enters into force on 21 December 2019.*

**Section 24 (946/2018)****Special requirement concerning bow doors on ro-ro ships**

On Finnish ro-ro ships and on foreign ro-ro passenger ships which engage in regular service to or from a Finnish port, the bow ramp providing access to the car deck shall be such in construction and arrangements as to preclude damage to it in case of damage to or detachment of a bow shell door.

The Finnish Transport and Communications Agency may issue more specific technical regulations on the construction and arrangements of bow ramps.

**Chapter 5****Load line****Section 25****Purpose of load line and freeboard**

The purpose of the load line and freeboard is to determine the maximum draught to which the vessel may be loaded.

**Section 26 (169/2019)****Vessels exempt from the provisions of this chapter**

The vessels mentioned in section 3, subsection 4, charter boats, fishing vessels and unmanned barges engaged on domestic voyages except for integrated tug/barge combinations are exempt from the provisions of this chapter. Workboats are also exempt from the provisions of this chapter, excluding section 28a.

*Section 26 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

**Section 26****Vessels exempt from the provisions of this chapter**

The vessels mentioned in section 3(3), fishing vessels engaged in domestic trade, and unmanned barges except for integrated tug/barge combinations are exempt from the provisions of this chapter.

**Section 27 (169/2019)****Ships engaged on international voyages**

Ships engaged on international voyages covered by the Load Line Convention or the Agreement on Load Lines for the Baltic Sea shall comply with the provisions of the Load Line Convention or the Agreement on Load Lines for the Baltic Sea. Ships engaged on international voyages other than those covered by the Load Line Convention or the Agreement on Load Lines for the Baltic Sea which are of 15 metres in length and over, but less than 24 metres shall have a safe freeboard taking into account the nature of the waters.

Each ship covered by the Load Line Convention or the Agreement on Load Lines for the Baltic Sea shall have an international load line mark and load line certificate, a load line mark and load line certificate for the Baltic Sea or an international load line exemption certificate as provided in the Load Line Convention or the Agreement on Load Lines in the Baltic Sea.

The Finnish Transport and Communications Agency may issue more specific technical regulations for the implementation of the Load Line Convention and the Agreement on Load Lines in the Baltic Sea. The Finnish Transport and Communications Agency may also issue more specific technical regulations on structural requirements as well as freeboard and its calculation rules for ships other than those covered by the Load Line Convention or the Agreement on Load Lines for the Baltic Sea.

*Section 27 amended by Act 169/2019 shall enter into force on 21 December 2019. The previous wording was:*

### **Section 27 (946/2018)** **Ships engaged on international voyages**

Ships engaged on international voyages shall comply with the provisions of the Load Line Convention or the Agreement on Load Lines for the Baltic Sea.

Each ship shall have an international load line mark and load line certificate, a load line mark and load line certificate for the Baltic Sea or an international load line exemption certificate as provided in the Load Line Convention or the Agreement on Load Lines in the Baltic Sea.

The Finnish Transport and Communications Agency may issue more specific technical regulations for the implementation of the Load Line Convention and the Agreement on Load Lines in the Baltic Sea.

### **Section 28 (946/2018)** **Ships engaged on domestic voyages**

Passenger ships covered by the Non-SOLAS Directive engaged on domestic voyages shall comply with the load line requirements laid down in the Non-SOLAS Directive.

A vessel engaged on domestic voyages other than those referred to in subsection 1 which is of 24 metres in length and over shall have a load line mark for domestic voyages and a national load line certificate to indicate the maximum draught to which the vessel may be loaded. If a vessel has an international load line mark and load line certificate or a load line mark and load line certificate for the Baltic Sea, no separate load line mark for domestic voyages and national load line certificate are required.

A vessel engaged on domestic voyages other than those referred to in subsection 1 which is of 15 metres in length and over but less than 24 metres in length shall have a safe freeboard taking into account the nature of the waters. The Finnish Transport and Communications Agency may assign to a vessel referred to in this subsection a load line mark for domestic voyages and issue a national load line certificate, if necessary in order to ensure the safe operation of the vessel, taking into account its use and trading area.

For the implementation of the Non-SOLAS Directive, the Finnish Transport and Communications Agency issues more specific regulations on the load lines of passenger ships covered by the Non-SOLAS Directive engaged on domestic voyages. The Finnish Transport and

Communications Agency also issues more specific technical regulations on structural requirements and freeboard and its calculation for other vessels engaged in domestic trade. In addition, the Finnish Transport and Communications Agency issues more specific technical regulations on the dimensions, location and marking of the load line mark for domestic voyages and the lines to be used with the load line mark.

### **Section 28a (169/2019)**

#### **Workboats used in international or domestic trade**

Workboats used in international or domestic trade shall have a safe freeboard taking into account the nature of the waters. Workboats intended for transporting cargo in international or domestic trade shall have a load line mark for a workboat.

The Finnish Transport and Communications Agency may issue more specific technical regulations on structural requirements, the freeboard and its calculation for workboats, and on the dimensions, location and marking of the load line mark for a workboat.

*Section 28a added by Act 169/2019 enters into force on 21 December 2019.*

### **Section 29 (946/2018)**

#### **Exemptions**

The Finnish Transport and Communications Agency may exempt a Finnish ship which embodies features of a novel kind from the provisions of the Load Line Convention, the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages. Any such ship shall, however, comply with safety requirements which are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship.

A Finnish ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake an international voyage may be exempted by the Finnish Transport and Communications Agency from any of the requirements of the Load Line Convention, provided that the ship complies with safety requirements which are adequate in consideration of the length, nature and route of the voyage which is to be undertaken by the ship.

The Finnish Transport and Communications Agency shall notify the IMO of any exemptions under subsections 1 and 2.

### **Section 30 (946/2018)**

#### **Equivalentents**

Where the Load Line Convention requires that a particular fitting, material, appliance, or apparatus shall be fitted or carried in a ship, or that any particular provision shall be made, the Finnish Transport and Communications Agency may allow any other fitting, material, appliance or apparatus to be fitted or carried, or any other provision to be made in that ship, if it is satisfied by trial thereof or otherwise that such other fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by the Load Line Convention.

The Finnish Transport and Communications Agency shall notify the IMO of any decisions on equivalentents referred to in subsection 1 and supply a report of the trials made.



**Section 31 (946/2018)****Exceptions from load line regulations in domestic trade**

For particular reasons, the Finnish Transport and Communications Agency may grant to ships other than passenger ships covered by the Non-SOLAS Directive individual exceptions from the load line regulations in domestic trade, provided that such exception does not materially reduce ship safety.

**Section 32 (946/2018)****Applying for and arranging the assignment of the load line mark**

The owner of a Finnish ship or his representative shall apply in writing to the Finnish Transport and Communications Agency or a recognised classification society approved by the Finnish Transport and Communications Agency for the assignment of a load line mark.

The Finnish Transport and Communications Agency issues regulations on the information to be appended to such an application, the application period and the arrangements for assigning the load line mark.

**Section 33 (879/2014)****Load line mark determination and load line certificate**

The Finnish Transport and Communications Agency or a recognised classification society determines the location of the load line mark and issues the load line certificate. In domestic trade, the location of the load line mark is determined, and the load line certificate is issued for one or more trading areas.

The Finnish Transport and Communications Agency or the recognised classification society may, based on the location of the load line mark determined by them, issue an interim load line certificate which is valid for a period not exceeding five months.

In the event of a change in the name or home port of the vessel, or other changes in the particulars of the vessel which may have an impact on the data of the load line certificate, the owner or his representative shall immediately apply in writing to the Finnish Transport and Communications Agency or the recognised classification society for a new load line certificate.

**Section 34 (946/2018)****Alteration or modification of vessel after determination of load line mark**

If a vessel undergoes alterations or modifications which may affect the freeboard after the determination of the load line mark, the vessel may not be used until the owner or his representative has notified the alteration or modification to the Finnish Transport and Communications Agency or a recognised classification society authorised by the Agency and a new freeboard has been assigned for the vessel.

## **Chapter 6**

### **Survey of ships**

#### **Section 35**

##### **Purpose of survey**

The purpose of the survey of a ship is to ensure that the ship's structure, machinery and equipment comply with the provisions concerning the safety of ships. The survey also ensures that the ship complies with the provisions on the prevention of pollution from ships.

The survey also ensures that the ship holds a maritime labour certificate as referred to in the Maritime Labour Convention.

*Subsection 2 enters into force on 1 March 2013 under Decree 150/2013.*

In addition, in connection with or on the basis of the survey:

- 1) the trading area of the ship shall be determined;
- 2) the appropriate manning of the ship and certifications of the crew shall be ensured;
- 3) in case of a passenger ship, the maximum number of persons allowed on board shall be determined, the number not to exceed that requested by the owner or the master of the ship;
- 4) the ship shall be verified to carry valid certificates and all other required documents and statutes;
- 5) it shall be decided if the ship may be used in winter navigation;
- 6) it shall be determined that the deck lines and load line marks have been assigned; and
- 7) the seaworthiness of the ship shall be ensured in every other respect.

#### **Section 36 (946/2018)**

##### **Surveyor**

Surveys of Finnish ships are conducted by the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency may authorize a recognised classification society to conduct a survey in part or in full. A recognised classification society authorised by the Finnish Transport and Communications Agency shall have a representative who is domiciled in Finland and who speaks for the classification society in courts and before other authorities.

The Finnish Transport and Communications Agency shall collaborate with the recognised classification society it has authorised in the drafting of the rules of the classification society and the adoption of its procedures and shall engage in consultation with the society to arrive at a consistent interpretation of international conventions.

The survey of a ship engaged on domestic voyages may be assigned by the Finnish Transport and Communications Agency in part or in full to a surveyor nominated by it who is not an employee of the Finnish Transport and Communications Agency.

*Subsection 4 is repealed by Act 169/2019, which enters into force on 21 December 2019. The previous wording was:*

*In the surveys of workboats, the Finnish Transport and Communications Agency may call upon a notified body as referred to in section 27 of the Act on the Safety of and Discharge Requirements for Recreational Craft.*

### **Section 36a (169/2019)** **Self-monitoring**

On application, the Finnish Transport and Communications Agency approves a safety assessment carried out by the owner on a workboat, barge or cargo ship of less than 24 metres in length, on which an initial survey has been carried out (*self-monitoring*). The owner shall have the required competence that allows him to carry out appropriate self-monitoring. The owner shall draw up a self-monitoring plan for measures related to the ship's safety assessment and their implementation. The owner shall regularly notify measures completed following the self-monitoring plan to the Electronic information system for seafaring maintained by the Finnish Transport and Communications Agency.

The owner shall ensure that a renewal survey is performed on a ship covered by self-monitoring every five years. The owner shall apply for a survey to the Finnish Transport and Communications Agency, a recognised classification society or a nominated surveyor.

The Finnish Transport and Communications Agency shall revoke or suspend the approval referred to in subsection 1 if the owner no longer meets the requirements set for self-monitoring.

The Finnish Transport and Communications Agency issues more specific regulations on the content of the self-monitoring plan and the notification of measures included in the self-monitoring plan to the Electronic information system for seafaring as well as the competence of an owner approved to carry out self-monitoring.

*Section 36a added by Act 169/2019 enters into force on 21 December 2019.*

### **Section 37 (946/2018)** **Survey conducted by the competent authority of another State**

The Finnish Transport and Communications Agency may request the competent authority of a contracting party to the SOLAS Convention, the MARPOL 73/78 Convention, the Load Line Convention or the Ballast Water Management Convention to conduct surveys other than initial surveys. Such surveys are recognised to be equivalent with the surveys referred to in this chapter.

The survey of a ship sailing under the flag of a contracting party to a convention referred to in subsection 1 may be conducted in Finland if a request to this effect is made to the Finnish Transport and Communications Agency by the competent authority of the ship's flag State.

### **Section 38 (946/2018)** **Nominated surveyor**

The qualifications and competence of nominated surveyors shall be such that they are capable of duly conducting surveys. More specific provisions on the qualification requirements for nominated surveyors are laid down by government decree.

The letter of appointment is granted to the nominated surveyor for a fixed term not to exceed five years. The letter of appointment may be revalidated upon application if the applicant demonstrates that he remains qualified.

The Finnish Transport and Communications Agency shall revoke the letter of appointment of a nominated surveyor if:

- 1) the nominated surveyor no longer satisfies the requirements with regard to knowledge or skills; or
- 2) the nominated surveyor is in serious or repeated breach of this Act or any provisions issued under it.

The nominated surveyor shall be provided with an opportunity to be heard before the revocation of the appointment letter.

In the cases referred to in subsection 3, the Finnish Transport and Communications Agency may order a nominated surveyor to return his appointment letter to the Finnish Transport and Communications Agency immediately.

Letters of appointment may be revoked or suspended for a fixed term. The fixed term begins to run from the date on which the nominated surveyor was served with the decision, or from the expiry date of the letter of appointment at the latest.

### **Section 39 (946/2018)**

#### **Agreement concerning authorisation to conduct surveys**

The authorisation to conduct surveys between the Finnish Transport and Communications Agency and a recognised classification society shall be agreed in writing. The agreement shall include at least the provisions mentioned in Article 5(2) of the Classification Society Directive. The agreement shall be governed by Finnish law.

### **Section 40 (946/2018)**

#### **Refusal to grant authorisation to conduct surveys**

If the Finnish Transport and Communications Agency authorizes a recognised classification society to conduct surveys in accordance with section 39, it may not refuse such authorisation to another recognised classification society located within the European Union unless there are justified grounds to restrict the number of classification societies.

### **Section 41 (946/2018)**

#### **Revocation of authorisation to conduct surveys**

The Finnish Transport and Communications Agency shall revoke an authorisation to conduct surveys if the recognition of the classification society has been withdrawn in accordance with Article 7 of the Classification Society Regulation.

The Finnish Transport and Communications Agency may suspend or revoke an authorisation to conduct surveys if despite receiving a reprimand or warning from the Finnish Transport and Communications Agency the classification society materially or repeatedly neglects its duty to conduct surveys in accordance with the agreement referred to in section 39.

### **Section 42 (946/2018)**

#### **Supervision of recognised classification society**

The Finnish Transport and Communications Agency shall supervise a recognised classification society to ensure that it carries out its duties based on the agreement referred to in section 39 and fulfils the criteria set out in the Annex to the Classification Society Regulation. The Finnish

Transport and Communications Agency shall conduct a biennial audit and submit a report on the audit to the European Commission.

The Finnish Transport and Communications Agency shall submit the notifications required under the Classification Society Directive to the European Commission and to other Member States.

### **Section 43 (946/2018)** **Applying for and arranging surveys**

The owner or his representative shall apply in writing to the Finnish Transport and Communications Agency for the initial survey of a new ship and of the alterations and modifications to an existing ship, and for the approval of the related drawings and plans.

Applications for surveys other than those referred to in subsection 1 shall be made in writing to the Finnish Transport and Communications Agency or a nominated surveyor.

Applications for the surveys which the Finnish Transport and Communications Agency has authorised a recognised classification society to conduct may be made by the owner or his representative to the classification society.

The Finnish Transport and Communications Agency issues regulations on the information to be appended to the applications referred to in subsections 1 and 2, on application periods and on survey arrangements.

### **Section 44 (946/2018)** **Performance of survey**

The owner shall ensure that the ship is subjected to a survey and shall agree on the time and place of the survey with the Finnish Transport and Communications Agency or a recognised classification society authorised by the Finnish Transport and Communications Agency, or a nominated surveyor.

The master of the ship shall ensure that the preparatory measures required for the systematic and prompt performance of the survey are undertaken on board before the commencement of the survey and make an adequate number of persons available to the surveyor.

The performance of the survey shall cause as little inconvenience and delay to the ship as possible.

### **Section 45 (946/2018)** **Types of surveys**

The surveys for seaworthiness conducted on vessels are the initial survey, renewal survey, periodical survey, intermediate survey and annual survey.

The initial survey shall include a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the first periodic inspection of pressure equipment.

The renewal survey shall include an inspection of the structure and equipment of the ship, including the outside of the ship's bottom.

The periodical survey shall be such as to ensure that the fire protection, fire safety systems and appliances, life-saving appliances and arrangements, radio installations including those used in life-saving appliances, shipborne navigational equipment and means of embarkation for pilots and other arrangements required in accordance with the SOLAS Convention are in satisfactory condition and fit for use for the service intended.

The intermediate survey shall ensure that the ship's structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations remain satisfactory for the service for which the ship is intended. The intermediate survey also includes an inspection of the outside of the ship's bottom.

The annual survey shall include an ocular inspection to ensure that the structure, machinery and equipment has been maintained in a manner ensuring that the seaworthiness determined during the previous survey has been maintained and that no equipment or other devices required by the Finnish Transport and Communications Agency in its approval have been removed or replaced without permission.

#### **Section 46 (946/2018)**

##### **Survey for seaworthiness of ships covered by the SOLAS Convention**

Ships covered by the SOLAS Convention shall be subjected to an initial survey in the manner required under the SOLAS Convention before being put into service as Finnish ships.

For the enforcement of the SOLAS Convention, the Finnish Transport and Communications Agency issues more specific regulations on the performance of the initial survey referred to in subsection 1 and the other surveys under the SOLAS Convention in accordance with IMO Guidelines.

#### **Section 47 (946/2018)**

##### **Survey for seaworthiness of ships covered by the Non-SOLAS Directive**

Passenger ships covered by the Non-SOLAS Directive which are engaged on domestic voyages and high-speed passenger craft in domestic trade shall be subjected to an initial survey in the manner required under the Non-SOLAS Directive before being put into service as Finnish ships.

For the implementation of the Non-SOLAS Directive, the Finnish Transport and Communications Agency issues more specific regulations on the performance of the initial survey referred to in subsection 1 and the other surveys under the Non-SOLAS Directive.

#### **Section 48 (169/2019)**

##### **Survey for seaworthiness of other passenger ships engaged on domestic voyages than those covered by the Non-SOLAS Directive**

Other passenger ships engaged on domestic voyages than those covered by the Non-SOLAS Directive shall be subjected to an initial survey before being put into service as Finnish ships.

A ship as referred to in subsection 1 shall furthermore be subjected to a renewal survey, an annual survey, intermediate survey and periodical survey as necessary.

The Finnish Transport and Communications Agency shall issue more specific regulations on the time of performance and contents of the initial survey, renewal survey, annual survey and periodical survey.

*Section 48 as amended by Act [169/2019](#) enters into force on 21 December 2019. The previous wording was:*

#### **Section 48 (946/2018)**

##### **Survey for seaworthiness of other passenger ships engaged on domestic voyages than those covered by the Non-SOLAS Directive**

Other passenger ships engaged on domestic voyages than those covered by the Non-SOLAS Directive shall be subjected to an initial survey before being put into service as Finnish ships.

A ship as referred to in subsection 1 shall furthermore be subjected to a renewal survey and an annual survey.

The Finnish Transport and Communications Agency shall issue more specific regulations on the time of performance and contents of the initial survey, renewal survey and annual survey.

#### **Section 49 (946/2018)**

##### **Survey for seaworthiness of cargo ships and barges engaged on domestic voyages and cargo ships not covered by the SOLAS Convention engaged on international voyages**

Cargo ships and barges engaged on domestic voyages and cargo ships not covered by the SOLAS Convention engaged on international voyages shall be subjected to an initial survey before being put into service as Finnish vessels.

A vessel as referred to in subsection 1 shall furthermore be subjected to a renewal survey and an annual survey. In addition, cargo ships of 500 gross tonnage or more engaged on domestic voyages and cargo ships not covered by the SOLAS Convention engaged on international voyages shall be subjected to an intermediate survey, and the radio installations of such ships shall be subjected to a periodical survey.

The Finnish Transport and Communications Agency issues more specific regulations on the time of performance and contents of the initial survey, renewal survey and annual survey as well as periodical survey and intermediate survey.

#### **Section 50 (946/2018)**

##### **Survey of fishing vessels**

Vessels covered by the Fishing Vessel Directive shall be subjected to an initial survey in the manner laid down in the Directive before being put into service as Finnish vessels.

For the enforcement of the Fishing Vessel Directive, the Finnish Transport and Communications Agency issues more specific regulations on the performance of the initial survey referred to in subsection 1 and the other surveys under the Directive.

Fishing vessels not covered by the Fishing Vessel Directive shall be subjected to an initial survey before being put into service as Finnish vessels. The Finnish Transport and Communications Agency issues more specific regulations on the surveys of fishing vessels based on the classes and catch areas of such vessels.

**Section 51 (169/2019)****Survey of special purpose ships, traditional ships, workboats and charter boats**

Special purpose ships, traditional ships, workboats and charter boats shall be subjected to an initial survey before being put into service as Finnish vessels.

In addition to the initial survey, special purpose ships, traditional ships, workboats and charter boats shall also be subjected to a renewal survey, annual survey, intermediate survey and periodical survey.

The Finnish Transport and Communications Agency shall issue more specific regulations on the time of performance and contents of the initial survey, renewal survey, annual survey, intermediate survey and periodical survey.

*Section 51 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

**Section 51 (946/2018)****Survey of special purpose ships, workboats and charter boats**

Special purpose ships, workboats and charter boats shall be subjected to an initial survey before being put into service as Finnish vessels.

In addition to the initial survey, special purpose ships, workboats and charter boats shall also be subjected to a renewal survey, annual survey, intermediate survey and periodical survey.

The Finnish Transport and Communications Agency shall issue more specific regulations on the time of performance and contents of the initial survey, renewal survey, annual survey, intermediate survey and periodical survey.

**Section 52 (169/2019)****Hull survey of ships used in winter navigation**

When a ship is first put into service in winter navigation, its hull shall be subjected to a survey for fitness for winter navigation. A renewal survey for fitness for winter navigation shall be carried out on the hull of a ship used in winter navigation every five years.

*Section 52 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

**Section 52 (946/2018)****Hull survey of ships used in winter navigation**

When a ship is first put into service in winter navigation, its hull shall be subjected to a survey for fitness for winter navigation. The outside of the bottom of a ship used in winter navigation shall be subjected to a survey annually before the ship is again used in winter navigation.

*Subsection 2 is repealed by Act 169/2019, which enters into force on 21 December 2019. The previous wording was:*

*The survey referred to in subsection 1 need not be performed on ships which have an ice class granted by a recognised classification society authorised by the Finnish Transport and*



*Communications Agency. In addition, for particular reasons the Finnish Transport and Communications Agency may exempt a ship without ice class from the survey referred to in subsection 1, provided that such exemption does not reduce ship safety.*

### **Section 53 (946/2018)** **Surveys to prevent pollution**

Vessels shall be subjected to a survey to prevent pollution before being put into service as Finnish vessels in order to ensure that they comply with the requirements of the Act on Environmental Protection in Maritime Transport. The provisions laid down in the MARPOL 73/78 Convention, the Helsinki Convention, EU legislation and other international obligations binding on Finland shall apply to surveys to prevent pollution.

For the implementation of the MARPOL 73/78 Convention, the Helsinki Convention, Community legislation and other international obligations binding on Finland, the Finnish Transport and Communications Agency issues more specific regulations on the performance of the surveys referred to in subsection 1.

### **Section 54 (946/2018)** **Load line surveys**

Vessels covered by the Load Line Convention shall be subjected to surveys in the manner laid down in the Load Line Convention or the Agreement on Load Lines for the Baltic Sea.

For the implementation of the Load Line Convention and the Agreement on Load Lines for the Baltic Sea, the Finnish Transport and Communications Agency issues more specific technical regulations on the performance of the surveys referred to in subsection 1.

Ships engaged on domestic voyages which are 24 metres in length and over shall be subjected to a load line survey before being put into service. The Finnish Transport and Communications Agency issues more specific regulations on the performance of the survey.

### **Section 55 (946/2018)** **Additional survey**

The Finnish Transport and Communications Agency may decide that a Finnish vessel shall be subjected to an additional survey even in the absence of a survey application by the owner or his representative when this is required due to significant repairs or modifications and alterations of the vessel, the occurrence of an accident at sea, a defect observed in the vessel or another particular reason.

If an integrated system is used to control the shipborne navigational equipment or propulsion machinery of a vessel, the owner shall present in the additional survey a manual on the operation of the system and, in order to explain the functions not covered in the manual, a record of the testing of the system made or commissioned by the manufacturer of the equipment. If the owner does not prevent such a test record, after consultation with the owner the Finnish Transport and Communications Agency may commission a test of the system from an independent research institute at the owner's expense.

**Section 56 (946/2018)**  
**Modification or alteration of vessel after survey**

After the survey has been performed, no modifications or alterations may be made without the consent of the Finnish Transport and Communications Agency to the vessel's structural arrangements, machinery, equipment or other items surveyed.

**Section 57 (879/2014)**  
**Survey documents and certificates**

Based on the surveys, the Finnish Transport and Communications Agency or a recognised classification society issues the survey documents and certificates or makes an entry in these of the periodical, intermediate or annual survey performed. If material defects have been observed, the documents and certificates are issued after the defects have been rectified.

For the implementation of the SOLAS Convention, the Load Line Convention, the MARPOL 73/78 Convention, the Non-SOLAS Directive and the Fishing Vessel Directive and the Ship Recycling Regulation as well as other international obligations, the Finnish Transport and Communications Agency issues more specific regulations on the survey documents and certificates to be issued on the basis of surveys, the validity of such documents and certificates, and the manner of their extension.

The Finnish Transport and Communications Agency issues a maritime labour certificate and a declaration of maritime labour compliance, which is attached to the certificate, in accordance with the Maritime Labour Convention, provided that the Finnish Transport and Communications Agency in respect of the matters coming within its competence has found there to be nothing to preclude the issuance of the certificate and that the occupational health and safety authorities based on their inspection in their statement to the Finnish Transport and Communications Agency find there to be nothing in respect of matters coming within their competence to preclude the issuance of the certificate. The Finnish Transport and Communications Agency issues more specific regulations on the procedures associated with the issuance of the maritime labour certificate.

The Finnish Transport and Communications Agency shall withdraw the maritime labour certificate if the agency in respect of the matters coming within its competence or the occupational health and safety authorities following an inspection they have carried out have made a statement to the agency to the effect that there is evidence that the ship concerned does not comply with the requirements of the Maritime Labour Convention and any required corrective action has not been taken.

**Section 58 (946/2018)**  
**Interim certificates**

The Finnish Transport and Communications Agency or a recognised classification society may, following a survey, issue an interim certificate to a vessel, the period of validity of which may not exceed five months.

The Finnish Transport and Communications Agency or a recognised classification society may issue an interim maritime labour certificate to a vessel, the period of validity of which may not exceed six months provided that the Finnish Transport and Communications Agency and the occupational health and safety authorities in respect of the matters coming within their respective competence has found there to be nothing to preclude the issuance of the

certificate. The Finnish Transport and Communications Agency shall issue more specific provisions on the procedures related to the issuance of interim maritime labour certificates.

### **Section 59 (946/2018)** **Renewal and expiry of certificates**

In the event of a change in the name or home port of the vessel, or other changes in the particulars of the vessel having an impact on the data of a certificate or a maritime labour certificate, the owner or his representative shall immediately apply in writing to the Finnish Transport and Communications Agency or the recognised classification society for a new certificate or to the Finnish Transport and Communications Agency for a new maritime labour certificate.

A certificate expires if no entry regarding the assigned annual, intermediate or periodical survey is made on it, if a modification or alteration has been made to the vessel without the consent of the Finnish Transport and Communications Agency, or if the vessel is transferred to the flag of another State.

A maritime labour certificate ceases to be valid in any of the following cases:

- 1) The vessel has not been inspected as specified in the Maritime Labour Convention.
- 2) The certificate has not been endorsed after an approved intermediate inspection.
- 3) When the ship changes flag.
- 4) When a shipowner ceases to assume responsibility for the operation of the vessel.
- 5) When substantial changes have been made to the structure or equipment of the vessel.

### **Section 60 (946/2018)** **Defect observed in vessel**

If a defect or deficiency is observed in the vessel upon performance of the survey, the surveyor shall notify the master or the owner of the vessel and set a deadline by which the defect or deficiency shall be rectified, and also make the appropriate entry in the survey documents. The Finnish Transport and Communications Agency shall be notified of the rectification of a defect or deficiency within the deadline.

### **Section 61 (946/2018)** **Withdrawal of certificate**

The Finnish Transport and Communications Agency may withdraw a certificate which it or a recognised classification society has issued to a Finnish vessel if the vessel in respect of structure, machinery, equipment or operation is not in the condition required in the survey. The Finnish Transport and Communications Agency or the recognised classification society replaces the withdrawn certificate with an interim certificate, during the period of validity of which the defect or deficiency observed in the vessel shall be rectified. The Finnish Transport and Communications Agency or the recognised classification society issues a new certificate without delay once it observes that the defect or deficiency observed in the vessel has been duly rectified. The new certificate is issued for the same period of validity as the withdrawn certificate.

## **Section 62 (946/2018)**

### **Grant of exceptions**

For particular reasons, the Finnish Transport and Communications Agency may grant individual fixed-term exceptions from the requirements laid down in or pursuant to the provisions of this chapter. Such exceptions may not be in conflict with any international conventions binding on Finland.

Exceptions may only be granted provided that the level of ship safety is not materially reduced.

If a ship is engaged solely in trade between foreign ports, the Finnish Transport and Communications Agency may order, however taking into account the nature of the trade, that such trade be equated with comparable domestic or international trade.

## **Chapter 7**

### **Tonnage measurement**

## **Section 63 (946/2018)**

### **Purpose of tonnage measurement and more specific regulations**

Tonnage measurement determines the gross and net tonnage of a ship in accordance with the Tonnage Measurement Convention.

In order to ensure the consistent application of the Tonnage Measurement Convention, the Finnish Transport and Communications Agency may issue more specific regulations on the requirements laid down in the Convention in accordance with IMO Guidelines and Recommendations.

In the manner defined in Resolution A.494 adopted on 19 November 1981 by the IMO General Assembly and at the request of the owner, the Finnish Transport and Communications Agency may permit the tonnage determined according to the Convention for a Uniform System of Tonnage Measurement of Ships to be used in parallel as the ship's gross tonnage.

## **Section 64 (946/2018)**

### **Performance of tonnage measurement**

The tonnage measurement of Finnish vessels is performed by the Finnish Transport and Communications Agency or by a tonnage admeasurer nominated by the Finnish Transport and Communications Agency who is not an employee of the Finnish Transport and Communications Agency.

## **Section 65 (946/2018)**

### **Nominated tonnage admeasurer**

The qualifications and competence of nominated tonnage admeasurers shall be such that they are capable of duly performing tonnage measurement. More specific provisions on the qualification requirements for nominated tonnage admeasurers are laid down by government decree.

The letter of appointment to a nominated tonnage admeasurer is granted for a fixed term not to exceed five years. An appointment letter may be revalidated upon application if the applicant demonstrates that he remains qualified.

The Finnish Transport and Communications Agency shall revoke the appointment letter of a nominated tonnage admeasurer if:

- 1) the nominated tonnage admeasurer no longer satisfies the requirements with regard to knowledge or skills; or
- 2) the nominated tonnage admeasurer is in serious or repeated breach of this Act or any provisions issued under it.

The nominated tonnage admeasurer shall be provided with an opportunity to be heard before the revocation of the letter of appointment.

In the cases referred to in subsection 3, the Finnish Transport and Communications Agency may order a nominated tonnage admeasurer to return his letter of appointment to the Finnish Transport and Communications Agency immediately.

Letters of appointment may be revoked or suspended for a fixed term. The fixed term begins to run from the date on which the nominated tonnage admeasurer was served with the decision, or from the expiry date of the letter of appointment at the latest.

### **Section 66 (946/2018)**

#### **Applying for and arranging tonnage measurement**

The owner or his representative shall apply in writing to the Finnish Transport and Communications Agency or a nominated tonnage admeasurer for tonnage measurement. The Finnish Transport and Communications Agency issues regulations on the information to be appended to such an application, the application period and the arrangements for tonnage measurement.

### **Section 67 (946/2018)**

#### **Tonnage measurement and tonnage certificate**

Ships of 12 metres in length and over shall be measured for tonnage before being put into service as a Finnish vessel. Ships of less than 12 metres in length may also be measured for tonnage at the request of the owner or the master.

When the construction of a ship has progressed to a point where the upper deck is in place, the tonnage admeasurer may be asked to prepare an interim measurement of the under-deck space.

Based on the tonnage measurement, the Finnish Transport and Communications Agency issues to the vessel a tonnage certificate in accordance with the Tonnage Measurement Convention.

### **Section 68 (946/2018)**

#### **Tonnage measurement performed by a competent authority of another State**

The Finnish Transport and Communications Agency may request the competent authority of a contracting party to the Tonnage Measurement Convention to measure the tonnage of a

Finnish vessel abroad. Such tonnage measurement is recognised as equivalent with the tonnage measurement referred to in this chapter.

A vessel sailing under the flag of a contracting party to the Tonnage Measurement Convention may be measured for tonnage in Finland if a request to this effect is made to the Finnish Transport and Communications Agency by the competent authority of the vessel's flag State.

### **Section 69**

#### **Transfer of a foreign vessel to the Finnish flag**

When a foreign vessel is transferred to the Finnish flag, the tonnage of the vessel shall be verified and an international tonnage certificate in accordance with the Tonnage Measurement Convention shall be issued to the vessel.

### **Section 70 (946/2018)**

#### **Transfer of a Finnish vessel to the flag of another State**

When a vessel entered in the Transport Register or the Register of Ships maintained by the State Department of Åland is transferred to the flag of another State party to the Tonnage Measurement Convention, the tonnage certificate of such a vessel remains valid for no more than three months or until the competent authority of the new flag State replaces the tonnage certificate with another international tonnage certificate, whichever occurs first. The tonnage certificate shall be returned to the Finnish Transport and Communications Agency.

### **Section 71 (946/2018)**

#### **Suez Canal and Panama Canal tonnage certificates**

At the request of the owner or master of a vessel, the Finnish Transport and Communications Agency may issue to a Finnish vessel an English-language Suez Canal tonnage certificate or Panama Canal tonnage certificate. Such a tonnage certificate may also be issued to a foreign vessel in a Finnish port if the owner or the master of the vessel makes a request to this effect to the Finnish Transport and Communications Agency.

Tonnage measurement and the determination of tonnage shall be performed in accordance with the tonnage measurement rules of the Suez Canal or Panama Canal in force at the time.

### **Section 72**

#### **Marking of cargo spaces**

As provided in the Tonnage Measurement Convention, the owner or the master of the vessel shall certify by permanent marking the cargo spaces taken into account in the computation of net tonnage.

### **Section 73 (946/2018)**

#### **Changes impacting on tonnage certificate data**

The owner or the master of the vessel shall notify the Finnish Transport and Communications Agency immediately of any changes impacting on tonnage taking place in a vessel after the issue of the tonnage certificate. The tonnage of the vessel shall be re-measured and a new tonnage certificate in accordance with the Tonnage Measurement Convention shall be issued to the vessel in observance of the time limits laid down in the Convention.

The provisions of subsection 1 also apply when spaces which have not been marked as such are used as cargo spaces.

If the changes referred to in subsection 1 are observed in a foreign vessel which holds a tonnage certificate in accordance with the Tonnage Measurement Convention, the Finnish Transport and Communications Agency shall notify the tonnage measurement authorities of the vessel's flag State.

In the event of a change in the name or home port of the vessel, or other changes in the particulars of the vessel having an impact on the tonnage certificate, the owner or his representative shall immediately apply in writing to the Finnish Transport and Communications Agency for a new tonnage certificate.

#### **Section 74 (946/2018)** **Lost or damaged tonnage certificate**

The owner or the master of the vessel shall notify the Finnish Transport and Communications Agency of a lost tonnage certificate. If there is justified reason to presume the tonnage certificate to be lost, the Finnish Transport and Communications Agency issues to the vessel a new tonnage certificate on which the reason for its issuance is entered.

If the tonnage certificate of a vessel is damaged or worn to an extent which hampers its use, the Finnish Transport and Communications Agency, upon application, issues a new tonnage certificate, provided that the earlier tonnage certificate is returned to the Finnish Transport and Communications Agency. The reason for its issuance is entered on the new tonnage certificate.

### **Chapter 8** **Operation of ships**

#### **Section 75 (946/2018)** **Loading and carriage**

A ship shall be loaded in such a manner that it has adequate stability and loading capability and that its structures are not subjected to undue strain. A ship may not be loaded beyond its load line mark, nor may the placement of cargo be such that it prevents unobstructed or safe access to locations or equipment required for ship operation, or such that the ship has initial list.

Upon the loading of a ship, full regard shall be had of the suitability of the ship for the intended carriage and the characteristics of the cargo to be carried. All necessary precautions shall be taken against hazards to human life and health, the ship and its cargo, and the safety of the environment.

Ships which have a cargo securing manual shall be loaded in accordance with the approved cargo loading manual or another manner or method approved by the Finnish Transport and Communications Agency.

A ship shall be loaded in such a manner that the cargo does not restrict visibility from the bridge.

A passenger ship may not be used for towing except to provide assistance to a ship in distress encountered en route.

For the implementation of the SOLAS Convention, Community legislation or other international obligations binding on Finland, the Finnish Transport and Communications Agency may issue more specific regulations on the loading and carriage of cargo.

### **Section 76 (946/2018)** **Carriage of grain in bulk**

Upon carriage of grain in bulk in a vessel engaged on international voyages, the provisions of the SOLAS Convention and the Codes issued pursuant thereto shall be complied with.

The Finnish Transport and Communications Agency issues more specific regulations on the carriage and loading of grain in Finnish vessels engaging on domestic voyages or on foreign vessels loading or unloading grain in Finnish ports. The provisions referred to in subsection 1 may be complied with instead of the regulations issued by the Finnish Transport and Communications Agency in the carriage of grain on domestic voyages.

### **Section 77 (946/2018)** **Markings**

The name, home port and tonnage markings of the vessel shall be marked on vessels entered in the Transport Register or the Register of Ships maintained by the State Department of Åland. In addition, vessels shall be equipped with the markings required by the SOLAS Convention, Community legislation or other international obligations binding on Finland.

The Finnish Transport and Communications Agency issues more specific regulations on the making of the markings referred to in subsection 1, the position and manner of marking, and the size of the markings.

### **Section 78** **Safety instructions**

The safety instructions provided to passengers on passenger ships shall be in the working language of the ship and in the languages of the major groups of passengers of the ships, or the instructions shall be expressed in the form of international symbols.

## **Chapter 9** **Helicopter operations on ships**

### **Section 79 (946/2018)** **Transfers by helicopter**

Subject to the Aviation Act (864/2014) or Community legislation applicable to transfers by helicopter, transfers by helicopter to or from ships may take place when the deck facilities of the vessel are equipped with a winching area, helicopter landing area or helideck.

Ro-ro passenger ships engaged on international voyages and ro-ro-passenger ships of Class A covered by the Non-SOLAS Directive engaged on domestic voyages, as well as tankers, shall be fitted with a helideck or helicopter landing area in the manner required by the SOLAS Convention. Ro-ro passenger ships of Classes B, C and D covered by the Non-SOLAS Directive shall be fitted with a winching area or helicopter landing area in the manner required under the Non-SOLAS Directive.



In an emergency, the master of the vessel and the commander of the helicopter together decide the manner and location of the transfer by helicopter if the vessel is not equipped with the markings required for helicopter operations or in the case of deficient safety equipment.

In order to ensure an adequate level of safety, the Finnish Transport and Communications Agency may issue more specific regulations in accordance with IMO Guidelines and the standards and recommendations of the International Civil Aviation Organization (ICAO) on the technical requirements, markings and radio communications required for transfers by helicopter, and on the safety measures to be observed in such transfers.

### **Section 80 (946/2018)** **Grant of exceptions**

For particular reasons, the Finnish Transport and Communications Agency may grant individual exceptions from the regulations concerning helicopter operations issued pursuant to section 79, subsection 4 if such an exception does not materially reduce the safety of the vessel, the helicopter, the persons carried by the helicopter or the vessel, or the environment.

## **Chapter 10** **Miscellaneous provisions**

### **Section 81 (946/2018)** **Supervision**

Compliance with this Act and the provisions issued under it is supervised by the Finnish Transport and Communications Agency.

The Police, Customs, Occupational Health and Safety Administration and Finnish Transport Infrastructure Agency shall provide executive assistance to the Finnish Transport and Communications Agency for the performance of the duties provided herein. Provisions on the executive assistance provided by the Border Guard are laid down in the Border Guard Act (578/2005).

### **Section 81a (169/2019)** **Liability for acts in office**

Criminal liability for acts in office applies to officers of recognised classification societies, employes of notified bodies, nominated surveyors and nominated tonnage admeasurers whenever they are carrying out a public administrative task referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974)

*Section 81a added by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

### **Section 81a (879/2014)** **Liability for acts in office**

Criminal liability for acts in office applies to officers of recognised classification societies, nominated surveyors and nominated tonnage admeasurers whenever they are carrying out a public administrative task referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974)

**Section 82 (946/2018)**  
**Regulations on the limits of domestic trading areas**

The Finnish Transport and Communications Agency issues more specific regulations on the limits of the domestic trading areas defined in section 2, paragraph 36.

**Section 83 (946/2018)**  
**Approval of marine safety equipment servicing stations**

The Finnish Transport and Communications Agency approves servicing stations that are required to be approved by the Administration under the SOLAS Convention in order to ensure that safety equipment on board is in good working order. More specific regulations on the conditions for the approval of servicing stations for marine safety equipment and the requirements for their operation under the Convention are issued by the Finnish Transport and Communications Agency.

**Section 84 (946/2018)**  
**Reimbursement of expenses to the Finnish Transport and Communications Agency**

Provisions on the fees charged for performances by the Finnish Transport and Communications Agency are laid down in the Act on Criteria for Charges Payable to the State (150/1992). More specific regulations on the fees are laid down by decree of the Ministry of Transport and Communications.

**Section 85**  
**Reimbursement of expenses to nominated surveyors and tonnage admeasurers**

The party which commissions the survey or tonnage measurement of a vessel shall pay a fee to the nominated surveyor and tonnage admeasurer for the measures taken on the basis of this Act or any provisions issued under it or for any document issued on the basis of such measures.

The amount of the fee shall cater for the type, size, tonnage and use of the vessel, the nature of its service and the nature of the measure taken, the time and place at which the measure is taken, and the number of measures taken on the same occasion. For verifying the rectification of a defect, the owner is charged half of the fee charged for the said measure. If for reasons beyond the performing party's control a measure cannot be taken at one time or at all due to failure on the part of the owner to comply with the orders of the party taking the measure, the owner shall nonetheless pay half of the fee charged for the said measure.

More specific provisions on the amount of the fee are laid down by government decree.

Nominated surveyors and tonnage admeasurers are entitled to be reimbursed by their client for their travel expenses and to be paid a per diem in accordance with the State Travel Regulations. If the vessel is not berthed at quay, the nominated surveyor or tonnage admeasurer shall be provided with transportation to the vessel or be reimbursed for the expenses arising to him from organizing such transportation.

## **Section 86**

### **Collection of fees and expenses of nominated surveyors and tonnage admeasurers**

The fees and expenses of nominated surveyors and tonnage admeasurers may be collected from the party liable to pay without a judgment or decision in observance of the provisions of the Act on the Enforcement of Taxes and Charges (706/2007).

## **Chapter 11**

### **Penal provisions**

## **Section 87**

### **Causing a traffic hazard**

The penalty for causing a traffic hazard and causing a serious traffic hazard is laid down in the Criminal Code (39/1889), chapter 23, sections 1 and 2, respectively.

## **Section 88**

### **Waterway traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a license**

The penalty for waterway traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a license is laid down in the Criminal Code, chapter 23, sections 5, 8 and 10, respectively.

## **Section 89**

### **Failure to ensure seaworthiness**

The penalty for failure to ensure seaworthiness is laid down in the Maritime Code (674/1994), chapter 20, section 1.

## **Section 90**

### **Neglect of duties pertaining to ship's documents**

The penalty for neglect of duties pertaining to ship's documents is laid down in the Maritime Code, chapter 20, section 3.

## **Section 91**

### **Ship safety offence**

Anyone who intentionally or through gross negligence

- 1) fails to comply with the general safety requirements provided for in section 5;
- 2) fails to comply with the general technical safety requirements provided for in section 6, subsections 1 to 3, or with the regulations referred to in section 6, subsection 4;
- 3) fails to comply with the general technical safety requirements provided for in section 15, subsection 1 or 2, or with the regulations referred to in section 15, subsection 3;
- 4) fails to comply with the technical safety requirements provided for in section 21 subsection 1 or 2, or with the regulations referred to in section 21, subsection 3;
- 5) fails to comply with the technical safety requirements provided for in section 22, subsection 1, or with the regulations referred to in section 22, subsection 2;
- 6) fails to comply with the technical regulations concerning other ships provided for in section 23;

7) fails to comply with the requirement concerning ro-ro ship bow doors provided for in section 24, subsection 1 or with the regulations referred to in section 24, subsection 2;

8) fails to comply with the provisions of the Load Line Convention or the Agreement on Load Lines for the Baltic Sea referred to in section 27, subsection 1 or 2, or the freeboard requirements for other ships laid down in section 27, subsection 1 or with the other regulations referred to in section 27, subsection 3; (169/2019)

*Paragraph 8 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

8) fails to comply with the provisions of the Load Line Convention or the Agreement on Load Lines for the Baltic Sea referred to in section 27;

9) fails to comply with the load line requirements of the Non-SOLAS Directive referred to in section 28, subsection 1 or with the load line mark and freeboard requirements concerning other ships provided for in section 28, subsection 2 or 3, or with the regulations referred to in section 28, subsection 4, or the load line mark or freeboard requirements concerning workboats laid down in section 28a, subsection 1 or with the regulations referred to in section 28a, subsection 2; (169/2019)

*Paragraph 9 as amended by Act 169/2019 enters into force on 21 December 2019. The previous wording was:*

9) fails to comply with the load line requirements of the Non-SOLAS Directive referred to in section 28, subsection 1 or with the load line mark and freeboard requirements concerning other ships provided for in section 28, subsection 2 or with the regulations referred to in section 28, subsection 3;

10) operates a vessel without the permit referred to in section 12 or 19;

*Subsection 11 was repealed by Act 879/2014;*

12) is in breach of the prohibition laid down in section 34;

13) fails to comply with the duty to return the letter of appointment laid down in section 38, subsection 5 or 65, subsection 5;

14) fails to comply with the duty of care laid down in section 44, subsection 1 or 2;

15) fails to comply with the duty of survey laid down in section 46, subsection 1, section 47, subsection 1, section 48, subsection 1 or 2), section 49, subsection 1 or 2, section 50, subsection 1 or 3, section 51, subsection 1, section 52, subsection 1, section 53, subsection 1 or section 54, subsection 1 or 3;

16) is in breach of the prohibition laid down in section 56;

*Subsection 17 was repealed by Act 879/2014;*

18) fails to comply with the duty to apply for a certificate or a maritime labour certificate laid down in section 59, subsection 1; (879/2014)

19) fails to comply with the duty to notify of rectification of defect or deficiency laid down in section 60, subsection 1;

20) fails to comply with the duty of tonnage measurement laid down in section 67, subsection 1;

21) fails to comply with the duty to verify the tonnage of a foreign vessel laid down in section 69;

22) fails to comply with the duty to return laid down in section 70;

23) fails to comply with the duty to mark cargo spaces laid down in section 72;

24) fails to comply with the duty to notify laid down in section 73, subsection 1 or 2 or the duty to apply for a tonnage certificate laid down in section 73, subsection 4;

24) fails to comply with the duty to notify provided for in section 74, subsection 1 or the duty to return provided for in section 74, subsection 1;

26) is in breach of the provisions concerning loading and carriage or the towing prohibition laid down in section 75;

27) is in breach of the provisions concerning the carriage of grain in bulk laid down in section 76;

28) fails to comply with the duty concerning the markings to be made to vessels laid down in section 77;

29) is in breach of the duty pertaining to safety instructions laid down in section 78; or

30) is in breach of the provisions concerning helicopter operations laid down in section 79 insofar as the breach concerns the construction or equipment of the vessel or neglect of safety measures on the vessel

shall be sentenced to pay a fine for a *ship safety offence*, unless more severe punishment is provided for elsewhere by law.

A shipowner who intentionally or through gross negligence fails to comply with the duty of survey laid down in Article 8(3–7) of the Ship Recycling Regulation shall also be sentenced for a ship safety offence. (629/2017)

## **Section 92 (946/2018)**

### **Waiver**

In case of a ship safety offence or if the administrative sanctions levied against the perpetrator may be considered sufficient with regard to the severity of the offence, an action need not be brought against the perpetrator nor a punishment imposed.

If the offence is manifestly such as provided in subsection 1, the Finnish Transport and Communications Agency may issue the perpetrator with a reprimand without taking further action.

## **Chapter 12**

### **Appeal and enforcement**

## **Section 93 (946/2018)**

### **Appeal**

The withdrawal of a permit to operate, a letter of appointment or a maritime labour certificate and the suspension or revocation of an authorisation to conduct surveys may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996).

A claim for a revised decision with regard to any other decision made by the Finnish Transport and Communications Agency, a recognised classification society, a nominated surveyor or a nominated tonnage measurer may be lodged with the Finnish Transport and Communications Agency as laid down in the Administrative Procedure Act (434/2003). A decision made on the basis of the claim for a revised decision may be appealed to the Administrative Court as laid down in the Administrative Judicial Procedure Act.

A decision made by the Administrative Court in a case referred to in subsection 1 may be appealed as laid down in the Administrative Judicial Procedure Act. Any other decision made by the Administrative Court may be appealed only if the Supreme Administrative Court grants leave of appeal.

Appeal against a fee charged by the Finnish Transport and Communications Agency in accordance with this Act shall be lodged as laid down in the Act on Criteria for Charges Payable to the State.

**Section 94  
Enforcement**

A decision issued by virtue of this Act shall be enforced regardless of any claim for a revised decision or appeal unless otherwise ordered by the competent authority processing the claim for a revised decision or by the appellate authority.

**Section 95  
Court with jurisdiction**

The court with jurisdiction in matters to be dealt with in accordance with this Act other than those referred to in section 93 shall be determined in accordance with chapter 21 of the Maritime Code.

**Chapter 13  
Entry into force****Section 96  
Entry into force**

This Act enters into force on 1 January 2010. Section 35, subsection 2 and section 57, subsection 3 of the Act enter into force on a separate date laid down in a government decree.

This Act repeals the Decree on Merchant Ships issued on 17 April 1924 (103/1924), as amended.

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

**Section 97  
Transitional provision**

Subject to the conditions of this Act, charter boats subjected to an initial survey before 1 January 2006 may serve as charter boats even if they do not comply with the requirements laid down in the Act on the Safety of and Discharge Requirements for Certain Recreational craft.

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