

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

Act on Ships' Crews and the Safety Management of Ships
(1687/2009; amendments up to 1528/2019 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 manning of ships, watchkeeping, crew lists and the duty to submit information to the Transport Register. (467/2018)

This Act also lays down provisions on the national implementation of Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95, hereinafter referred to as the *ISM Regulation*.

Section 2 (976/2018)
Definitions

For the purposes of this Act and the provisions issued by virtue of it:

- 1) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974, as amended.
- 2) *STCW Convention* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.
- 3) *Directive on Minimum Level of Training of Seafarers* means Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers.
- 4) *IMO* means the International Maritime Organization, which is a specialized agency of the United Nations.
- 5) *ISM Code* means the International Management Code for the safe Operation of Ships and for Pollution Prevention, annexed to the ISM Regulation.
- 6) *Maritime Labour Convention* means the International Maritime Labour Convention, 2006.
- 7) *Vessel* includes all watercraft used or capable of being used as a means of transport on water.
- 8) *Crew* means all persons serving on board.
- 9) *Owner* means the owner or charterer of a vessel who, either on their own or together with other persons, has effective control in matters connected with the safety of the vessel; under this Act, a person who under an agreement or otherwise has assumed effective control of matters connected with the safety of the vessel is considered to be equal to an owner.

- 10) *Passenger* means every person other than the master and the members of the crew, or other persons employed or engaged in any capacity on board a vessel on the business of that vessel, or children under one year of age.
- 11) *Ship's length* is 96% of the total length of the vessel 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 is greater; in vessels designed with a rake of keel the waterline on which this is measured shall be parallel to the design waterline. In vessels less than 12 metres in length, however, the length equals the vessel's overall length.
- 12) *Gross tonnage* is the measure entered on the tonnage certificate, of the overall size of a ship determined by the formula presented in Annex I to the International Convention on Tonnage Measurement of Ships, 1969; the gross tonnage of an integrated system formed by a pusher and a barge is their overall gross tonnage.
- 13) *Pleasure craft* means any watercraft of any type intended for sports and leisure purposes of hull length from 2.5 metres to 24 metres, regardless of the means of propulsion. (785/2019)

Paragraph 13 amended by Act 785/2019 enters into force on 1 June 2020. The previous wording was:

- 13) *Pleasure craft* means any personal watercraft regardless of length and any boat of any type intended for sports and leisure purposes of hull length from 2.5 metres to 24 metres, measured according to harmonized standards, regardless of the means of propulsion; a vessel that is chartered with a crew is not a pleasure craft.
- 14) *Pleasure yacht* means any vessel used for sports and leisure purposes of hull length over 24 metres, measured according to harmonized standards, and gross tonnage of less than 500. (785/2019)

Paragraph 14 amended by Act 785/2019 enters into force on 1 June 2020. The previous wording was:

- 14) *Pleasure yacht* means any vessel intended for sports and leisure purposes of hull length over 24 metres, measured according to harmonized standards, and gross tonnage of less than 500.
- 15) *Cable ferry* means a ferry that is controlled by a steering rope or alternatively by other equipment approved by the Finnish Transport and Communications Agency.
- 16) *Charter boat* means a vessel chartered with a crew for sports and leisure purposes of hull length from 2.5 metres to 24 metres which carries 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 power, as declared by the engine manufacturer, is less than 15 kilowatt, personal watercraft (PWC) and rowing boats are not charter boats. (785/2019)

Paragraph 16 amended by Act 785/2019 enters into force on 1 June 2020. The previous wording was:

- 16) *Charter boat* means a vessel within the scope of the Act on the Safety of and Discharge Requirements for Recreational Craft (1712/2015), chartered for recreational purposes with crew and carrying a maximum of 12 passengers in non-regular service; however,

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.

- 17) *Fishing vessel* means any vessel equipped and used commercially for catching fish or other living resources of the sea.
- 18) *Passenger ship* means a vessel that carries more than 12 passengers.
- 19) *Ro-ro passenger ship* means a vessel 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 European Parliament and of the Council on safety rules and standards for passenger ships.
- 20) *Barge* means a vessel with no propulsion machinery of its own.
- 21) *Cargo ship* means any vessel of not less than 5.5 metres in length other than those referred to in paragraphs 13 to 20 above.
- 22) *Tanker* means a cargo ship constructed or chiefly adapted for the carriage of liquid cargoes in bulk.
- 22a) *Traditional ship* means a historical vessel entered in the National Board of Antiquities' Register of traditional ships of not less than 5.5 metres in length, engaged on domestic voyages in non-regular service and designed before 1965. (172/2019)
- 23) *Regular service* means a series of ship crossings operated either according to a specific timetable or on specified routes.
- 24) *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 trade 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;
- 25) *Domestic trade* means voyages between Finnish ports; voyages to Vyborg via the Saimaa Canal and its connecting Russian waters, and voyages between Vichreyov 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.
- 26) *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;

- 27) *Training* means a qualification or part of a qualification that is a precondition for the issue or revalidation of a certificate of competency, a certificate of proficiency or an endorsement referred to in the Act on Transport Services (320/2017). Provisions on such qualifications are issued in the Act on Universities of Applied Sciences (932/2014) or by virtue of it, the Act on Vocational Education and Training (531/2017) or by virtue of it, or in regulations issued by virtue of the said Acts. Training also means any other qualification recognized on special grounds by the Finnish Transport and Communications Agency under the Act on Transport Services;
- 28) *Company* means the owner of the ship or any other organization or person, such as the operator or the bareboat charterer, who has assumed responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over all the duties and responsibilities imposed by the ISM code;
- 29) *Seagoing service* means service as a crew member or supervised trainee on board a vessel other than a pleasure craft, a pleasure yacht or a barge, or a cable ferry that cannot be freely steered; as seagoing service may also be regarded service on a craft in recreational use with a minimum gross tonnage of 500, in a capacity for which a certificate of competency referred to in the STCW Convention is required; when defining the seagoing service required for certification, a period of 30 days on board is considered equal to one month.

Section 3

References to other legislation

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

The Seafarers' Working Hours Act (296/1976), the Act on Working Hours on Vessels Engaged on Domestic Voyages (248/1982), and the Seafarers' Annual Holidays Act (433/1984) contain provisions on seafarers' hours of work and rest. (95/2013)

Provisions on seafarers' qualifications and the Transport Register are contained in the Act on Transport Services. (467/2018)

Subsections 4-6 were repealed by Act 332/2018.

Chapter 2

Manning of ships and watchkeeping (332/2018)

Section 4 (976/2018)

Scope of application

The provisions of this chapter apply to vessels sailing under the Finnish flag and the crews and owners of such vessels.

This chapter 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.

This chapter does not apply to:

- 1) vessels of the Finnish Defence Forces or the Finnish Border Guard, which, as a rule, are not used in general traffic for the carriage of passengers or cargo;

- 1a) vessels of rescue services, the Police or Customs to the extent that these authorities are using a training system approved by the Finnish Transport and Communications Agency in accordance with section 17 of the Act on Transport Services; (384/2019)
- 2) pleasure craft; (384/2019)
- 3) cable ferries; (384/2019)
- 4) vessels of 10 metres in length or less, used in distinctly separated basins of industrial establishments only,
- 5) vessels of 10 metres in length or less, not used in general traffic for the carriage of passengers, for the carriage of cargo on a regular basis, or for towage, unless the vessel is a manned charter boat; (384/2019)
- 6) vessels used non-commercially for voluntary search and rescue (SAR) operations and manned with a crew trained for SAR operations; (384/2019)
- 7) barges and dredgers with no propulsion machinery of their own; (384/2019)

The following provisions of this chapter shall apply to traditional ships:

- 1) the provisions on cargo ships when no more than 12 passengers are carried on board;
- 2) the provisions on passenger ships when more than 12 passengers are carried on board.

(172/2019)

Section 5 (976/2018)

Safe manning

Every ship shall be manned in such a manner that the ship, crew, passengers, cargo, other property or the environment are not needlessly put at risk.

The ship's complement and the competence of the crew shall be such as to enable the proper performance of all on-board watchkeeping, safety and security duties and duties related to marine pollution prevention.

The ship shall have properly qualified catering personnel, if the crew lodges or has its meals on board.

More specific regulations on the manning of pleasure yachts, charter boats and vessels engaged on domestic voyages may be issued by the Finnish Transport and Communications Agency.

Section 6 (976/2018)

Determination of safe manning and minimum safe manning document

The manning of a vessel shall be determined before the vessel is put into service as a Finnish ship or as a Finnish fishing vessel, unless otherwise provided hereinafter. The requirement concerning the determination of safe manning does not apply to charter boats and pleasure yachts on domestic voyages.

Before a vessel is put into service, the owner shall apply to the Finnish Transport and Communications Agency in writing for determination of its manning. The application shall contain all information required for determining the manning and a proposal for the minimum safe manning level of the vessel.

Excluding charter boats engaged on international voyages and pleasure yachts, when determining the first manning of a vessel or when there are significant changes in the manning, the manning shall be determined for a specific period. Before determining the

manning of a vessel other than a fishing vessel, a pleasure yacht or a charter boat, the Finnish Transport and Communications Agency shall request opinions on the application from the occupational safety and health authorities and the relevant national maritime labour market organisations.

The Finnish Transport and Communications Agency determines the manning and issues a document indicating the minimum safe manning of the vessel, the composition of the crew and the required qualifications of the crew with respect to different trading or catch areas. The minimum safe manning document is valid for a specific or indefinite period of time.

Further provisions on the application for determination of minimum safe manning levels and on the validity of the minimum safe manning document are issued by government decree.

The original minimum safe manning document shall be carried on board and the owner of the vessel shall have a copy of it.

Section 6a (976/2018)

Manning of vessels of less than 500 gross tonnage engaged on domestic voyages in trading areas I and II

Excluding tankers, the manning of vessels of less than 500 gross tonnage operating in domestic trading areas I and II is not determined as provided in section 6, and no minimum safe manning document is issued to them. On application of the owner, the Finnish Transport and Communications Agency shall, however, determine the manning and issue a minimum safe manning document as provided in section 6.

Further provisions are issued by government decree, taking into consideration the type and size of the vessel, the number of passengers, the daily operating hours and other arrangements related to the minimum safe manning referred to in section 5 of vessels operating in domestic trading areas I and II and the qualification requirements associated with it.

Section 7 (976/2018)

Principles to be considered when issuing minimum safe manning documents

When issuing minimum safe manning documents, the Finnish Transport and Communications Agency shall take into account the principles of safe watchkeeping and the provisions on hours of work and rest in the Seafarers' Working Hours Act and the Act on Working Hours on Vessels Engaged on Domestic Voyages, the size and type of the vessel, the cargo carried on board, the engine output and automation of the machinery, the overall standard of shipboard equipment, service and maintenance, the trading area and the catch area, the number of passengers, catering and sanitary conditions and onboard training.

In addition to the matters referred to in subsection 1, the Finnish Transport and Communications Agency shall take into account the provisions of the Maritime Labour Convention.

The vessel shall be sufficiently manned to ensure the proper use of life-saving, fire-fighting and other safety equipment, the performance of the duties specified in the muster list, the security duties and the duties related to marine pollution prevention.

Vessels that are carrying 100 or more persons and are engaged on international voyages of more than three days' duration shall, under the Maritime Labour Convention, carry a qualified medical doctor.

Further provisions on the principles to be considered in determining the minimum safe manning of vessels are issued by government decree.

Section 8 (976/2018) **Advance ruling on manning**

The owner, the prospective owner or the manager of a fishing vessel or a relevant national maritime labour market organisation may submit a written application to the Finnish Transport and Communications Agency for an advance ruling on the manning of a vessel.

The application for an advance ruling shall contain the same details as the application for manning and a proposal for the manning of the vessel. The matter in which an advance ruling is requested shall be specified.

Before issuing an advance ruling with respect to a vessel other than a fishing vessel, a pleasure yacht or a charter boat, the Finnish Transport and Communications Agency shall request opinions from the occupational safety and health authorities and the relevant national maritime labour market organisations.

In determining the manning of the vessel, the Finnish Transport and Communications Agency shall take proper account of its advance ruling, if the circumstances on which the application was founded have remained unchanged.

Section 9 **Owner's and master's responsibilities**

The owner shall ensure that:

- 1) the vessel has a valid minimum safe manning document issued as provided in section 6 and that it has been manned accordingly, or has the minimum safe manning laid down by virtue of section 6a or the manning set out in a safe manning document issued as provided in section 6a;
- 2) the crew is trained and qualified in accordance with the characteristics of the vessel and the duties assigned to them; and
- 3) the crew members have been familiarised with their duties.

(467/2018)

The master shall ensure that the vessel is safely manned on each voyage taking into account the prevailing circumstances, in addition to which the vessel shall at all times have at least the manning specified in the valid safe manning document issued as provided in section 6 or 6a, or the minimum safe manning provided by virtue of section 6a. (467/2018)

Further provisions on the responsibilities of the owner and the master regarding safe manning are issued by government decree.

Section 10 **Master's and chief engineer officer's authority**

If the master, based on his professional judgement and experience, deems that the ship's manning does not meet the requirements specified in section 9, subsection 1 or 9,

subsection 2, he or she shall not be prevented from demanding the necessary changes, nor may action be taken against him or her for this reason. The same applies to the chief engineer officer in issues regarding machinery and fire safety.

Section 11 (976/2018) **Changes to the manning**

The owner shall without delay notify the Finnish Transport and Communications Agency of any changes with respect to the structure, equipment, operation, trading or catch area of a vessel or the particulars of the owner or vessel and, if necessary, apply for a new safe manning document for the vessel.

The owner, a national maritime labour market organisation or an occupational safety and health authority not satisfied with the manning confirmed for the vessel may, in cases other than those referred to in subsection 1, apply to the Finnish Transport and Communications Agency for a change to the manning. An application for a change to the manning may be submitted when a safe manning document issued for the vessel for a specified period is revalidated for the first time or confirmed as being valid until further notice or, with regard to a vessel whose annual period of operation is shorter than six months, after a full sailing season. In the application, the applicant must present the facts that warrant a change to the manning of the ship. The Finnish Transport and Communications Agency shall request opinions on the application from the occupational safety and health authorities, the relevant national maritime labour market organisations and the owner.

If the provisions on the rest periods of ships' crews are repeatedly violated on board, the Finnish Transport and Communications Agency shall reassess the vessel's minimum safe manning on request of the occupational safety and health authorities.

If necessary, the Finnish Transport and Communications Agency determines a new minimum safe manning for the vessel as provided in section 6 and issues a new minimum safe manning document.

Section 12 (976/2018) **Derogations from the minimum safe manning document**

If it proves impossible to recruit qualified crew members in a port of call without unreasonable delay or costs, the Finnish Transport and Communications Agency may allow the vessel to derogate from the confirmed manning for a specific period of time or on a specific voyage, provided that the safety of the vessel is not put at risk.

The vessel's crew shall be complemented in accordance with the confirmed manning as soon as possible.

Section 13 (976/2018) **Derogations from the qualifications determined in the minimum safe manning document**

For compelling reasons, the Finnish Transport and Communications Agency may, on the owner's written application, grant a dispensation from the certificate of competency for an officer of the deck or engine department to serve in a capacity for which he or she is not qualified, provided that he or she is sufficiently qualified to safely perform the duties concerned. A dispensation may be granted if this does not put life, property or the environment at risk. Before issuing a dispensation, the Finnish Transport and

Communications Agency shall request the opinion of the relevant national maritime labour market organisation. A dispensation cannot be issued for more than six months at a time.

On other than domestic voyages, dispensation for the capacity of master or chief engineer officer may be issued only in circumstances of force majeure and, even in this case, only for the shortest possible period.

Dispensation may only be granted for a capacity one step higher in rank than the capacity the person is holding by virtue of his or her certificate of competency. If a person holds no certificate of competency, he or she can be granted a dispensation for a capacity requiring the lowest certificate of competency, if it is evident that he or she on account of his or her training and experience is able to perform the duties concerned.

Section 13a (976/2018)

Manning and watchkeeping trial permit

Should this be necessary for trials of new technical solutions related to manning and watchkeeping, the Finnish Transport and Communications Agency may grant an applicant a permit to not comply with the provisions on confirming the safe manning and minimum safe manning documents in section 6, provisions issued by virtue of section 6a on minimum safe manning and the qualification requirements associated with it, the provisions on the principles to be considered when issuing minimum safe manning documents in section 7, the provisions on the owner's and master's responsibilities regarding minimum safe manning documents and minimum safe manning in section 9, the provisions on watchkeeping arrangements and principles to be observed in section 23, or provisions issued by virtue of these sections (*trial permit*). In this case, the vessel's manning will not be determined by the Finnish Transport and Communications Agency as provided in sections 6, 7 and 8.

A trial permit may only be issued for a restricted area and for trials carried out on a Finnish vessel engaged on domestic voyages. A precondition for issuing the permit is that the safety of the vessel or the environment will not be put at risk and that issuing the permit is not in breach of the international commitments related to shipping binding on Finland. The permit may include conditions.

A trial permit may be issued for a period not exceeding two years, and it may not be renewed for the same trial. Before issuing a trial permit, the Finnish Transport and Communications Agency shall inform the Ministry of Transport and Communications of the permit.

Section 13b (976/2018)

Withdrawal of a trial permit

A trial permit referred to in section 13a may be withdrawn by the Finnish Transport and Communications Agency if the permit holder repeatedly breaches the conditions of the permit, or otherwise violates this Act or any provisions issued by virtue of it.

A precondition for withdrawing a trial permit is that a reasonable delay is granted for the permit holder to rectify their actions and to ensure compliance with the trial permit conditions as well as any relevant provisions.

Section 14 (976/2018)

Derogations with respect to trading areas

If a vessel other than a fishing vessel operates within a restricted area abroad, the Finnish Transport and Communications Agency may on written application, taking into account the nature of the operation, decide that such operation is equivalent to similar operation in domestic trade with respect to manning and crew qualifications. A derogation may be granted if the standard of safety is not impaired and the coastal state in whose waters the vessel operates has no objections.

Section 15 (785/2019)

Section 15 was repealed by Act 785/2019, which enters into force on 1 June 2020. The previous wording was:

Section 15 (467/2018)

Qualifications of the master of a pleasure yacht

The master of a pleasure yacht shall hold an international certificate for operators of pleasure craft.

The provisions on issuing certificates of competency and certificates of proficiency in section 107, on validity and revalidation of certificates of competency and certificates of proficiency in section 109, and on maintenance and presentation of certificates and documents in section 113 of the Act on Transport Services shall be applied to applications for, issuing, validity and revalidation of international certificates for operators of pleasure craft. (384/2019)

Further provisions on the international certificate for operators of pleasure craft, the qualification requirements, details to be included in an application for the certificate, the validity and revalidation of the certificate, and evidence of a certificate holder having retained their competence may be issued by government decree.

Sections 16 to 21 (332/2018)

Sections 16 to 21 were repealed by Act 332/2018.

Section 22 (467/2018)

Section 22 was repealed by Act 467/2018.

Section 23 (976/2018)

Watchkeeping arrangements and principles to be observed

The owner, the master, the chief engineer and the entire watchkeeping personnel shall ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and the intended route of the vessel.

Watch systems shall be arranged to ensure that the efficiency of the watchkeeping personnel is not impaired by fatigue. The duties of the crew members shall be organized ensuring that the first watch at the commencement of the voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

More specific regulations implementing the STCW Convention on watchkeeping and voyage planning are issued by the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency also issues more specific regulations on watchkeeping and voyage planning for vessels not covered by the STCW Convention.

Section 24 (332/2018)

Section 24 was repealed by Act 332/2018.

Section 25

Working language on board

The working language used on board shall be established and recorded in the ship's log-book. Each crew member shall be required to have sufficient understanding of the working language in which orders and instructions related to safety are given. Safety instructions shall be issued in the working language of the ship.

When the minimum safe manning of a passenger ship, ro-ro passenger ship or tanker is determined, the working language of the ship shall be entered in the minimum safe manning document.

Officers on the bridge shall be capable of using English as the working language for the purposes set out in chapter V (Safety of navigation) of the SOLAS Convention.

The responsibility for compliance with the provisions on the working language is carried out by the owner and the master.

Section 26 (976/2018)

Communication skills and clothing of personnel with safety and security duties on passenger ships and issue of emergency instructions

On board passenger ships, personnel assigned to assist passengers in emergency situations shall have sufficient language proficiency to issue instructions and guide passengers in emergencies in Finnish, Swedish and English and, where possible, in the language of the country of destination on routes between Finland and foreign countries and, where necessary, by hand signals and calling attention to the location of instructions.

The Finnish Transport and Communications Agency may, in order to implement the Directive on Minimum Level of Training of Seafarers, issue further general or route-specific regulations on the emergency instructions and language proficiency referred to in subsection 1.

Personnel with safety-related duties on passenger ships shall, while on duty, wear clothing that makes them readily identifiable as members of the crew.

The master carries the responsibility for the language proficiency and proper clothing referred to in subsection 3 of personnel assigned to safety and security duties.

Chapter 2a (467/2018)

Crew lists and duty to submit information to the Transport Register

Section 26a (384/2019)

Information on seagoing service

The Finnish Transport and Communications Agency stores information on the seagoing service, training and qualifications of persons working on Finnish ships in the Transport register referred to in Part IV of the Act on Transport Services.

Section 26b (467/2018)

Crew list

The master shall keep a crew list of the persons working on the ship at any one time, including the capacities they hold.

The information contained in the crew list shall be retained on the ship while the employment relationship is valid or while those not working for the owner's account are working on the ship.

When maintaining the crew list and processing the information contained in it, the master and his representative shall comply with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. In addition, the provisions of the Act on the Protection of Privacy in Working Life (759/2004) shall be complied with when processing the information contained in the crew list.

The master of a fishing vessel of 24 metres in length or more shall submit the information of the crew list to the owner ashore before the vessel departs or immediately following its departure. On request, the owner shall submit the information contained in the crew list to the Border Guard. (253/2019)

Section 26c (976/2018)

Owner's duty to submit information

For the purposes of the Transport Register, the owner or his representative shall submit to the Finnish Transport and Communications Agency:

- 1) the personal data of persons employed as seafarers, including their nationality, personal identity codes or, if they have no personal identity codes, their dates of birth;
- 2) capacities held by these persons on board, their start and end dates, and the number of days in service while the ship has been in operation;
- 3) the ship's name, distinctive number or letters, IMO number or other identifier, type and home port, propulsion power and gross tonnage or, if no information on the ship's gross tonnage is available, the length of the ship and the ship's trading area while the persons served on board the ship.

The information on the persons' working days in each month shall be submitted by the end of the following calendar month or the end of the calendar month following an uninterrupted period of work. In seasonal operation, the information can be submitted by sailing season.

Information may be submitted to the Transport Register using a technical interface or in some other electronic format as ordered by the Finnish Transport and Communications Agency.

If an owner or a seafarer wishes to enter in the register information on capacities held by a seafarer that would not otherwise be recorded, a reliable account of these capacities shall be submitted to the Finnish Transport and Communications Agency. The Finnish Transport and Communications Agency enters the information in the register if it is significant for the purposes of a document proving competence.

Section 26d (384/2019)

Register of seafarers employed by the owner

The owner shall maintain a register containing information on the training, qualifications and work experience of the seafarers employed by him, as well as on their state of health, as required of seafarers. When maintaining the register and processing the information contained in it, the owner shall comply with Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC. In addition, the provisions of the Act on the Protection of Privacy in Working Life (759/2004) shall be complied with when processing the information contained in the register.

Section 26e (384/2019)

Derogations from the duty to keep a register of seafarers and a crew list

The following persons shall not be entered in the register of seafarers nor in the crew list referred to in this chapter:

- 1) persons who serve on board a foreign ship;
- 2) persons who work on board only when the ship is in port;
- 3) persons who work on timber floating equipment, excluding transport equipment used for timber floating;
- 4) persons who work on barges or dredgers with no propulsion machinery of its own;
- 5) persons who serve on cargo ships of less than 15 metres in length in domestic trade;
- 6) persons who work on fishing vessels of less than 24 metres in length;
- 7) persons who work on pleasure craft;
- 8) persons who work on charter boats;
- 9) persons who serve on state-owned vessels used for the purposes of national defence or guarding the border;
- 10) persons who work in inspection, service, piloting or other similar duties only when the work is of temporary nature;
- 11) persons who work on a vessel used non-commercially for voluntary search and rescue (SAR) operations and manned with a crew trained for SAR operations;
- 12) persons who work on vessels of rescue services, the Police or the Customs to the extent that these authorities are using a training system approved by the Finnish Transport and Communications Agency under section 117 of the Act on Transport Services. However, the provisions in section 26c, subsection 4 shall apply to persons working on vessels of these types.

Chapter 3

Provisions on the implementation of the ISM Regulation

Section 27 (976/2018)

Verification of company compliance

The Finnish Transport and Communications Agency shall, under the ISM Regulation, verify that companies operating ships covered by the ISM Regulation comply with the provisions of the ISM Regulation.

Section 28 (976/2018)

Certification and withdrawal of certification

The Finnish Transport and Communications Agency or a recognised organisation shall, under the ISM Regulation, issue a Document of Compliance or an Interim Document of Compliance to a company operating a Finnish ship covered by the Regulation, and a Safety Management Certificate or an Interim Safety Management Certificate to the ship.

A foreign company operating a foreign ship in Finnish waters or with a Finnish ship shall have a Document of Compliance issued by the competent authority of the company's state of establishment.

The Finnish Transport and Communications Agency shall withdraw a certificate referred to in subsection 1 in accordance with the ISM Regulation.

The Finnish Transport and Communications Agency may request that another contracting party to the ISM Code issue the certificates referred to in subsection 1. Correspondingly, the Finnish Transport and Communications Agency may issue such certificates at the request of another contracting party.

Section 29 (467/2018)

Validity of certification

The Document of Compliance and the Safety Management Certificate are valid for a period not exceeding five years.

An Interim Document of Compliance is valid for no more than twelve months. An Interim Safety Management Certificate is valid for no more than six months, and its validity may be extended as provided in Article 6 of the ISM Regulation.

A precondition for the validity of the certificates referred to in subsections 1 and 2 is that the verifications of the companies and the ships are carried out in accordance with the ISM Regulation.

Section 30 (976/2018)

Performing of verifications

The verifications of documentation, certificates and operations referred to in the ISM Regulation are performed by the Finnish Transport and Communications Agency or a recognised organisation authorised by the Agency.

Section 30a (878/2014)

Liability for acts in office

Criminal liability for acts in office applies to officers of recognised organisations whenever they are carrying out a public administrative task referred to in sections 28 and 30 of this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 31 (976/2018)

Derogations

The Finnish Transport and Communications Agency may adopt derogations by virtue of Article 7 of the ISM Regulation.

If a derogation referred to in subsection 1 is adopted, the Finnish Transport and Communications Agency issues regulations ensuring that the objectives of the ISM Code are fulfilled, and an equivalent standard of safety is achieved.

Chapter 4

Miscellaneous provisions

Section 32 (976/2018)

Monitoring of compliance

Compliance with this Act and the provisions issued by virtue of it is monitored by the Finnish Transport and Communications Agency.

The Police, the Customs, and the occupational safety and health authorities shall give the Finnish Transport and Communications Agency executive assistance in performing the tasks referred to in this Act. Provisions on executive assistance provided by the Finnish Border Guard are contained in the Border Guard Act (578/2005).

A provider of vessel traffic services referred to in the Vessel Traffic Service Act (623/2005) has the duty to provide information or other assistance to the Finnish Transport and Communications Agency in the performance of the monitoring tasks referred to in this Act.

Section 32a (976/2018)

Reprimand and warning

When discharging its duties under this Act, the Finnish Transport and Communications Agency may issue a reprimand or a warning to anyone who, other than as provided in section 39, violates:

- 1) this Act or any provisions or decisions issued by virtue of it; or
- 2) the provisions of the ISM Regulation.

A warning shall be issued if a reprimand cannot be considered sufficient taking into account the overall circumstances of the matter. A reprimand shall be issued by spoken word or in writing. A warning shall be issued in writing and recorded in the Transport Register.

Section 33 (976/2018)

Limits of the trading areas in domestic trade

The Finnish Transport and Communications Agency issues more specific regulations on the limits of the domestic trading areas defined in section 2, paragraph 25.

Section 34 (976/2018)

Reimbursement of expenses to the Finnish Transport and Communications Agency

Provisions on the charges to be paid for the services provided by the Finnish Transport and Communications Agency are contained in the Act on Criteria for Charges Payable to the State (150/1992). Further provisions on the fees are laid down by decree of the Ministry of Transport and Communications.

Chapter 5

Penal provisions

Section 35

Causing a traffic hazard

Provisions on penalties for causing a traffic hazard and causing a serious traffic hazard are laid down in chapter 23, sections 1 and 2 of the Criminal Code.

Section 36

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

Provisions on penalties for waterway traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a license are laid down in chapter 23, sections 5, 8 and 10 of the Criminal Code.

Section 37

Neglect of ensuring the seaworthiness of a vessel

Provisions on penalties for neglect of ensuring the seaworthiness of a vessel are laid down in chapter 20, section 1 of the Maritime Code (674/1994).

Section 38

Neglect of duties regarding ship's documents

Provisions on penalties for neglect of duties regarding ship's documents are laid down in chapter 20, section 3 of the Maritime Code.

Section 39

Maritime offence

Anyone deliberately or through gross negligence

- 1) failing to comply with the responsibility set out in section 6, subsection 2 to apply for determination of the minimum safe manning of a vessel;
- 2) failing to comply with the responsibility set out in section 9, subsection 1 or 9, subsection 2 to ensure that the vessel has a valid minimum safe manning document issued under section 6 or that the vessel is manned in accordance with a valid minimum safe manning certificate issued under section 6 or 6a or has the minimum safe manning determined b under section 6a and is manned safely considering the prevailing circumstances during the intended voyage; (467/2018)
- 3) failing to comply with the duty to submit information set out in section 11, subsection 1; *Paragraphs 4 to 5 were repealed by Act 332/2018.*
- 6) infringing the obligation laid down in section 23 to ensure that a safe watch or safe watches are maintained on board; *Paragraph 7 was repealed by Act 332/2018.*
- 8) infringing the provision in section 25 on the working language of the vessel;
- 9) infringing the obligation to wear clothing referred to in section 26, subsection 3 or the obligation referred to in subsection 4 to ensure that personnel assigned to safety and security duties on a passenger ship have sufficient language proficiency or wear the clothing referred to in subsection 3; (467/2018)
- 10) infringing the obligation set out in Article 5 of the ISM Regulation to comply with the requirements of Part A of the ISM Code concerning the safety management system of the ship, the safety and environmental protection policy, company responsibilities and authority, designated person's or master's responsibility and authority, emergency preparedness, reports, maintenance, documentation, verification and certification; or (467/2018)
- 11) neglecting the obligation laid down in section 26b to maintain a crew list or the notification obligation laid down in section 26c; (467/2018)

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

Subsection 2 was repealed by Act 785/2019, which enters into force on 1 June 2020. The previous wording was:

A person who, deliberately or by gross negligence, serves as the master of a pleasure yacht without having an international certificate for operators of pleasure craft referred to in section 15, subsection 1, shall also be sentenced for a maritime offence. (467/2018)

Section 40 (976/2018)

Waiver

In case of a minor maritime 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 or a warning without taking further action.

Chapter 6

Appeal and enforcement

Section 41 (1528/2019)

Appeal

A party not satisfied with any other decision made by the Finnish Transport and Communications Agency than a decision in a case concerning the withdrawal of a certificate, as referred to in section 28 of this Act, may submit a written claim for a revised decision to the Agency as laid down in the Administrative Procedure Act (434/2003).

Provisions on appeal to the Administrative Court are laid down in the Administrative Judicial Procedure Act (808/2019).

An 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 42

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 43

Court of jurisdiction

In matters other than those referred to in section 41, the court of jurisdiction is determined by the provision in chapter 21 of the Maritime Code.

Chapter 7
Entry into force

Section 44
Entry into force

This Act enters into force on 1 January 2010. Section 7, subsections 2 and 7, subsection 4 enter into force at a time laid down in a government decree.

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

Section 45
Transitional provisions

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 Requirement for Certain Recreational Craft.
