

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

Act on Environmental Protection in Maritime Transport
(1672/2009; amendments up to 1537/2019 included)

By decision of Parliament, the following is enacted:

Chapter 1
General provisions

Section 1
Purpose of the Act

The purpose of this Act is to prevent ship-source pollution by prohibiting discharges and emissions of noxious substances into the sea and air, or by setting limits on discharges and emissions into the sea and air. Furthermore, the purpose of this Act is to organise the reception of ship-generated waste in ports.

This Act lays down the provisions for the national implementation of international commitments binding on Finland and European Community legal instruments as well as other provisions pertaining to the prevention of ship-source pollution, as well as other provisions pertaining to the prevention of ship-source pollution.

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

Section 2 (99072018)
Definitions

For the purposes of this Act:

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

5) *Ballast Water Management Convention* means the International Convention for the Control and Management of Ships' Ballast Water and Sediments adopted in London on 13 February 2004, as amended.

6) *TBT Regulation* means Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships.

7) *Ship Recycling Regulation* means Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC.

8) *Territorial waters, internal waters and territorial sea* means areas defined in the Act on the Delimitation of the Territorial Waters of Finland (463/1956).

9) *Inland waters* mean lakes, rivers, and canals.

10) *Finnish waters* mean the territorial waters and inland waters.

11) *Finland's exclusive economic zone* means the sea area defined in the Act on the Exclusive Economic Zone of Finland (1058/2004).

12) *Baltic Sea area* means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8" N, together with internal waters declared by each state.

13) *Nearest land* means the outer limit of the internal waters or the areas defined in the MARPOL 73/78 Convention.

14) *International voyages* mean voyages between Finnish and foreign ports or voyages between foreign ports, as well as voyages between a Finnish port and any area outside Finland's territorial waters, excluding voyages defined below in item 15.

15) *Domestic voyages* mean voyages between Finnish ports; voyages to Vyborg via the Saimaa Canal and the Russian waters immediately adjacent thereto, as well as voyages between Vichrevoy and Vyborg, shall be equated with domestic voyages.

16) *Ship* means any sea-going vessel or craft and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft, as well as fixed or floating platforms.

17) *Oil tanker* means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and chemical tankers when carrying a cargo of oil in bulk.

18) *Chemical tanker* means a ship constructed or adapted primarily to carry noxious liquid substances in bulk in its cargo spaces and includes oil tankers when carrying a cargo of noxious liquid substances in bulk.

19) *Passenger ship* means a ship entitled to carry more than 12 passengers, where 'passenger' means every person other than the master of the ship and the members of the crew or other persons employed or engaged in any capacity on board the ship in the business of that ship, and children under one year of age.

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

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

22) *Inland waterway vessel* means an inland waterway vessel, as defined in Article 3(c) of Directive (EU) 2016/1629 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC, and a craft that has been issued a union inland navigation certificate, as set out in Article 6 of the aforementioned Directive. (1537/2019)

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

24) *Gross tonnage* means tonnage determined by using the formula set out in Annex I of the International Convention on Tonnage Measurement of Ships, 1969.

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

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

27) *Cargo residues* mean material remnants of any cargo material on board in cargo holds and tanks which must be removed from the ship as waste when the unloading procedures are completed.

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

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

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

31) *Oily mixture* means a mixture with oil content.

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

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

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

35) *Preparation* means mixtures or solutions composed of two or more substances.

36) *Sewage* means

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

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

c) drainage from spaces containing living animals; and

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

37) *Treated sewage* means sewage processed through a properly approved treatment facility.

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

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

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

41) *Placing on the market* means supplying or making available to third persons, against payment or free of charge, in areas within Finland's jurisdiction, marine fuels for on-board combustion. It excludes supplying or making available marine fuels for export in ships' cargo tanks.

42) *Marine fuel* means any petroleum-derived liquid fuel intended for use or in use on board a ship, including those fuels defined in ISO 8217.

43) *Marine diesel oil* means any marine fuel as defined for DMB grade in Table I of ISO 8217 with the exception of the reference to sulphur content.

44) *Marine gas oil* means any marine fuel as defined for DMX, DMA and DMZ grades in Table I of ISO 8217 with the exception of the reference to sulphur content.

45) *Sulphur oxide emission control area* means sea areas defined as such by the IMO under Annex VI to the MARPOL 73/78 Convention.

46) *Nitrogen oxide emission control area* means sea areas defined as such by the IMO under Annex VI to the MARPOL 73/78 Convention.

47) *Ship at berth* means a ship which is securely moored or anchored in a Finnish port while loading or unloading, including the time spent when not engaged in cargo operations.

48) *Emission abatement method* means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in Annex VI of the MARPOL 73/78 Convention and Directive (EU) 2016/802 of the European Parliament and of the Council relating to a reduction in the sulphur content of certain liquid fuels, that is verifiable, quantifiable and enforceable.

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

50) *Ballast water* means water and solid substances contained in it transported on a ship to control its trim, heel, draught, stability, or stress loads.

51) *Ballast water management* means mechanical, physical, chemical, and biological processes used – either singularly or in combination – to remove, render harmless, or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediments.

52) *Sediment* means matter settled out of ballast water within a ship.

53) *VTS provider* means the VTS provider that maintains the vessel traffic service, as defined in the Vessel Traffic Service Act (623/2005).

54) *Recognised organisation* means an organisation referred to in section 42, paragraph 2 of the Act on the Technical Safety and Safe Operation of Ships (1686/2009).

55) *Regular service* means a series of ship crossings, based on a schedule or a pre-confirmed route, between designated ports, and making calls, at least once every two weeks, at a Finnish port located along the route for which an exemption from the mandatory delivery of ship-generated waste is applied for.

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

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

Section 3

Scope of application

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

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

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

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

Section 4

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

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

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

Section 5

Applicability of the Act to ships of foreign states

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

Section 6

Prohibition on the discharge of noxious substances and air pollutants

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

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

Section 7

Floating platforms equipped with a fixed shore connection of a permanent nature

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

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

Chapter 2

Prevention of pollution by oil from ships

Section 1

Prohibition and restrictions on the discharge of oil

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

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

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

Section 2

Discharge of oil in exceptional circumstances

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

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

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

Section 3 (990/2018)

Construction and equipment requirements for the machinery spaces of ships

In every ship of 400 gross tonnage and above, the machinery equipment, structure, and arrangements necessary to ensure the prevention of oil discharges shall be in accordance with the requirements of Annex I to the MARPOL 73/78 Convention. Upon written application, the Finnish Transport and Communications Agency may grant exemptions from the requirements set out in

this subsection, provided that the equipment, arrangements, or structure fulfils the requirements of Annex I to the MARPOL 73/78 Convention.

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

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

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

Section 4 (990/2018) **Construction and equipment requirements for the cargo areas of oil tankers**

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

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

Section 5 (990/2018) **Shipboard Oil Pollution Emergency Plan**

Oil tankers of 150 gross tonnage and above, and other ships of 400 gross tonnage and above, shall have a Shipboard Oil Pollution Emergency Plan in accordance with Annex I to the MARPOL 73/78 Convention.

The emergency plans of Finnish ships referred to in subsection 1 shall be approved by the Finnish Transport and Communications Agency or a recognised organisation.

Section 6 (990/2018) **Oil Record Book**

In oil tankers of 150 gross tonnage and above, the master, or under his direction another of the ship's officers, shall keep an Oil Record Book.

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

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

The Finnish Transport and Communications Agency and, when the ship calls at a foreign port, the competent foreign authority, shall be entitled to inspect the Oil Record Book and, upon request, to receive a copy thereof that is certified by the master. The actions undertaken by the Finnish Transport and Communications Agency in accordance with this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

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

Section 7 (990/2018) **IOPP Certificate**

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

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

Section 8 **Transport of oil on inland waters**

Oil tankers operating on inland waters are prohibited from carrying:

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

Section 9 **Drilling rigs and other platforms**

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

- 1) chapter 1, section 6, subsection 2 on the mixing of noxious substances;
- 2) sections 1–4 of this chapter on the discharge of oil and the prevention thereof; and
- 3) section 6, subsections 2–4 of this chapter on the Oil Record Book concerning machinery space operations.

Section 10 (990/2018)

Further provisions

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

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

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

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

Chapter 2a (275/2017)

Ship-to-ship oil cargo transfer operations

Section 1 (990/2018)

Areas designated for STS transfer operations

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

In order to maintain the protection of the marine environment the Finnish Transport and Communications Agency shall, after negotiating with the Border Guard, the Finnish Environment Institute, the Customs and the VTS provider, designate the areas referred to in subsection 1 and keep a list of them. Before the areas are designated, the relevant stakeholders shall be consulted.

The Finnish Transport and Communications Agency may grant exceptions to what is provided in subsection 1 for specific reasons and after consulting the authorities referred to in subsection 2.

The Finnish Transport and Communications Agency may prohibit a planned STS transfer operation for reasons associated with the protection of the marine environment.

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

Section 2 (990/2018) **STS Operations Plan**

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

The STS Operations Plans of Finnish ships shall be approved by the Finnish Transport and Communications Agency or a recognised organisation.

Section 3 (990/2018) **Obligation to give advance notification of an STS transfer operation**

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

- 1) to the Customs of any plan to carry out an STS transfer operation using the electronic maritime information management system referred to in section 20a of the Vessel Traffic Service Act;
- 2) to the VTS provider of its plan to carry out an STS transfer operation within Finland's exclusive economic zone as referred to in paragraph 1.

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

If, by way of exception, all of the information specified in Annex I to the MARPOL 73/78 Convention is not available at least 48 hours in advance, the oil tanker intending to discharge the oil cargo shall notify the authorities referred to in subsection 1, using the procedure described in it, at least 48 hours in advance that an STS transfer operation will occur. Information specified in Annex I to the MARPOL 73/78 Convention shall be submitted to the authorities at the earliest opportunity.

The Customs and the VTS provider shall inform the Finnish Transport and Communications Agency and the other authorities referred to in section 1, paragraph 2 of the STS transfer operation notification. In addition, section 22a of the Vessel Traffic Service Act applies to STS transfer operations taking place in Finnish waters, whereas the provisions on the VTS provider of that Act apply to STS transfer operations taking place within Finland's exclusive economic zone.

Section 4 (275/2017) **Qualification requirements of persons having overall control of STS transfer operations**

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

Section 5 (275/2017)

Responsibility for the costs of preparedness measures

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

Section 6 (990/2018)

Further provisions

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

Technical regulations on the following subjects for the implementation of Annex I to the MARPOL 73/78 Convention, the Helsinki Convention or European Community legal instruments may be issued by the Finnish Transport and Communications Agency:

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

2) the contents of the STS Operations Plan.

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

Chapter 3

Oil discharge fee

Section 1

Obligation to pay an oil discharge fee

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

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

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

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

Section 2

Amount of the oil discharge fee

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

Section 3

Exemption from the oil discharge fee

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

Section 4

Subsidiary function of the oil discharge fee

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

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

Section 5

Imposing the oil discharge fee

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

The oil discharge fee shall be payable to the State.

Section 6

Actions to secure the imposition of the oil discharge fee

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

The Border Guard can also detain ships on the conditions set out in sections 11 and 12 of chapter 12 if this is justifiable in order to secure due payment. For a justifiable reason, a decision to detain a ship may be reached before making a decision concerning payment. The Border Guard may impose conditions under which ships are able to continue their voyage, namely that a sufficient cash deposit be provided to the Border Guard for the fulfilment of potential payment obligations. Provisions of the Act on the Deposit of Cash, Book Entries, Securities, or Instruments in Payment of Debts or for Release from Other Liabilities (281/1931) shall apply to the depositing of the payment guarantee. The cash deposit shall be refunded to the depositor once the conditions for holding it no longer exist. (1005/2010)

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

In case of a foreign ship, the flag state shall be informed without delay of the conditions under which the ship may continue its voyage.

Section 7

Opportunity to be heard

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

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

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

Section 8

Executive assistance in matters relating to the oil discharge fee

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

Section 9

Right to receive information

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

Section 10

Right of appeal

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

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

Section 11

Appeal procedure

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

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

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

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

Section 12

Procedure in the maritime court

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

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

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

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

Section 13

Continued appeal

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

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

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

Section 14

Deadline for imposing the oil discharge fee

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

Section 15

Enforcement of the oil discharge fee

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

Section 16

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

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

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

Section 17

Authority responsible for the enforcement of the oil discharge fee

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

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

Chapter 4

Prevention of the discharge of noxious liquid substances from ships

Section 1 (990/2018)

Categorisation of noxious liquid substances

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

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

The Finnish Transport and Communications Agency may, on a case-by-case basis and upon written application, grant an exemption regarding the categorisation of a noxious liquid substance when such a substance is being carried on domestic voyages, provided that adherence to the categorisation provisions would cause unreasonable inconvenience or unreasonable expenses, and would be ill-founded due to the minor hazard presented to the environment.

Section 2

Prohibition against and restrictions on the discharge of noxious liquid substances

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

Subsection 2 was repealed by Act 275/2017.

Section 3

Discharge of noxious liquid substances in exceptional circumstances

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

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

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

Section 4 (990/2018)

Construction and equipment requirements for chemical tankers

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

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

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

Section 5 (990/2018)

Shipboard Marine Pollution Emergency Plan

Chemical tankers of 150 gross tonnage and above shall have a Shipboard Marine Pollution Emergency Plan for noxious liquid substances, as set out in Annex II to the MARPOL 73/78 Convention.

The plan referred to in subsection 1 may be combined with the Shipboard Oil Pollution Emergency Plan required under chapter 2, section 5. The title of such a combined plan shall be 'Shipboard Marine Pollution Emergency Plan'.

The emergency plans of Finnish ships referred to in subsections 1 and 2 shall be approved by the Finnish Transport and Communications Agency or a recognised organisation.

Section 6 (990/2018)

Procedures and Arrangements Manual

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

The Procedures and Arrangements Manuals of Finnish ships shall be approved by the Finnish Transport and Communications Agency or a recognised organisation upon written application, provided that the manual complies with the requirements set out in Annex II to the MARPOL 73/78 Convention.

Section 7 (990/2018)

Cargo Record Book

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

The Finnish Transport and Communications Agency and, when the ship is in a foreign port, the competent foreign authority is entitled to inspect the Cargo Record Book and, upon request, to receive a copy thereof which shall be certified by the master. The actions undertaken by the Finnish Transport and Communications Agency in accordance with this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

The Cargo Record Book shall be kept in a place where it is easily accessible for inspection and shall be preserved for a period of three years from the date of the last entry.

The Finnish Transport and Communications Agency shall approve the form of the Cargo Record Book.

Section 8 (990/2018)

Other certificates concerning the carriage of noxious liquid substances

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

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

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

Section 9 (990/2018) **Unloading of cargo and supervising the cleaning of tanks**

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

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

The ship's agent shall notify the Finnish Transport and Communications Agency of any unloading of a noxious liquid substance falling into Categories X or Y at a given port. Such notification shall be given in good time and, where possible, at least 48 hours before unloading is to commence.

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

Section 10 (990/2018) **Further provisions**

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

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

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

- 1) exceptions, exemptions and equivalents referred to in section 4;
- 2) the emergency plan referred to in section 5;
- 3) the Procedures and Arrangements Manual referred to in section 6;
- 4) the Cargo Record Book referred to in section 7; and
- 5) the certificates referred to in section 8.

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

Chapter 5

Prevention of discharges of ship-generated sewage

Section 1 (990/2018)

Prohibition against and restrictions on the discharge of sewage

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

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

Section 2

Discharge of sewage in exceptional circumstances

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

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

Section 3 (990/2018)

Requirements applicable to ships' sewage systems

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

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

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

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

Section 4

Requirements for recreational craft

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

Section 5 (990/2018)

ISPP Certificate

Ships of 400 gross tonnage and above or certified to carry more than 15 persons on international voyages, and all passenger ships engaged on international voyages, shall have an International Sewage Pollution Prevention Certificate (*ISPP Certificate*) compliant with the requirements laid down in Annex IV to the MARPOL 73/78 Convention.

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

Section 6 (990/2018)

Granting of exemptions from the prohibition on the discharge of sewage

The Finnish Transport and Communications Agency may, upon written application and on the conditions laid down in Annex IV to the Helsinki Convention, grant exemptions from the prohibition and restrictions on the discharge of untreated sewage into the sea and from compliance with the requirements concerning sewage retention systems within Finnish waters, if such an exemption is

not in contradiction with international commitments binding on Finland or with European Community legal instruments, and the exemption has only minor implications for the prevention of marine pollution.

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

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

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

Section 7

Further provisions

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

- 1) the prohibition and restrictions on the discharge of sewage, referred to in section 1;
- 2) what type of sewage shall be considered 'treated sewage' as defined in section 1;
- 3) requirements for ships and recreational craft, referred to in sections 3 and 4; and
- 4) exceptions to the discharge prohibition, referred to in section 6.

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

Chapter 6

Prevention of discharges of ship-generated garbage

Section 1 (990/2018)

Prohibition against and restrictions on the disposal of garbage

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

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

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

Section 2 (990/2018)

Disposal of garbage in exceptional circumstances

The provisions in section 1 shall not apply when:

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

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

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

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

Section 3 (275/2017)

Placards on garbage disposal prohibitions and restrictions

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

Section 4 (275/2017)

Garbage Management Plan

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

Section 5 (990/2018)

Garbage Record Book

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

The Garbage Record Book shall be kept in a place where it is easily accessible for inspection and shall be preserved for a period of two years from the date of the last entry.

The Finnish Transport and Communications Agency and, when the ship is in a foreign port or at an offshore terminal, the competent foreign authority shall be entitled to inspect the Garbage Record Book and, upon request, to receive a copy thereof certified by the master. This also applies to the ship's logs of ships of less than 400 gross tonnage. The actions of the Finnish Transport and Communications Agency in accordance with this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

The Finnish Transport and Communications Agency shall confirm the form of the Garbage Record Book in accordance with Annex V to the MARPOL 73/78 Convention.

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

Section 6 (990/2018)

Further provisions

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

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

1) type approvals for comminuters and grinders needed for compliance with the garbage disposal prohibition, referred to in section 1; and

2) the form of ships' Garbage Record Book, referred to in section 5.

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

Chapter 7

Prevention of air pollution from ships

Section 1

Prohibition against and restrictions on the emission of air pollutants

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

Section 2

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

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

Section 3

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

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

Section 4 (586/2018)

Emission of air pollutants in exceptional circumstances

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

- 1) emissions necessary for the purpose of securing the safety of the ship or saving life at sea;
- 2) emissions resulting from damage to the ship or its equipment, provided that all reasonable precautions have been taken after the occurrence or discovery of the damage or the discharge for the purpose of preventing or minimising the emissions, and provided that neither the owner nor the master acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; nor
- 3) as set out in Regulation 13.5 of Annex VI to the MARPOL 73/78 Convention and provided that the criteria laid down in the Regulation are met, to diesel engines of a ship operating within a nitrogen oxide emission control area which are subject to the emission limits applicable to the

nitrogen oxide emission control area but which do not meet these limits, or which are capable of running on both gas and liquid fuels.

Section 5 (990/2018) **Requirements for shipboard equipment**

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

The Finnish Transport and Communications Agency or a recognised organisation authorised by the Agency shall, upon written application, approve the diesel engine and exhaust gas cleaning equipment and cleaning methods used in Finnish ships, provided that they meet the requirements set out in Annex VI to the MARPOL 73/78 Convention.

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

Section 6 (990/2018) **IAPP Certificate**

Ships of 400 gross tonnage and above engaged on international voyages shall have an International Air Pollution Prevention Certificate (*IAPP Certificate*) to prove that they comply with the provisions of Annex VI to the MARPOL 73/78 Convention.

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

Section 6a (586/2018) **Entries to be made in the ship's engine room logbook**

The data set out in Regulation 1 of Annex VI to the MARPOL 73/78 Convention shall be entered in the ship's engine room logbook as regards diesel engines certified to meet both Tier II and Tier III emission regulations on the reduction of nitrogen oxide emissions under Annex VI whenever the ship enters or exits a Tier III emission control area, as set out in Regulation 13 of Annex VI, or whenever the diesel engine's Tier II or Tier III on/off status as regards the reduction of nitrogen oxide emissions changes in such an area.

Section 7 (990/2018) **Requirements for fuel oil quality**

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

The requirements referred to in subsection 1 shall not, however, apply to fuel oils intended for research and testing purposes, nor to fuel oils used on ships operating an approved emission abatement system referred to in section 9a that meets the requirements set out in Annex VI to the MARPOL 73/8 Convention and European Union legal instruments.

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

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

Section 8

Methods for determining the compliance of marine fuels

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

Section 9 (998/2014)

Bunker Delivery Notes, fuel oil samples and entries on fuel oil in the ship's logbook and the Oil Record Book

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

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

Section 9a (998/2014)

Emission abatement methods

Instead of fuel compliant with the requirements set out in section 7, subsection 1, an emission abatement method may be used on the ship, by means of which the ship's sulphur dioxide emissions can be fully and continuously reduced at minimum to the level they would be if fuel compliant with the requirements set out in section 7, subsection 1 were used on the ship.

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

Section 10 (990/2018)

Testing of new emission abatement methods

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

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

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

Section 11

Shipboard incineration

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

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

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

Section 11a (998/2014)

Obligations of marine fuel suppliers

Marine fuel suppliers shall issue to ships of 400 gross tonnage and above engaged on international voyages a Bunker Delivery Note as set out in Annex VI to the MARPOL 73/78 Convention and European Union legal instruments, accompanied by a sealed sample of the fuel oil delivered, certified by a representative of the receiving ship. The marine fuel supplier shall keep a copy of the Bunker Delivery Note for a minimum of three years after its issue.

Section 12 (990/2018)

Verification of marine fuel oil compliance

The Customs is responsible for the verification of whether marine fuel oils delivered to ships from Finland are compliant with sulphur limits. The verification shall be performed by taking a representative number of samples from fuel oil storages and distribution stations, by analysing the samples, and by reporting the results to the Finnish Transport and Communications Agency.

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

Section 13 (990/2018)

Reporting and information exchange concerning marine fuel oils

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

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

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

Section 14

Temporary exemptions from fuel oil quality requirements

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

Section 14a (990/2018)

Competent authority

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

Section 14b (275/2017)

National accreditation body

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

Section 15 (990/2018)

Further provisions

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

- 1) the prohibition and restrictions on emissions referred to in section 1;
- 2) the prohibition and restrictions on emissions referred to in section 2;
- 3) the emission requirements for ships' engines, the exhaust gas cleaning equipment and cleaning methods used in engines, and discharges into the sea due to the use of exhaust gas cleaning equipment, referred to in section 5;
- 4) exemptions granted from the requirements for the cleaning equipment and cleaning methods of ships' diesel engines and exhaust gases, referred to in section 5;
- 5) the IAPP Certificate, referred to in section 6;

6) the quality requirements for fuel oils used on board ships, fuel control procedures, Bunker Delivery Notes and their issuance, and arranging the related verification and control, referred to in sections 7–9;

6a) the emission abatement methods referred to in section 9a and their approval;

7) testing of new ship emission abatement technologies, referred to in section 10;

8) substances referred to in section 11 that may not be incinerated on board ships within Finland's exclusive economic zone and on board Finnish ships outside Finland's territorial waters and Finland's exclusive economic zone;

9) the operators' obligation to submit information to the authority designated by decree on the amounts, quality and sulphur content of fuel oil, and on the results of the testing of ship emission reduction and control technologies, referred to in sections 10 and 13, in order for the operators to fulfil their obligations laid down in this chapter; and

10) more detailed grounds for granting temporary exemptions to fuel oil quality requirements, referred to in section 14.

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

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

2) entries in the ship's logbook and Oil Record Book referred to in section 9, subsection 2.

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

Chapter 7a (998/2014)

Ship energy efficiency

Section 1 (998/2014)

Requirements for ship energy efficiency

An attained Energy Efficiency Design Index value shall be calculated for ships in accordance with the requirements set out in Annex VI to the MARPOL 73/78 Convention.

The attained Energy Efficiency Design Index value of a ship shall be compliant with the requirements set out in Annex VI to the MARPOL 73/78 Convention.

Section 2 (998/2014)

SEEM Plan

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

Section 2a (1032/2018)

Changes in the SEEM Plan due to the data collection system for fuel oil consumption of ships

Every ship of 5 000 gross tonnage and above shall collect data, which is to be reported to the IMO Ship Fuel Oil Consumption Database, as of calendar year 2019 as set out in Annex VI to the MARPOL 73/78 Convention.

SEEM Plans of ships referred to in subsection 1 shall, before the end of 2018, contain a description in accordance with Annex VI to the MARPOL 73/78 Convention of the method used for collecting fuel oil consumption data, and a description of the procedures used for reporting the data to the competent authority or the recognized classification society.

The Finnish Transport and Communications Agency or a recognised organisation verifies that the SEEM Plan of ships referred to in subsection 1 meets the requirements of Annex VI to the MARPOL 73/78 Convention and provides the ships with a statement of compliance, which is to be carried on board.

Section 2b (1032/2018)

Data to be reported

Every ship referred to in section 2a, subsection 1 shall collect the aggregated data on fuel oil consumption and submit the data to the Finnish Transport and Communications Agency or a recognized classification society, as specified in Annex VI of the MARPOL 73/78 Convention. Such data shall

- 1) be collected at the end of the calendar year and be submitted not later than three months after the end of the calendar year in question.
- 2) be collected and submitted on the date of transfer of the ship or as soon as practicable, if the ship is transferred during the calendar year from one Administration to another, from one Company to another or from one Administration and Company to another.

The ship shall submit the specific data that forms the basis for the data to be transferred to the Ship Fuel Oil Consumption Database, to the Finnish Transport and Communications Agency or to the recognised organisation, and, in other instances than those referred to in subsection 1, paragraph 2 above, shall keep them readily available for at least 12 months after the end of the calendar year in question, as specified in Annex VI of the MARPOL 73/78 Convention.

The fuel oil consumption data shall be verified.

The Finnish Transport and Communications Agency or the recognised organisation shall report the verified data to the IMO Ship Fuel Oil Consumption Database. The Agency shall ensure that the verified fuel oil consumption data is submitted to the International Maritime Organization no later

than a month after the issue of a Statement of Compliance to the ship, as specified in Annex VI to the MARPOL 73/78 Convention.

Section 2c (1032/2018) **Statement of Compliance**

Having received the fuel oil consumption data, the Finnish Transport and Communications Agency or the recognised organisation issues a Statement of Compliance to the ship, provided that the data has been reported as specified in Annex VI of the MARPOL 73/78 Convention. The Statement of Compliance shall be issued

- 1) no more than five months after beginning of the calendar year, or
- 2) without delay, if the situation is such as described in section 2b, subsection 1, paragraph 2.

The Statement of Compliance is valid for the calendar year in which it is issued, for the following calendar year, and for the first five months of the subsequent calendar year. The Statement of Compliance shall be kept on board for at least the period of its validity.

Section 3 (990/2018) **IEE Certificate**

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

The Finnish Transport and Communications Agency or a recognised organisation shall, upon written application, issue a Finnish ship an IEE Certificate, provided that the ship complies with the requirements set out in Annex VI to the MARPOL 73/78 Convention. The Finnish Transport and Communications Agency may issue IEE Certificates to foreign ships at the request of the flag state. The certificate shall be issued for a fixed period of validity, not exceeding five years at a time.

Section 4 (990/2018) **Exceptions to the requirements for ship energy efficiency**

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

Section 5 (1032/2018) **Further provisions**

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

- 1) arrangements for supervising compliance with the requirements of the Energy Efficiency Design Index referred to in section 1;
- 2) exceptions to the requirements for ship energy efficiency referred to in section 4;

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

- 1) calculation of the Energy Efficiency Design Index referred to in section 1;
- 2) preparation of the SEEM Plan;
- 3) the IEE Certificate;
- 4) verification of the fuel oil consumption data referred to in section 2b, subsection 3 and procedures therefor.

Chapter 8

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

Section 1

Prohibition on harmful anti-fouling systems on ships

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

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

Section 2 (990/2018)

AFS Declaration

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

Section 3 (990/2018)

Submission of information in accordance with the AFS Convention

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

Section 4 (473/2016)

Application of the Ballast Water Management Convention and provisions on ballast water

The Ballast Water Management Convention and the provisions on ballast water in this chapter do not apply to

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

Section 5 (473/2016)

Prohibition on discharging untreated ballast water and sediments

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

Section 6 (473/2016)

Discharge of untreated ballast water and sediments in exceptional circumstances

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

- 1) the discharge is necessary for ensuring the safety of the ship in an emergency situation or saving life at sea;
- 2) the discharge is a result of damage to the ship or its equipment, provided that all reasonable precautions have been taken before and after the occurrence or discovery of the damage for the purpose of preventing or minimising the escape of ballast water into the sea and provided that the owner or the master has not caused the damage intentionally or by negligence;
- 3) the purpose of the discharge is to avoid or minimise pollution from the ship;
- 4) the ballast water and sediments are taken up and subsequently discharged on the high seas; or
- 5) the ballast water and sediments are discharged from the ship at the same location where the whole of the ballast water originated, provided no mixing of unmanaged ballast water from other areas has occurred; if mixing has occurred, the ballast water taken from other areas is subject to management in accordance with the Ballast Water Management Convention.

Section 7 (990/2018)
Notifications related to ballast water uptake

The Finnish Transport and Communications Agency shall in accordance with Regulation C-2 of the Annex to the Ballast Water Management Convention notify seafarers and the relevant coastal states of area(s) where ships should not uptake ballast water.

The provisions in section 6, paragraphs 1–3 on discharging untreated ballast water and sediments in exceptional circumstances also apply to the uptake of ballast water in areas referred to in subsection 1.

Section 8 (473/2016)
Treatment and exchange of ballast water

The ballast water of ships subject to the Ballast Water Management Convention shall be treated and exchanged in compliance with the Convention.

Section 9 (990/2018)
Requirements for ballast water treatment systems

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

The Finnish Transport and Communications Agency or a recognised organisation authorised by the Finnish Transport and Communications Agency shall, upon written application, approve the ballast water treatment systems of Finnish ships, provided that they meet the requirements of European Union legal instruments and the Ballast Water Management Convention.

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

Section 10 (990/2018)
Testing new ballast water treatment technologies

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

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

To a ship for which the ballast water performance standard set out in Regulation D-2 of the Annex to the Ballast Water Management Convention has already entered into force and which is participating in a programme for testing and assessing promising ballast water treatment technologies approved by the Finnish Transport and Communications Agency with preconditions for reaching higher standards than those under Regulation D-2, the standard under Regulation D-2

shall only apply five years after the date on which such technologies have been installed on the ship.

Section 11 (990/2018)
Ballast Water Management Plan

A ship subject to the Ballast Water Management Convention shall have a Ballast Water Management Plan compliant with the Convention.

The Ballast Water Management Plan of a Finnish ship shall be approved by the Finnish Transport and Communications Agency or a recognised organisation.

Section 12 (990/2018)
Ballast Water Record Book

A ship subject to the Ballast Water Management Convention shall have a Ballast Water Record Book compliant with the Convention.

The Finnish Transport and Communications Agency has the right to inspect the Ballast Water Record Book and, on request, obtain an extract of it certified by the master. The actions undertaken by the Finnish Transport and Communications Agency in accordance with this subsection shall be carried out as expeditiously as possible, without causing the ship to be unduly delayed.

Section 13 (990/2018)
Ballast Water Management Certificate

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

The Finnish Transport and Communications Agency or a recognised organisation shall, upon written application, issue Finnish ships Ballast Water Management Certificates, provided that the ships meet the requirements of the Ballast Water Management Convention. The Finnish Transport and Communications Agency may also issue a certificate to a foreign ship at the request of the flag state.

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

Section 14 (990/2018)
Granting exemptions from mandatory ballast water treatment and exchange

The Finnish Transport and Communications Agency may, upon written application, grant a ship an exemption from mandatory ballast water treatment and exchange, referred to in section 8, in Finnish waters and Finland's exclusive economic zone if the exemption will not impair or damage the environment, human health, property or resources.

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

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

The Finnish Transport and Communications Agency shall consult states that may be adversely affected by the exemption with a view to resolving any identified concerns.

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

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

The exemption shall be noted in the Ballast Water Management Plan referred to in section 11 and the Ballast Water Record Book referred to in section 12.

Section 15 (990/2018)

Submission of information referred to in the Ballast Water Management Convention

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

Section 16 (990/2018)

Further provisions

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

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

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

- 1) requirements concerning ballast water treatment systems referred to in section 9;
- 2) testing of new ballast water treatment technologies referred to in section 10;
- 3) the contents and structure of the Ballast Water Management Plan referred to in section 11;
- 4) the form of the Ballast Water Record Book referred to in section 12;
- 5) the form of the Ballast Water Management Certificate referred to in section 13; and
- 6) the method of preparing and contents of the risk assessment referred to in section 14, subsection 3.

Chapter 8a (628/2017)

Ship recycling

Section 1 (990/2018)

Designation of administration

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

Section 2 (990/2018)

Reporting

The report required under the Ship Recycling Regulation shall be sent to the European Commission by the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency shall, on request, provide the competent authority of the state where the ship recycling facility is located with the information referred to in Article 7(4) of the Ship Recycling Regulation.

Section 3 (990/2018)

Further provisions

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

Chapter 9

Port reception of waste

Section 1

Port reception facilities

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

- 1) oily waste;
- 2) waste containing noxious liquid substances;
- 3) sewage;
- 4) garbage;
- 5) exhaust gas cleaning residues, the discharge of which is prohibited in accordance with Annex VI to the MARPOL 73/78 Convention; and
- 6) cargo residues.

Furthermore, oil terminals shall have adequate equipment for the reception of oily ballast water and tank washings from tankers using the terminal.

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

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

Section 2 (473/2016)

Reception facilities in ship repair yards

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

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

4) sediments from ships' ballast water tanks.

Section 3 Port Waste Reception and Handling Plan

The port authority shall draw up a Waste Reception and Handling Plan in order to organise the management of ship-generated waste referred to in section 1. A marina may prepare a joint Waste Reception and Handling Plan for one or more types of waste with another marina.

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

After the approval of the Waste Reception and Handling Plan, the port must be in compliance with it.

Section 4 Approval of port Waste Reception and Handling Plans

Port Waste Reception and Handling Plans shall be submitted for approval by the Centre for Economic Development, Transport and the Environment in whose territory the port is located. However, Waste Reception and Handling Plans for marinas shall be submitted for approval by the municipal environmental protection authority in whose territory the marina is located.

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

The port Waste Reception and Handling Plan shall be approved if the reception of waste and the reception facilities meet the requirements set out in this chapter and in chapter 10, as well as in provisions issued under them.

Upon approval of the port Waste Reception and Handling Plan, the Centre for Economic Development, Transport and the Environment and the municipal environmental protection authority shall register the plan in the environmental protection information system referred to in the Environmental Protection Act. A copy of the register entry shall be sent to the port authority.

Section 5 (998/2014) Hearing of parties and provision of information concerning port Waste Reception and Handling Plans

Prior to submitting the port Waste Reception and Handling Plan for approval by the Centre for Economic Development, Transport and the Environment or the municipal environmental protection authority, the port authority shall provide the managers of ships and vessels using the port, as well as their representatives and other parties that may be affected by the Waste Reception and

Handling Plan, with the opportunity to express their opinion on the Waste Reception and Handling Plan or its revision. The draft Waste Reception and Handling Plan shall be posted in the port authority's office, and otherwise made available in a suitable manner, for no less than fourteen days during the operating hours of the port. The port operator shall inform port users and other parties of the posting of the plan on its notice board and website, using electronic communications, by letter or by some other appropriate method.

Information on the waste reception and handling arrangements and the waste management fees of the port shall be made available by the port authority to those responsible for waste management on ships using the port and their representatives in such a manner that all significant groups of port users receive the information. When approving the Waste Reception and Handling Plan, the Centre for Economic Development, Transport and the Environment or the municipal environmental protection authority may, where necessary, determine the language(s) in which the information shall be provided to those responsible for waste management on ships using the port and their representatives.

Section 6

Avoiding undue delays

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

Section 7 (990/2018)

Reporting

The Centres for Economic Development, Transport and the Environment, the Finnish Transport and Communications Agency and ports shall provide the information required under Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues (hereinafter *PRF Directive*) to the Finnish Environment Institute, which is responsible for compiling the reports to be sent to the European Commission.

Section 8

Further provisions

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

- 1) waste reception arrangements in ports, referred to in section 1;
- 2) waste reception arrangements at ship repair yards, referred to in section 2; and
- 3) the outline and contents of the port Waste Reception and Handling Plans, referred to in section 3.

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

Chapter 10

Delivery of waste to port reception facilities

Section 1 (990/2018)

Obligation to deliver ship-generated waste and cargo residues

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

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

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

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

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

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

Section 2 (990/2018)

Fees for ship-generated waste and cargo residues

In order to cover waste reception and management expenses, the port authority shall charge a fee from every ship that calls at the port, regardless of whether the ship delivers any waste in the port. The fee shall cover the expenses of managing the following ship-generated waste:

- 1) oily waste;
- 2) garbage, excluding cargo residues; and
- 3) sewage.

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

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

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

Section 3 (990/2018) **Notification of ship-generated waste and cargo residues**

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

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

The Finnish Transport and Communications Agency shall monitor the enforcement of the PWF Directive, by reviewing notifications and inspecting ships, as provided in the Directive.

Section 4 (990/2018) **Exemption from the mandatory delivery of waste and the obligation to provide notification**

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

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

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

Section 5 (275/2017)

Further provisions

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

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

Chapter 11

Obligations of the shipmaster in an incident at sea

Section 1 (581/2018)

Reporting of oil pollution or risk thereof, and prompt response

If oil has been discharged into the sea from a ship, or if there is a risk of oil pollution due to grounding, failure or breakdown of machinery, collision, or other accident at sea, the master shall immediately report the oil pollution or risk thereof to the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or VTS provider. Masters of Finnish ships sailing outside Finnish waters or Finland's exclusive economic zone shall report oil pollution or any risk thereof to the authorities of the nearest coastal state. In response to the accident, masters shall also take any immediate action that may reasonably be expected of them.

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

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

Section 2 (581/2018)

Reporting of discharges of other noxious substances or risk thereof, and prompt response

If a noxious substance other than oil is illegally discharged from a ship in Finnish waters or within Finland's exclusive economic zone, the master shall, without delay, notify the relevant maritime rescue co-ordination centre, maritime rescue sub-centre, emergency response centre, or VTS provider of the circumstances related to the ship, its condition, location, cargo and the nature of

the incident, and shall, in response to the incident, take any immediate action that may reasonably be expected of him or her.

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

Masters of ships sailing outside Finnish waters or Finland's exclusive economic zone, shall report as specified in subsections 1 and 2, to the competent authorities of the nearest coastal state.

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

Section 3 Further provisions

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

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

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

Chapter 12 Supervision and administrative enforcement

Section 1 (990/2018) Supervisory authorities

The competent supervisory authorities referred to in this Act are the Finnish Transport and Communications Agency, the Finnish Environment Institute, the Centres for Economic Development, Transport and the Environment, the Border Guard, the Customs, and the Police.

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

Section 2 (990/2018)

Supervisory duties of the Finnish Transport and Communications Agency

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

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

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

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

Section 3 (1357/2018)

Supervisory duties of the Finnish Environment Institute

Section 3 was repealed by Act 1357/2018.

Section 4

Supervisory duties of the Centres for Economic Development, Transport and the Environment

Each Centre for Economic Development, Transport and the Environment shall, within its territory, monitor compliance with this Act and with the provisions issued under it, insofar as the provisions relate to:

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

3) fees relating to waste management at ports.

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

Section 5

Supervisory duties of the municipal environmental protection authority

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

Section 6

Supervisory duties of the Border Guard

The Border Guard is the lead supervisory authority with respect to the monitoring of compliance with the provisions set out in or issued under this Act, insofar as the provisions relate to discharges from ships in Finland's territorial waters and within Finland's exclusive economic zone.

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

Section 7 (998/2014)

Supervisory duties of the Customs

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

Section 8

Supervisory duties of the Police

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

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

Section 9

Executive assistance

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

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

Section 10

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

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

Section 11 (990/2018)

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

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

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

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

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

Section 12 (990/2018)

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

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

When there is justified reason to suspect that a violation of this Act or of provisions issued under it has been committed on board a foreign ship sailing in the territorial sea or within the exclusive economic zone of Finland, the Finnish Transport and Communications Agency, the Border Guard and the Police are entitled to receive, from the ship, information regarding the ship, its port of

registry, its latest port of call, and its port of destination, as well as other information needed to determine whether the provisions have been violated.

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

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

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

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

Section 13 (990/2018)

Obligation to avoid undue delay and the principle of lesser harm

The measures provided for in sections 11 and 12 above shall be carried out without causing the ship to be unduly delayed.

Inspections of foreign ships shall be limited to the inspection of certificates and other documents required under international conventions binding on Finland, or to the inspection of other similar documents. Ships may be inspected more thoroughly only if they have first been inspected in in the aforesaid manner and if there is justified reason to suspect that the condition of the ship or its equipment materially differs from the information contained in the documents, or if the information contained in the documents is insufficient to confirm or verify a suspected violation of regulations, or if the ship does not have valid certificates or documents in accordance with the relevant requirements.

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

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

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

Section 14 (1537/2019) **Depositing a payment guarantee**

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

The Ministry of the Interior shall decide on the depositing and amount of the cash payment. The decision may be appealed to the Helsinki Administrative Court. Provisions on appeal to the Administrative Court are laid down in the Administrative Judicial Procedure Act (808/2019). The decision must be complied with regardless of appeal. The decision of the Administrative Court is not subject to appeal. The provisions of the Act on the Deposit of Cash, Book Entries, Securities or Instruments in Payment of Debts or for Release from Other Liabilities shall apply to the depositing of the cash payment. The cash deposit shall be refunded to the depositor once the conditions for holding it no longer exist.

The flag state shall be informed, without delay, of the conditions under which the ship may continue its voyage.

Section 15 (990/2018) **Administrative enforcement**

The Finnish Transport and Communications Agency and the Centres for Economic Development, Transport and the Environment may, within their competence as prescribed under this Act:

- 1) prohibit a party acting in violation of this Act, or provisions issued under it, from continuing or repeating activities that are in violation of the provisions;
- 2) order a party acting in violation of this Act, or provisions issued under it, to fulfil its obligations in some other manner;
- 3) order a party acting in a manner referred to in paragraphs 1 and 2 to restore the environment to its original condition or to remove any damage or disadvantage caused to the environment by the said party's violation.

Section 16 (990/2018) **Notice of a conditional fine, notice of enforced compliance and notice of enforced suspension**

The Finnish Transport and Communications Agency and the Centres for Economic Development, Transport and the Environment may reinforce a prohibition or order issued under this Act by imposing sanctions such as notice of a conditional fine, notice of enforced compliance, or notice of enforced suspension, as provided in the Act on Conditional Fines (1113/1990).

Section 17 (990/2018)

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

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

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

Section 18 (990/2018)

Further provisions

Further provisions on the supervisory duties of the Finnish Transport and Communications Agency, the Finnish Environment Institute, the Centres for Economic Development, Transport and the Environment, the Border Guard, the Customs and the Police, or on the division of duties of these authorities, may be issued by government decree.

Chapter 13

Miscellaneous

Section 1

Charges, fees and reimbursement of costs

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

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

The nominated inspector is entitled to receive a daily allowance and compensation for travel expenses, in accordance with the State Travel Regulations. If the ship is not at berth, the

nominated inspector must be transported to the ship, or he or she is entitled to receive compensation for any costs and expenses incurred for arranging the transport.

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

Section 2 (990/2018)

Nominated inspectors and their qualifications, appointment and governance requirements

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

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

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

Section 2a (473/2016)

Classification society employees' liability for acts in office

The provisions on criminal liability for acts in office shall apply to employees of recognised organisations when they are performing public administration duties referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act.

Section 3

Penal provisions

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

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

- 1) the prohibition and restrictions on the discharge of oil, referred to in chapter 2, section 1;
- 2) the requirements concerning oil tankers, referred to in chapter 2, section 3, subsections 1, 2 and 4;

- 3) the prohibitions on the carriage of oil, referred to in chapter 2, section 3, subsection 4 and section 8;
- 3 a) the areas designated for STS transfers in chapter 2a, section 1, subsection 1, the STS transfer plan in section 2, subsection 1, the duty to give advance notification in section 3, subsections 1–3 and the provisions on the qualification requirements applicable to persons with overall control of STS transfers in section 4; (275/2017)
- 4) the prohibition and restrictions on the discharge of noxious liquid substances, referred to in chapter 4, section 2;
- 5) the construction and equipment requirements for chemical tankers, referred to in chapter 4, section 4;
- 6) the prohibition and restrictions on the discharge of sewage, referred to in chapter 5, section 1;
- 7) the prohibition and restrictions on the disposal of garbage, referred to in chapter 6, section 1;
- 8) the requirements, such as equipment requirements, concerning diesel engines and incinerators, or requirements concerning fuel oils, laid down in order to restrict emissions, referred to in chapter Section 10c added by virtue of Act 628/2017 shall enter into force on a date provided in a decree. er 107, sections 5, 7 and section 11, subsection 3;
- 8a) the monitoring and reporting duties laid down in Articles 8–12 of Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC; (275/2017)
- 9) the prohibition on the incineration of waste and the related emission restrictions, referred to in chapter 7, section 11, subsections 1 and 2;
- 10) the prohibition on the use of harmful anti-fouling systems, referred to in chapter 8, section 1;
- 10a) the prohibition on discharging untreated ballast water and sediments referred to in chapter 8, section 5; (473/2016)
- 10b) the prohibition or restriction on installing or using hazardous materials on ships referred to in Article 4 or Article 12(2) of the Ship Recycling Regulation; (628/2017)
- 10c) the obligation related to recycling a ship or preparing to send a ship for recycling referred to in Article 6 of the Ship Recycling Regulation; (628/2017)
- 11) the obligation to arrange adequate port facilities for the reception of waste, referred to in chapter 9, sections 1 and 2;
- 12) the obligation to deliver waste to port reception facilities, referred to in chapter 10, section 1;
- 13) the obligation to give notifications concerning ship-generated wastes, referred to in chapter 10, section 3;
- 14) the obligation to report oil pollution or a risk thereof, referred to in chapter 11, section 1; or

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

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

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

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

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

Section 4 (990/2018)

Obligation to inform the flag state of the ship

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

Section 5

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

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

Section 6

Criminal jurisdiction regarding foreign ships

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

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

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

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

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

Section 7 (990/2018) **Claim for a revised decision**

A party may submit a claim to the Finnish Transport and Communications Agency for a revised decision as provided in the Administrative Procedure Act if the decision concerns:

- 1) an inspection of the ship carried out by the Finnish Transport and Communications Agency or any ship document issued under this Act, or a decision issued following an inspection conducted by a recognised organisation or an inspector nominated by the Finnish Transport and Communications Agency; or
- 2) a fee payable for proceedings conducted, a decision or a certificate issued in accordance with this Act, imposed by an inspector nominated by the Finnish Transport and Communications Agency.

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

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

Section 8 (1537/2019) **Appeal**

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

If the Finnish Transport and Communications Agency has not issued a decision regarding a claim for a revised decision within the time specified in section 7, subsection 3 of this chapter, the

deadline for filing an appeal shall be calculated from the expiry of the time limit prescribed in section 7, subsection 3 of this chapter.

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

Section 9

Enforcement of decisions

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

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

Section 10

Competent court

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

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

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

Section 11

Entry into force

This Act shall enter into force on 1 January 2010.

This Act repeals the Act on the Prevention of Pollution from Ships issued on 16 March 1979 (300/1979), as amended.

Nonetheless, the following decrees shall remain in force:

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

Subsection 2 was repealed by Act 1503/2011.

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

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

Section 12

Transitional provisions

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

Appendix

Oil discharge fee () based on the gross tonnage of the ship

Oil discharge in litres	Gross tonnage (GT)			
		3,001 – 15,000 GT	15,001 – 50,000 GT	>50,000 GT
less than 50	4,278	6,417	8,556	10,695
50 – 1,000	8,556	12,834	17,112	21,389
1,000	8,556	12,834	17,112	21,389
and for each additional 1,000 litres exceeding 1,000 litres or part of it	684	1,027	1,369	1,711
26,000	25,667	38,501	51,335	64,168
and for each additional 1,000 litres exceeding 26,000 litres or part of it	684	1,027	1,369	2,053
101,000	77,002	115,503	154,004	218,172
and for each additional 1,000 litres exceeding 101,000 litres or part of it				
>501,000	145,448	218,172	290,896	423,510
and for each additional 1,000 litres exceeding 501,000 litres or part of it	86	128	171	257