

Act
on Ships' Crews and the Safety Management of Ships
(1687/2009; amendments up to 1321/2011 included)

Chapter 1 – **General provisions**

Section 1 – *Scope of application*

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

Section 2 – *Definitions*

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

- 1) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974, as amended.
- 2) *STCW Convention* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended.
- 3) *Directive on Minimum Level of Training of Seafarers* means Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers.
- 4) *Fishing Vessel Directive* means Council Directive 97/70/EC setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, as amended by Commission Directives 99/19/EC and 2002/35/EC and Directive 2002/84/EC of the European Parliament and of the Council.
- 5) *ISM Code* means the International Management Code for the Safe Operation of Ships and for Pollution Prevention, annexed to the ISM Regulation.
- 6) *Maritime Labour Convention* means the international maritime labour convention adopted by the General Conference of the International Labour Organization at its ninety-fourth session in 2006.
- 7) *vessel* includes every description of water craft used or capable of being used as a means of transport on water;
- 8) *crew* means all persons serving on board.
- 9) *owner* means the owner or charterer of a ship who, either on his own or together with other persons, has effective control in matters connected with the safety of the ship; under this Act, a person who under an agreement or otherwise has assumed effective responsibility for matters connected with the safety of the ship is considered to be equal to an owner.
- 10) *passenger* means any person other than the crew members or any other person employed on the ship in whatever capacity or serving in that capacity for the ship; however, children under one year of age are not included in the number of passengers.
- 11) *ship's length* is 96% of the total length of the ship on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel the waterline on which this is measured shall be parallel to the designed waterline. In ships less than 12 m in length, the length shall equal the ship's overall length.
- 12) *gross tonnage* is the certificated measure of the overall size of a ship determined in accordance with the provisions of Annex I to the International Convention on Tonnage

- Measurement of Ships, 1969; the gross tonnage of an integrated system formed by a pusher and a barge is their overall gross tonnage.
- 13) *recreational craft* means any boat of any type intended for sports and leisure purposes of hull length from 2.5 m to 24 m, measured according to the harmonised standard, regardless of propulsion; a vessel that is chartered with a crew is not a recreational craft.
 - 14) *pleasure yacht* means any vessel intended for sports and leisure purposes of hull length over 24 m, measured according to the harmonised standard, and gross tonnage less than 500.
 - 15) *cable ferry* means a vessel with a vehicle deck which carries the traffic of a public road across a waterway when the movement of the vessel is controlled by a steering rope or alternatively by other equipment approved by the Finnish Transport Safety Agency.
 - 16) *charter boat* means a manned vessel within the scope of the Act on the safety of and discharge requirements for certain recreational craft (621/2005), chartered for recreational purposes and carrying a maximum of 12 passengers in non-regular service; a personal watercraft (PWC) is not a charter boat.
 - 17) *fishing vessel* means any vessel equipped and used commercially for catching fish or other living resources of the sea.
 - 18) *passenger ship* means a ship which carries more than 12 passengers.
 - 19) *ro-ro passenger ship* means a ship intended to carry more than 12 passengers and equipped with ro-ro cargo spaces or special category spaces as defined in Annex I Regulation II-2/A/2 of Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships.
 - 20) *barge* means a vessel with no propulsion machinery of its own.
 - 21) *cargo ship* means any ship which is not defined in paragraphs 13) to 20) above.
 - 22) *tanker* means a cargo ship constructed or chiefly adapted for the carriage of liquid cargoes in bulk.
 - 23) *regular service* means a series of ship crossings operated either according to a specific timetable or according to specified routes.
 - 24) *international voyages* are voyages between foreign ports, or between a Finnish port and a foreign port; international voyages are divided into four trading areas as follows:
 - a) *Baltic Sea trade* is traffic beyond the area of domestic voyages in the Baltic Sea proper, including the Gulf of Finland and the Gulf of Bothnia, with the parallel of the Skaw between Denmark and Sweden at 57° 44.8' N marking the boundary between the Baltic Sea and the North Sea.
 - b) *Near-coastal trade* is traffic beyond the area of Baltic Sea trade in the North Sea and its connecting waters, but no farther west than 12°W, south than 48°N or north than 64°N.
 - c) *European trade* is traffic beyond the area defined as near-coastal, but no farther west than 12°W, south than 30°N or east than 45°E.
 - d) *Worldwide trade* is traffic beyond the areas defined as near-coastal and European.
 - 25) *Domestic voyages* are voyages between Finnish ports. Voyages to Vyborg via the Saimaa Canal and its connecting Russian territorial waters, and voyages between Vichrevoj and Vyborg are considered equivalent to domestic voyages. Domestic voyages are divided into three trading areas as follows:
 - a) trading area I, comprising rivers, canals, ports and lakes, and areas in the inner archipelago which are not directly exposed to swell from the open sea.
 - b) trading area II, comprising the outer archipelago and island areas directly exposed to swell from the open sea - *inter alia*, the sea lane between Vichrevoj and Santio, the reaches of Kaunissaari and Porkkala, the Hanko western reach, the reaches of Gullkrona, Vidskär and Österskär, Skiftet and Delet, and the coastal areas of the Sea of Bothnia and the Bay of Bothnia.
 - c) trading area III, comprising the areas of open sea on domestic voyages.
 - 26) *classes of passenger ships* are classes of non-SOLAS ships defined according to the sea area in which they operate:

- a) *Class A* means a passenger ship engaged on domestic voyages in or beyond the areas covered by Classes B, C and D.
 - b) *Class B* means a passenger ship engaged on domestic voyages, also in sea areas covered by Classes C and D, in the course of which it is at no time more than 20 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.
 - c) *Class C* means a passenger ship engaged on domestic voyages, also in sea areas covered by Class D, in sea areas where the probability of a significant wave height exceeding 2.5 metres is smaller than 10% over a one-year period for all-year round operation, or over a specific restricted period of the year for operation exclusively in such a period (e.g. summer period operation), in the course of which it is at no time more than 15 miles from a place of refuge, nor more than 5 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium tide height.
 - d) *Class D* means a passenger ship engaged on domestic voyages in sea areas where the probability of a significant wave height exceeding 1.5 metres is smaller than 10% over a one-year period for all-year-round operation, or over a specific restricted period of the year for operation exclusively in such period (e.g. summer period operation), in the course of which it is at no time more than 6 miles from a place of refuge, nor more than 3 miles from the line of coast, where shipwrecked persons can land, corresponding to the medium height.
- 27) *fishing vessel classes* means classes I, II and III, with vessels of less than 15 m in length belonging to class I; vessels of 15 m but less than 24 m in length belonging to class II; and vessels of not less than 24 m in length belonging to class III.
- 28) *catch area I* means lakes and the inner and outer archipelago to the outer limit of Finland's inner territorial waters; *catch area II* means the open sea in the Gulf of Finland, the northern Baltic Sea and the Gulf of Bothnia north of latitude 59° 00'N; and *catch area III* means the other sea areas in the Baltic Sea as far as the parallel of the Skaw between Denmark and Sweden at 57° 44.8'N.
- 29) *training* means a qualification, part of a qualification or study module belonging to the system of degrees and training defined by the Ministry of Education which the Ministry, when confirming the training programme of a polytechnic, or which the National Board of Education, in the basis of a degree or in the national core curriculum, has confirmed as the training requirement for a certificate referred to in this Act, or other training approved by the Finnish Transport Safety Agency for a specific reason.
- 30) *seagoing service* means service on board a ship other than a recreational craft, a pleasure yacht or a barge; when defining the seagoing service required for certification, a period of 30 days on board is considered equal to one month.

Section 3 – References to other legislation

- (1) The Act on Ship Safety Control (370/1995) lays down provisions on the supervision of compliance with the provisions regarding the safety of ships.
- (2) The Seafarers' Working Hours Act (296/1976) lays down provisions on hours of work and rest; the Act on Working Hours on Vessels Engaged on Domestic Voyages (248/1982) lays down provisions on working hours on domestic voyages, whereas the Seafarers' Annual Holidays Act (433/1984) lays down provisions on vacations.

Chapter 2 – **Manning of ships, certification of seafarers and watchkeeping**

Section 4 – *Scope of application*

- (1) The provisions of this chapter apply to vessels sailing under the Finnish flag and the crews and owners of such vessels.
- (2) This chapter applies to Finnish fishing vessels of 10 m in length or more. However, on domestic voyages in trading area I the chapter applies to fishing vessels of 12 m in length or more only. It also applies to foreign fishing vessels of class III that operate in Finnish territorial waters or unload their catch in Finnish ports.
- (3) This chapter does not apply to:
 - 1) vessels of the Defence Forces or the Frontier Guard, which, as a rule, are not used in general traffic for the carriage of passengers or cargo;
 - 2) recreational craft;
 - 3) cable ferries;
 - 4) vessels of 10 m in length or less, used in distinctly separated basins of industrial establishments only;
 - 5) vessels of 10 m in length or less, not used in general traffic for the carriage of passengers, for the carriage of cargo on a regular basis, or for towage;
 - 6) vessels used non-commercially for voluntary SAR operations and manned with a crew trained for SAR operations.

Section 5 – *Safe manning*

- (1) Every ship shall be manned in such a manner that the ship, crew, passengers, cargo, other property or the environment are not needlessly put at risk.
- (2) The ship's complement and the qualifications of the crew shall be such as to enable the proper performance of all watchkeeping duties on board.
- (3) The ship shall have catering personnel, if the crew lodges on board.

Section 6 – *Determination of safe manning and minimum safe manning document*

- (1) The manning of a vessel shall be determined before it is put into service as a Finnish ship or as a Finnish fishing vessel.
- (2) The owner shall apply to the Finnish Transport Safety Agency in writing for determination of the manning before the vessel is put into service. The applicant shall submit all information required for determining the manning and make a proposal for the minimum safe manning level of the vessel.
- (3) Before determining the manning of a vessel other than a fishing vessel, a pleasure yacht or a charter boat, the Agency shall request opinions on the application from the occupational safety authorities and the relevant national maritime labour market organizations.
- (4) The Agency determines the manning and issues a document indicating the minimum safe manning of the ship and the composition of the crew and the required qualifications of the crew with respect to different trading or catch areas. The minimum safe manning document is valid for a specific or for an unlimited period of time.
- (5) Further provisions on the application for determination of minimum safe manning levels and on the validity of the minimum safe manning document are issued by government decree.

Section 7 – Principles to be taken into account when issuing the minimum safe manning document

- (1) When issuing the minimum safe manning document the Finnish Transport Safety Agency shall take into account the principles of safe watchkeeping and the provisions on hours of work and rest in the Seafarers' Working Hours Act and the Act on Working Hours on Vessels Engaged on Domestic Voyages, the size and type of the ship, the cargo carried on board, the engine output and automation of the machinery, the overall standard of shipboard equipment, maintenance and repair, the trading area and catch area, number of passengers, catering and sanitary conditions and on-board training.
- (2) In addition to the matters referred to in paragraph 1, the Agency shall take into account the provisions of the Maritime Labour Convention.
- (3) The ship shall be sufficiently manned to ensure the proper use of life-saving and fire-fighting equipment and other safety equipment and the performance of the duties specified in the muster list.
- (4) Under the Maritime Labour Convention ships carrying 100 or more persons and ordinarily engaged on international voyages of more than three days' duration shall carry a qualified medical doctor.
- (5) Further provisions on the principles to be taken into account in determining the minimum safe manning of ships are issued by government decree.

Section 8 – Advance ruling on manning

- (1) The owner, the prospective owner or manager of a fishing vessel or a relevant national maritime labour market organization may submit a written application to the Finnish Transport Safety Agency for an advance ruling on the manning of a vessel.
- (2) The application for an advance ruling shall contain the same details as the application for manning along with a proposal for the manning of the vessel. The matter in which an advance ruling is requested shall be specified.
- (3) Before issuing an advance ruling with respect to a vessel other than a fishing vessel, a pleasure yacht or a charter boat, the Agency shall request opinions on the application from the occupational safety authorities and the relevant national maritime labour market organizations.
- (4) In determining the manning of the vessel the Agency shall take proper account of its advance ruling, if the circumstances on which the application was founded have remained the same.

Section 9 – Owner's and master's responsibilities

- (1) The owner shall ensure that the vessel has a minimum safe manning document and that it has been manned in accordance with the minimum safe manning document currently in force.
- (2) The master shall ensure that the vessel is safely manned taking into account the prevailing circumstances. In all circumstances the ship shall have at least a manning equivalent to the requirements in the minimum safe manning document in force.
- (3) Further provisions on the responsibilities of the owner and the master with regard to safe manning are issued by government decree.

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

If the master, on the basis of his professional judgement and experience, deems that the ship's manning does not meet the requirements set in section 9(1) or (2), he must not be prevented from demanding the necessary changes, nor may actions be taken against him for this reason. The same applies to the chief engineer officer in issues regarding machinery and fire safety.

Section 11 – *Changes to the manning*

- (1) The owner shall notify the Finnish Transport Safety Agency without delay of any changes with respect to the structure, equipment, operation, trading area or catch area of a vessel or the particulars of the owner or vessel.
- (2) Whenever necessary, the Agency determines a new minimum safe manning for the vessel in accordance with section 6 and issues a new minimum safe manning document.

Section 12 – *Derogations from the minimum safe manning document*

- (1) If it proves impossible to recruit qualified crew members in a port of call without unreasonable delay or costs, the Finnish Transport Safety Agency may allow the ship to derogate from the determined manning for a specific period of time or for a specific voyage provided that the safety of the ship is not endangered.
- (2) The ship's crew shall be complemented in accordance with the specified manning as soon as possible.

Section 13 – *Derogations from the qualifications determined in the minimum safe manning document*

- (1) The Finnish Transport Safety Agency may, for compelling reasons, on the owner's written application, grant a dispensation from the certificate of competency for an officer of the deck or engine department to serve in a capacity for which he or she is not competent provided that he or she is sufficiently qualified to safely perform the duties concerned. The Agency may grant dispensation, if dispensation does not endanger life, property or the environment. Before issuing a dispensation the Agency shall request the opinion of the relevant national maritime labour market organization. A dispensation cannot be issued for more than six months at a time.
- (2) On other than domestic voyages dispensation for the capacity of master or chief engineer officer may be issued only for particularly compelling reasons and in such cases for the minimum period of time required.
- (3) Dispensation may be granted only for a capacity one step higher in rank than the capacity the person concerned is holding by virtue of his or her certificate of competency. If a person does not hold a certificate of competency at all, he or she can be granted a dispensation for a capacity requiring the lowest certificate of competency, if it is evident that he or she on account of his or her training and experience is able to perform the duties concerned.

Section 14 – *Derogations with respect to trading areas*

If a vessel other than a fishing vessel is operating within a restricted area abroad, the Finnish Transport Safety Agency may on application, taking into account the nature of the operations, decide that such operations with respect to manning and crew qualifications equal similar operations in domestic trade. Derogation may be granted provided that the safety standard is not impaired.

Section 15 – *Certificates of competency*

- (1) Seafarers serving on board vessels must have the qualifications set out in this Act and the provisions issued under it. Certificates are issued to persons who have demonstrated competence.
- (2) Engineer officers on motor ships shall have certification for motor ships, and, on steam ships, certification for steam ships.

- (3) Radio operators shall have taken a proficiency examination under the Act on Radio Frequencies and Telecommunications Equipment (1015/2001) pertaining to the relevant type of radio station and a valid proficiency certificate. The proficiency certificate is issued by the Finnish Communications Regulatory Authority in accordance with the Radio Regulations of the International Telecommunication Union (ITU).
- (4) The areas and conditions in which certificates pertaining to the use of radio stations are required are specified by the Finnish Transport Safety Agency, which approves the qualification requirements for each vessel.
- (5) Operators of pleasure yachts shall hold an international certificate for operators of pleasure craft.
- (6) Operators of manned charter boats shall hold a certificate for operators of charter boats. If a person operating a manned charter boat acts as a charter boat operator on international voyages, he or she must also hold an international certificate for operators of pleasure craft.
- (7) If a Finnish vessel is chartered to a foreigner for use on voyages between EU member states and/or EEA states on the condition that the foreign charterer may decide on the operation of the ship, the master shall hold a certificate of competency or an endorsement provided in this Act whereas the rest of the crew shall hold certificates of competency or endorsements required by their duties.
- (8) The obligations provided for in Council Directive 91/67/EEC on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway, hereinafter the *Certification Directive*, Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, hereinafter the *Conditions for obtaining Certificates Directive*, and Council Directive 87/540/EEC on access to the occupation of carrier of goods by waterway in national and international transport and on mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation, hereinafter the *Transport Carriage Directive*, are in force in Finland. The provisions on the conditions for obtaining certificates, requirements for access to the occupation and examination requirements of the Conditions for obtaining Certificates Directive and the Transport Carriage Directive do not, however, apply to boatmasters, crews and carriers on inland waterways in Finland. (1321/2011)

Section 16 – *Application for certificates of competency*

- (1) Certificates are applied for in writing from the Finnish Transport Safety Agency. The application shall include all documentary evidence necessary for the issuing of a certificate of competence.
- (2) Further provisions on the documentary evidence to be presented are issued by government decree.

Section 17 – *Issuing of certificates of competency*

- (1) Certificates of competency are issued by the Finnish Transport Safety Agency. A certificate of competency is issued provided that the applicant meets the requirements with respect to age, medical fitness, knowledge and skills, training and experience.
- (2) Entries concerning the issuance and withdrawal of certificates shall be made in the register of seafarers. The Act on the Registering of Ship's Crew (1360/2006) lays down further provisions on the register of seafarers.
- (3) Further provisions on certificates and qualification requirements for the implementation of the STCW Convention, the Directive on Minimum Level of Training of Seafarers, the Fishing Vessel Directive and the ITU Radio Regulations are issued by government decree.
- (4) Further provisions on national certificates and qualification requirements are issued by government decree.
- (5) The format of the certificate of competency is confirmed by the Finnish Transport Safety Agency.

Section 18 – *Special training, training in emergency and medical care functions and alternative certificates*

- (1) In addition to the training required for the capacity held on board, crew members may be required to undergo special training in accordance with the characteristics of the ship on which they serve.
- (2) Those who have been assigned to duties specified in the ship's muster list shall have basic training in personal survival techniques and fire prevention and fire-fighting in accordance with the duties assigned.
- (3) Fishing vessel personnel shall have safety training for fishing vessels.
- (4) Further provisions on alternative certification, special safety, fire-fighting and medical training for crew members for the implementation of the STCW Convention and the Directive on Minimum Level of Training are issued by government decree.

Section 19 – *Validity and revalidation of certificates*

- (1) Certificates are valid for a specific or unlimited period of time. Further provisions on the validity of certificates for the implementation of the STCW Convention, the Directive on Minimum Level of Training and the Fishing Vessel Directive are issued by government decree. Detailed provisions on the validity of national certificates are likewise issued by government decree.
- (2) The holder shall present documentary evidence on his or her continued proficiency for revalidation of his or her certificate of competency or certificate of proficiency. Provisions on the revalidation of certificates and continued proficiency are issued by government decree.

Section 20 – *Withdrawal of certificates and endorsements*

- (1) The Finnish Transport Safety Agency shall suspend or withdraw a certificate of competency or endorsement issued by it, if the holder
 - 1) has repeatedly or substantially contravened maritime provisions;
 - 2) has otherwise shown general indifference for obeying them;
 - 3) has while on duty been guilty of waterway traffic intoxication under chapter 23 (5) of the Criminal Code (39/1889);
 - 4) does not meet the conditions set for issuance of the certificate of competency or endorsement held.
- (2) The Agency may suspend or withdraw a certificate or endorsement issued by it if the holder contravenes maritime provisions in a manner other than specified in subsection 1 or otherwise endangers the safety of navigation by his or her conduct.
- (3) A certificate or endorsement issued by the Agency may be taken away by the Border Guard, the police or customs for a maximum of six months, if there is due cause to suspect that the holder, while on duty, has been guilty of waterway traffic intoxication under chapter 23 (5) of the Criminal Code.
- (4) A withdrawal of a certificate or endorsement referred to in subsections 1(1) and 1(2) and 2 is determined to be valid for a period of time that is proportional to the severity of the offence, however for a maximum of 12 months or for good. A withdrawal referred to in subsection 1(3) is valid until the court of justice has passed its judgment concerning forfeiture of the certificate under chapter 20 section 10 of the Maritime Act (674/1994).
- (5) The Agency's decision on withdrawal of a certificate or endorsement comes into force immediately. The certificate or endorsement shall be conveyed promptly to the Agency.
- (6) Before making a decision referred to in subsections 1 and 2, the Agency shall give the holder of the certificate or endorsement a possibility to be heard, unless the matter is so urgent that a hearing might substantially endanger the safety of navigation. If the case is urgent, the Agency may seize the certificate or endorsement at once.

Section 21 – Recognition of a certificate of competence issued by competent authorities of other states

- (1) An endorsement of a certificate of competency issued by the competent authority of another state, referred to in section 15, is issued by the Finnish Transport Safety Agency on application. The document endorses that the holder of the certificate may serve on board a Finnish ship in the capacity of master, chief mate, officer of the watch, chief engineer, first engineer or engineer of the watch in accordance with his or her certificate.
- (2) An endorsement for the capacities of master, chief mate, chief engineer and first engineer may be issued only provided that the holder is familiar with Finnish maritime law to the extent required in the capacity that he or she holds.
- (3) A note of the issuance of the endorsement or its withdrawal is made in the register of seafarers. Further provisions on the register of seafarers are issued in the Act on the Registering of Ship's Crew.
- (4) Further provisions on the implementation of the Directive on Minimum Level of Training of Seafarers and on the endorsement of certificates and withdrawal of endorsements issued by competent authorities of other states are issued by government decree.

Section 22 – Maintenance and presentation of certificates and documents

- (1) The original minimum safe manning document shall be carried on board and the owner of the vessel shall have a copy of it.
- (2) The original certificate of competency and the endorsement shall be kept on board the vessel on which the holder is serving. The holder of the certificate or endorsement shall present it on request to the competent authority.

Section 23 – Watchkeeping arrangements and principles to be observed

- (1) The owner, the master, the chief engineer and the whole watchkeeping personnel shall ensure that watchkeeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions and the planned route of the ship.
- (2) Watch systems shall be so arranged that the efficiency of all watchkeeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of the voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.
- (3) Further provisions on watchkeeping and voyage planning for the implementation of the STCW Convention are issued by the Finnish Transport Safety Agency. The Agency also issues further provisions on watchkeeping and voyage planning for vessels not covered by the STCW Convention.

Section 24 – Minimum age of master

Anyone serving as master of a passenger ship or cargo ship engaged on international voyages shall be 20 years of age. Masters of passenger ships and cargo ships engaged on domestic voyages shall be 18 years of age.

Section 25 – Working language on board

- (1) The working language used on board shall be established and recorded in the ship's log-book. Each seafarer shall be required to have sufficient understanding of the working language on which orders and instructions related to safety are given. Safety instructions shall be issued in the working language of the ship.
- (2) When the minimum safe manning of a passenger ship, ro-ro passenger ship or tanker is determined the working language of the ship is entered in the minimum safe manning document.

- (3) English shall be used on the bridge as the working language for the purposes set out in chapter V (Safety of navigation) of the SOLAS Convention.
- (4) The responsibility for adherence to the working language provisions is carried by the owner and the master.

Section 26 – Communication skills and clothing of personnel having safety-related duties on passenger ships and emergency instructions given by them

- (1) On board passenger ships, personnel nominated to assist passengers in emergency situations shall have the ability to communicate with passengers in Finnish, Swedish and English and, where possible, the language of the country of destination on routes between Finland and foreign countries and, where necessary, by demonstration, hand signals or by calling attention to the location of instructions.
- (2) The Finnish Transport Safety Agency may for the implementation of the Directive on Minimum Level of Training of Seafarers issue further provisions or route-specific provisions on the emergency instructions and the language proficiency referred to in subsection 1.
- (3) Personnel having safety duties on passenger ships shall, while on duty, wear such clothing that makes them readily identifiable as members of the crew.
- (4) The master carries the responsibility for the language proficiency and proper clothing of crew members designated to carry out safety duties.

Chapter 3 – Provisions on the implementation of the ISM Regulation

Section 27 – Verification of company compliance

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

Section 28 – Certification and withdrawal of certification

- (1) The Finnish Transport Safety Agency shall, under the ISM Regulation, issue a Document of Compliance or an Interim Document of Compliance to a company operating a Finnish ship covered by the said Regulation, and a Safety Management Certificate or an Interim Safety Management Certificate to the said ship.
- (2) The Agency may withdraw the certificates specified in subsection 1 in accordance with the ISM Regulation.
- (3) The Agency may request another contracting party to the ISM Code to issue the certificates specified in subsection 1. Correspondingly, the Agency may issue the said certificates at the request of another contracting government.

Section 29 – Validity of certification

- (1) The Document of Compliance and the Safety Management Certificate are valid for a period not exceeding five years.
- (2) The Interim Document of Compliance is valid for twelve months and the Interim Safety Management Certificate for a period not exceeding six months.
- (3) A prerequisite for the validity of the certificates specified in subsections 1 and 2 are that the verifications are carried out in accordance with the ISM Regulation.

Section 30 – Performing verifications

The verification of documentation, certificates and operations referred to in the ISM Regulation are performed by the Finnish Transport Safety Agency or an organisation recognised by the Agency.

Section 31 – *Derogations*

- (1) The Finnish Transport Safety Agency may adopt derogations by virtue of Article 7 of the ISM Regulation.
- (2) If a derogation set out in subsection 1 is adopted, the Agency imposes measures ensuring achievement of equivalent safety standards.

Chapter 4 – **Miscellaneous provisions**

Section 32 – *Supervision*

- (1) Compliance with this Act and provisions issued under it shall be supervised by the Finnish Transport Safety Agency.
- (2) The police, the customs, the occupational safety authorities and the Finnish Transport Agency shall give the Agency executive assistance in performing the tasks set out in this Act. Provisions on executive assistance to be given by the Frontier Guard are issued in the Border Guard Act (578/2005).

Section 33 – *Regulations on delimitations of trading areas on domestic voyages*

Further provisions on the trading areas on domestic voyages defined in section 2(25) are issued by the Finnish Transport Safety Agency.

Section 34 – *Compensation for the Finnish Transport Safety Agency's costs*

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

Chapter 5 – **Penalties**

Section 35 – *Causing a traffic hazard*

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

Section 36 – *Waterway traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a license*

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

Section 37 – *Neglect of safeguarding the seaworthiness of a vessel*

Provisions on penalties for neglect of safeguarding the seaworthiness of a vessel are issued in chapter 20, section 1 of the Maritime Act.

Section 38 – *Neglect of responsibilities regarding ship's documents*

Provisions on penalties for neglect of responsibilities regarding ship's documents are issued in chapter 20, section 3 of the Maritime Act.

Section 39 – *Maritime offence*

- (1) Anyone deliberately or by gross negligence
- 1) failing to comply with the responsibility set out in section 6(2) to apply for determination of the minimum safe manning of a ship;
 - 2) failing to comply with the responsibility set out in section 9(1) and (2) to safeguard that the ship has an adequate minimum safe manning document and that the ship is manned accordingly and safely when taking into account the prevailing circumstances;
 - 3) failing to comply with the notification obligation set out in section 11(1);
 - 4) infringing the provisions of section 15 concerning qualification requirements;
 - 5) infringing the obligation to maintain and present a minimum safe manning document, a certificate of competency or proficiency or an endorsement;
 - 6) infringing the obligation set out in section 23 to safeguard that a safe watch or safe watches are maintained on board;
 - 7) infringing the provisions of section 24 with respect to the minimum age of the master;
 - 8) infringing the provisions of section 25 on the working language of the ship;
 - 9) infringing the provision of section 26(1) concerning language proficiency or neglecting the obligation to wear clothing set out in section 26(3); or
 - 10) infringing the obligation set out in Article 5 of the ISM Regulation to comply with the requirements of Part A of the ISM Code concerning the safety management system of the ship; the safety and environmental protection policy, company responsibilities and authority, designated person(s), master's responsibility and authority, emergency preparedness, reports, maintenance, documentation, certification and verification,
- shall be deemed for *maritime offence* to pay a fine, unless a more severe punishment is provided elsewhere by law.

Section 40 – *Waiver*

- (1) In case of a minor maritime offence or if the administrative sanctions levied against the perpetrator may be considered sufficient with regard to the severity of the offence, an action need not be brought against the perpetrator nor a punishment imposed.
- (2) If the offence is manifestly such as provided in subsection 1, the Finnish Transport Safety Agency may give the perpetrator an admonition without taking further action.

Chapter 6 – **Appeal and implementation**

Section 41 – *Claim for rectification and appeal*

- (1) A claim for rectification of a decision made by the Finnish Transport Safety Agency under this Act may be lodged in writing within 30 days of being served with notice of the decision. The decision cannot be appealed. The claim for rectification shall be addressed to the Agency, which must process it urgently.
- (2) Provisions concerning appeal of a decision made on account of a claim for rectification are laid down in the Administrative Judicial Procedure Act (586/1996).
- (3) Provisions concerning appeal of a charge levied by the Finnish Transport Safety Agency under this Act are laid down in section 11(b) of the Act on Criteria for Charges Payable to the State.

Section 42 – *Implementation*

A claim for rectification or an appeal does not impede the implementation of a decision made under this Act, unless otherwise ordered by the authority processing the claim or appeal.

Section 43 – *Court of jurisdiction*

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

Chapter 7 – **Entry into force**

Section 44 – *Entry into force*

- (1) This Act enters into force on 1 January 2010. Sections 7(2) and (4) enter into force at a time determined by government decree.
- (2) Measures for the implementation of this Act may be taken before the entry into force of the Act.

Section 45 – *Transitional provision*

Charter boats which have been subject to an initial survey before 1 January 2006 may operate as charter boats under the conditions set out in this Act, even if they do not meet the requirements of the Act on the safety of and discharge requirements for certain recreational craft.