

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

**Act on the Security of Certain Ships and Associated Port Facilities and on  
Monitoring Maritime Security**  
(485/2004; amendments up to 955/2018 included)

By decision of Parliament, the following is enacted:

**Chapter 1  
General provisions**

**Section 1 (69/2007)  
Purpose**

This Act lays down provisions on security measures to be observed in ports.

This Act also lays down the provisions for national implementation required under Regulation (EC) No 725/2004 of the European Parliament and of the Council on enhancing ship and port facility security, hereinafter referred to as the Maritime Security Regulation.

**Section 2 (955/2018)  
Definitions**

For the purposes of this Act:

- 1) *Competent authority* means the Finnish Transport and Communications Agency, the Finnish Border Guard, the Police and the Customs;
- 2) *Port authority* means the body which maintains a port or a port facility;
- 3) *Dangerous object* means an object, a replica of an object, or a substance which can endanger or which can be used for endangering the security of a ship or a port or persons on board the ship or in the port;
- 4) *Port Security Directive* means Directive 2005/65/EC of the European Parliament and of the Council on enhancing port security;
- 5) *Security level* means the qualification of the degree of risk that a security incident will be attempted or will occur;
- 6) *Security level 1* means the level for which minimum appropriate protective security measures shall be maintained at all times;

- 7) *Security level 2* means the level for which appropriate additional protective security measures shall be maintained for a period of time as a result of heightened risk of a security incident;
- 8) *Security level 3* means the level for which further specific protective security measures shall be maintained for a limited period of time when a security incident is probable or imminent, although it may not be possible to identify the specific target;
- 9) *Port security area* means an area determined on the basis of a security assessment carried out under this Act for which a security plan is drawn up and which must be properly signposted as a security area in Finnish, Swedish, English and Russian;
- 10) *Port facility* means a location in which people move to and from ships or in which goods are moved to and from ships or in which port services are provided;
- 11) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974.

## **Chapter 2**

### **The tasks of competent authorities**

#### **Section 3 (955/2018)**

##### **The general tasks of a competent authority**

The task of the competent authority is to monitor compliance with the provisions laid down in the Maritime Security Regulation and in this Act.

The Border Guard, the Police and the Customs shall notify the Finnish Transport and Communications Agency of any deficiencies they observe in the compliance with the provisions referred to in subsection 1, and the Finnish Transport and Communications Agency shall, without delay, take measures to correct the deficiencies. If the deficiency is of such a nature that correcting it requires rapid action, another competent authority may take immediate action to correct the deficiency. This competent authority shall also immediately notify the Finnish Transport and Communications Agency of the matter.

The Finnish Transport and Communications Agency, the Border Guard and the Customs shall, for the purpose of assessing the security level specified in chapter XI-2, regulation 1.1.14 of the Annex to the SOLAS Convention and in section 2, paragraphs 5 to 8 of this Act, notify the Police of any serious deficiencies they observe in the compliance with the provisions referred to in subsection 1.

Notwithstanding secrecy requirements, a competent authority shall disclose to another competent authority any information necessary for the implementation of the purposes of this Act. The information may be transferred electronically as laid down below.

## **Section 4 (955/2018)**

### **Special tasks of the Finnish Transport and Communications Agency**

The Finnish Transport and Communications Agency serves as the focal point for maritime security referred to in Article 2(6) of the Maritime Security Regulation. In addition, the Agency is responsible for:

- 1) performing port and port facility security assessments, approving ship, port and port facility security plans, surveying ships and issuing certificates in accordance with the provisions laid down in the Maritime Security Regulation and this Act;
  - a) approving, on the basis of a security assessment and at the proposition of the port authority, the boundaries of the port security area and the list of port employees on whom security clearances, referred to in the Security Clearance Act (726/2014), shall be carried out, and seeing to the review of port security plans, as laid down in this Act;
  - b) approving on the basis of security clearances and a proposition made by the port, the appointment of the port security officer and other key security personnel;
  - c) acting as the port security authority referred to in Article 5 of the Port Security Directive;
- 2) carrying out the control tasks referred to in Article 9 of the Maritime Security Regulation in order to ensure that every ship when in a Finnish port complies with the provisions of the Maritime Security Regulation and, if there are clear grounds for suspecting that the ship is not in compliance with the provisions of the Maritime Security Regulation or if no valid certificate is produced when required, notifying the Border Guard, the Police or the Customs of the matter, and imposing the necessary control measures referred to in chapter XI-2, regulation 9, paragraphs 1.2 and 1.3 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation;
- 3) taking the steps referred to in chapter XI-2, regulation 9.2.4 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation, so that the non-compliance of a ship entering a Finnish port is rectified if there are clear grounds for believing that the ship is in non-compliance with the provisions of the Maritime Security Regulation and, if the situation is not corrected or if there are otherwise clear grounds for believing that the ship is in non-compliance with the provisions of the Maritime Security Regulation, notifying the Border Guard, the Police or the Customs and taking the necessary steps referred to in chapter XI-2, regulation 9.2.5 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation;
- 4) adopting equivalent security arrangements as provided for in Article 5(4) of the Maritime Security Regulation, and in respect of them take the measures referred to in Article 5(4) of the Regulation;
- 5) communicating, as extensively as appropriate, efficiently and without undue delay on the security level and changes to it reported to it by the Police, and providing further information on the matter, as required, and determining, on the basis of a risk analysis, the security level of a ship sailing under the Finnish flag beyond Finnish territorial waters and communicating the information to the Police

for approval;

- 6) making the administrative notifications concerning security measures;
- 7) providing guidelines for and supervising training exercises organised by the competent authorities, as laid down in Annex III of the Port Security Directive;
- 8) seeing to it that the security checks referred to in this Act are carried out in compliance with the Maritime Security Regulation and this Act; and
- 9) performing all other tasks laid down for the Finnish Transport and Communications Agency in this Act.

## **Section 5**

### **Special tasks of the Border Guard**

In addition to what is provided elsewhere in this Act, the Border Guard is responsible for:

- 1) maintaining a contact point for notifications of security threats to ships and ports and for security alerts; (69/2007)
- 2) informing other competent authorities without delay on the notifications and security alerts referred to in paragraph 1;
- 3) reporting immediately on security alerts referred to in paragraph 1 made by a Finnish ship which is not in a Finnish port or entering a Finnish port to the administrations of the states in the vicinity of which the ship is operating; and
- 4) after having been notified of a ship in a Finnish port or a ship entering a Finnish port for which there are clear grounds for believing that it is in non-compliance with the provisions of the Maritime Security Regulation and, if there are clear grounds for believing that the ship presents a security threat or that the ship is subject to a security threat or a security incident, imposing the control measures referred to in chapter XI-2, regulation 9, paragraphs 1.2 and 1.3 or 2.5 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation.

## **Section 6 (955/2018)**

### **Special tasks of the Police**

In addition to what is provided elsewhere in this Act, the Police is responsible for:

- 1) determining the security level referred to in chapter XI-2, regulation 1.1.14 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation, and in section 2, paragraphs 5 to 8 of this Act, and deciding, on the basis of the information available, on the increasing and decreasing of the security level and giving further instructions to provide safeguards against hazardous situations;
- 2) notifying the Finnish Transport and Communications Agency of changes to the security level that they have decided on; and

- 3) after having been notified of a ship in a Finnish port or a ship entering a Finnish port for which there are clear grounds for believing that it is in non-compliance with the provisions of the Maritime Security Regulation and, if there are clear grounds for believing that the ship presents a security threat or that the ship is subject to a security threat or a security incident, imposing the control measures referred to in chapter XI-2, regulation 9, paragraphs 1.2 and 1.3 or 2.5 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation.

### **Section 7 (955/2018)** **Special task of the Customs**

In addition to what is provided elsewhere in this Act, the Customs is responsible for imposing the control measures referred to in chapter XI-2, regulation 9, paragraphs 1.2 and 1.3 or 2.5 of the Annex to the SOLAS Convention, appended to the Maritime Security Regulation, after it has been notified of a ship in a Finnish port or a ship entering a Finnish port for which there are clear grounds for believing that it is in non-compliance with the provisions of the Maritime Security Regulation and if there are clear grounds for believing that the ship presents a security threat or that the ship is subject to a security threat or a security incident.

### **Chapter 2a (69/2007)** **Port security measures**

#### **Section 7a (69/2007)** **Security assessment**

A security assessment shall be carried out for each port.

In carrying out the security assessment, appropriate consideration must be given to the detailed requirements set out in Annex I of the Port Security Directive, the specific characteristics of each sub-area of the port and the port facility security assessments carried out in accordance with the Maritime Security Regulation.

The security assessment shall be reviewed when new circumstances so require and at least once every five years.

#### **Section 7b (69/2007)** **Security plan**

A port security plan shall be drawn up based on the port security assessment.

In the security plan, consideration shall at least be given to the detailed requirements set out in Annex II of the Port Security Directive.

The port security plan shall contain the port facility security plans drawn up in accordance with the Maritime Security Regulation.

A security plan shall set out the following for each security level referred to in section 2, paragraphs 5 to 8 above, to be observed in each sub-area of the port:

- 1) the procedures to be followed;

- 2) the measures to be put in place; and
- 3) the actions to be taken.

The security plan shall be reviewed when new circumstances so require and at least every five years.

### **Section 7c (69/2007)**

#### **A port facility covering the entire port security area**

If the boundaries of the port facility have been determined in such a way that the entire port security area falls within them, relevant provisions of the Maritime Security Regulation have priority.

### **Section 7d (69/2007)**

#### **Port security officer**

Each port shall have a security officer. Ports can share a security officer. The port security officer shall fulfil the role of point of contact for port security related issues. The port security officer and the port facility security officer shall cooperate with each other.

### **Section 7e (955/2018)**

#### **The duty of port authorities to provide for risk management of communications networks and information systems**

An operator responsible for a port that is considered vital for society shall provide for risk management of the communications networks and information systems used.

The Finnish Transport and Communications Agency shall assess the impact of the risk management referred to in subsection 1 on the safety of navigation. The Agency may order a port authority to take corrective measures in order to rectify a significant risk posed to the safety of navigation. The obligation may be declared subject to conditional fine. Provisions on conditional fines are contained in the Act on Conditional Fines (113/1990).

Provisions as to when a port referred to in subsection 1 is considered vital for society shall be laid down by government decree.

### **Section 7f (955/2018)**

#### **Notifications of disturbances related to information security**

An operator responsible for a port that is vital for society shall notify the Finnish Transport and Communications Agency without delay of significant information security disturbances that its communication networks or information systems are subject to.

If notification of the disturbance is in public interest, the Finnish Transport and Communications Agency may oblige the service provider to notify or, having heard the party obliged to do so, notify the public themselves.

The Finnish Transport and Communications Agency shall assess whether the disturbance referred to in subsection 1 is of relevance to other EU member states and, whenever necessary, notify other member states concerned.

The Finnish Transport and Communications Agency may issue more detailed regulations on when a disturbance referred to in subsection 1 is considered significant and the contents, form and delivery of the notification.

### **Chapter 3**

#### **Security checks and other measures for enhancing security**

##### **Section 8 (69/2007)**

###### **Security checks**

In order to prevent unlawful acts intended to harm ships or port security areas or persons on board ships or in the security areas, a ship, its cargo, cargo transport units and cargo platforms, goods intended for provisioning and equipping the ship, and buildings, rooms and storage facilities in a port security area may be inspected. An inspection may not, however, be performed in sections of buildings or ships solely intended for accommodation. Accommodation areas that are also used as business premises or for business activities may be inspected when necessary on reasonable grounds for the purpose of preventing acts referred to in this subsection.

An inspection of a postal item must be arranged in a manner that does not compromise the confidentiality of the correspondence.

For the purpose referred to in subsection 1 above, a metal detector or an equivalent technical device may be used to verify that passengers are not carrying any dangerous objects in their clothing, otherwise upon themselves or with them. To this end, passengers may also be interviewed. If there are clear grounds for believing that a person is carrying a dangerous object, he/she can be searched in order to find the object. A person working on board a ship or in a port security area and, for a particular reason, other persons on board a ship or in a port security area may also be subject to a security check and interview.

Anybody performing inspections on board a ship or in a port security area has the right to remove a dangerous object or a hazardous substance found in the course of the inspection or in some other connection provided that the possession of the object or substance is prohibited under other provisions laid down in law.

Objects and substances removed must be handed over to the Police or, unless forbidden by law, returned to the inspected person when he/she leaves the ship or the port security area.

##### **Section 9 (885/2011)**

###### **Permissible dangerous objects**

Anybody performing inspections on board a ship or in a port security area may order that dangerous objects a person is entitled to carry, either under an appropriate licence or some other legal right, shall be left for separate storage on board the ship or in the port security area before the person embarks the ship or enters the port

security area. The objects shall be returned when the person disembarks or leaves the port security area. If the object cannot then be returned without risk, it shall be handed over to the Police so that it can be returned to the inspected person or so that the measures laid down in chapter 2, section 15 of the Police Act (872/2011) can be carried out.

### **Section 10 (955/2018)** **Performer of a security check**

A border guardsman, police officer or customs officer has the right to perform a security check referred to in this Act for the purpose of preventing dangerous objects from being used for unlawful acts to harm a ship or a port security area or persons on board the ship or in the port security area.

A person other than one referred to in subsection 1 may be employed for performing a security check referred to in subsection 1, if he/she meets the requirements for security steward authorization laid down in section 35 of the Private Security Services Act (1085/2015) or if he/she has been trained as a security officer in a training programme referred to in the regulations on safeguarding civil aviation and approved by the Finnish Transport and Communications Agency and he/she has, in both cases, been approved for the task by the Police. In considering the approval, the Police have a right to use the register data, on which a limited background check referred to in the Security Clearance Act may be based. The approval issued by the Police is nationwide.

Security inspectors referred to in subsection 2 above do not have the right to perform inspections in areas of domestic peace. Neither do they have the right to use force.

The right and duty of the master to maintain order and safety on board is laid down in chapter 13, section 18 of the Act on Seafarers' Employment Agreements (769/2011).

### **Section 11** **Principle of minimum interference**

Security checks shall be performed in a manner that does not cause unnecessary harm to the person or subject being inspected. The procedure must not unnecessarily hinder or interfere with other activities on board the ship or in the port security area. (69/2007)

Frisking shall be conducted with discretion.

### **Section 12 (69/2007)** **Coercive measures on a person**

Anybody refusing to submit to an inspection carried out in accordance with this Act or anybody that on clear grounds can be suspected of being a threat to maritime security may be denied access to a ship or to a port security area or be removed from a ship or a port security area by a Border Guardsman, a Police Officer or a Customs Officer. Forcible measures deemed necessary and justifiable may be used in



the process; in that case consideration shall be given to the risk to maritime security, the behaviour of the person to be removed, and other related factors.

Provisions on the use of excessive force are contained in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code (39/1889).

## **Chapter 4**

### **Miscellaneous provisions**

#### **Section 13 (955/2018)**

##### **Provision of security information prior to entry into a port**

Security information concerning a ship referred to in Article 6 of the Maritime Security Regulation shall be disclosed to the Finnish Transport and Communications Agency in a manner ordered by the Agency.

The Finnish Transport and Communications Agency may, under the conditions laid down in Article 7 of the Maritime Security Regulation and on application, grant exemption from the provision of information referred to in subsection 1.

#### **Section 14 (955/2018)**

##### **Notification obligation of port authorities**

For the purpose of a security level assessment, the port authority shall, without delay, notify the Police of all matters that have come to its attention and which may have an impact on maritime security as referred to in the Maritime Security Regulation or in this Act. The Finnish Transport and Communications Agency, the Border Guard and the Customs shall be notified at the same time.

#### **Section 15**

##### **Notification obligation of the master**

For the purpose of a security level assessment, the master shall, without delay, notify the port authority or the Police of all matters that have come to his/her attention and which may have an impact on maritime security referred to in the Maritime Security Regulation or in this Act.

#### **Section 16**

##### **Obligation to provide material**

Notwithstanding secrecy requirements, a competent authority has the right to access, free of charge, all such documents, passenger lists and other material and lists that the port authority, shipowner or master must maintain or retain and that are necessary for implementing the objectives of the Maritime Security Regulation and this Act, and to receive copies of these free of charge. A competent authority also has the right to access material in electronic format over a technical user interface. A competent authority may disclose information accessed in this manner only to another competent authority. The information may only be used for the purpose of carrying out tasks referred to in the Maritime Security Regulation and in this Act.

A competent authority has the right to receive information and assistance from the master or other persons serving on board a ship and working in a port security area for inspecting that the ship or the port security area is in compliance with the Maritime Security Regulation and the provisions of this Act. (69/2007)

### **Section 17 (955/2018)** **Technical monitoring**

In addition to what is provided elsewhere in the law, the Police, the Border Guard and the Customs have the right, in order to ensure maritime security, to perform technical monitoring referred to in chapter 4, section 1, subsection 1 of the Police Act and chapter 5, section 28 of the Customs Act (304/2016) in locations accessible to the public in a Finnish port referred to in this Act after giving advance notification by an appropriate signal. Technical monitoring may not, however, be conducted in areas of domestic peace, or in toilets, dressing areas or other similar locations, or in staff rooms or offices intended for the staff's personal use. A technical device may be used for voice or image recording, if this is necessary for deterring offences referred to in chapter 34a of the Criminal Code, or for the identification of persons wanted for offences, or of being suspected guilty on probable causes for offences referred to in the same chapter. Authorities referred to in this subsection may install devices intended for technical monitoring in a port security area, if this does not cause any considerable harm to the port authority.

The Police, the Border Guard and the Customs have, for their own use, the right to receive from a port authority and a shipowner monitoring material from a technical device continuously transmitting or recording an image and that has been installed by the port authority or the shipowner in a Finnish port security area or on board a Finnish ship referred to in this Act, if security level 1 or 2 has been set. The information referred to in this subsection may also be disclosed by means of a technical user interface or otherwise by electronic means.

### **Section 18** **Expenses arising from the disclosure of electronic information**

A competent authority shall, at its own expense, implement a system which enables it to receive and process information referred to in sections 16 and 17. The competent authority is also responsible for the expenses arising from the connection of the system to a communications network.

A shipowner and a port authority have the right to receive compensation from State funds for the direct cost of investments, use and maintenance of systems, equipment or software which have been purchased solely for the purpose of meeting the requirements laid down by a competent authority. A shipowner and a port authority also have the right to receive compensation from State funds for the direct costs of a procedure that has been ordered by a competent authority. Compensation for costs is decided on by the Ministry of Transport and Communications.

A shipowner or a port authority may not utilise the systems, equipment or software funded by a competent authority for commercial activities.

## **Section 19 (955/2018)**

### **Rectification of non-compliances, and coercive measures**

If a port authority fails to comply with the provisions of the Maritime Security Regulation or of this Act, the Finnish Transport and Communications Agency shall, after consulting the defaulting party, issue appropriate instructions and orders for the rectification of the non-compliances and deficiencies. The Agency may set a time limit for the rectification of such non-compliances and deficiencies.

If a port authority opposes an inspection, fails to disclose material referred to in section 16 or 17, does not comply with the order referred to in subsection 1, or does not rectify a non-compliance or deficiency within the time limit set by the Finnish Transport and Communications Agency, the Agency may at its discretion suspend work at the port facility or the port security area until the non-compliance or deficiency has been rectified or the material has been disclosed. The Police and the port authority shall be notified of the decision without delay.

## **Section 20**

### **Cooperation between competent authorities**

Each competent authority shall, within its respective sphere of competence, provide assistance to another competent authority.

## **Section 20a (955/2018)**

### **Cooperation between the performer of a security check and a competent authority**

The performer of a security check has the right to notify the Customs or the Border Guard of observations that are of relevance from the point of view of the administration's tasks.

## **Section 21 (69/2007)**

### **Compensation for expenses**

Provisions on making the drawing up of security assessments, approval of security plans and the issue of certifications subject to charge and the criteria for the charges are contained in the Act on Criteria for Charges Payable to the State (150/1992).

If in inspections carried out in accordance with this Act non-compliances are observed which under the Maritime Security Regulation or this Act justify the detention of a ship or restrictions on its operations or suspension of operations at a port facility or in a port security area, the shipowner or his/her representative in Finland or the port authority shall provide compensation for all expenses arising from additional inspections.

## **Section 22**

### **Processing and secrecy of information**

Information contained in security assessments and security plans may only be processed by persons appointed for the task by a competent authority, by security officers of shipowners, ships and port facilities, port security officers and persons appointed for the task by security officers. (69/2007)

A person employed by a shipowner, a ship or a port authority or a person responsible for the security arrangements of the above must not disclose to third parties any information on security assessments, security plans or matters related to their implementation, including information gained through the inspection of postal items, that has come to his/her attention while carrying out his/her duties. (69/2007)

Confidentiality provisions applying to a person in the service of or commissioned by an authority and to a person in the service of a person commissioned by an authority are contained in the Act on the Openness of Government Activities (621/1999).

### **Section 23 (955/2018)** **Breach of security**

Anybody who deliberately or through carelessness neglects the notification obligation referred to in section 13, or who fails to comply with an order issued by the Finnish Transport and Communications Agency under section 19, shall be sentenced, unless a more severe penalty for the act is provided elsewhere in the law, for *breach of security* to a fine.

Punishment for providing a competent authority with false documents is laid down in chapter 16, section 8 of the Criminal Code.

### **Section 24** **Secrecy offence**

Punishment for a secrecy offence laid down in section 22 is in accordance with chapter 38, section 1 or 2 of the Criminal Code, unless the offence is punishable in accordance with chapter 40, section 5 of the Criminal Code or a more severe penalty is provided elsewhere in the law.

### **Section 25 (986/2015)** **Appeal**

A decision issued by a competent authority under this Act and the Maritime Security Regulation may be appealed in accordance with the Administrative Judicial Procedure Act (586/1996).

A decision made by the Administrative Court in a matter related to the detention of a ship or restriction of operations of a ship may be appealed in accordance with the Administrative Judicial Procedure Act. Any other decision made by the Administrative Court may be appealed only if the Supreme Court grants leave of appeal.

Appeals shall be considered without delay. An appeal does not prevent the detention of a ship, restriction of operations of a ship, a port facility or a port security area or the implementation of a decision concerning coercive measures on a person referred to in section 12 unless otherwise ordered by the appellate authority.

**Chapter 5**  
**Entry into force****Section 26**  
**Entry into force**

Provisions regarding the entry into force of this Act shall be issued by government decree.

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

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