

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

Vessel Traffic Service Act

(623/2005; amendments up to 947/2018 included)

By decision of Parliament, the following is enacted:

Chapter 1
General provisions

Section 1
Purpose

The purpose of this Act is to improve the safety and efficiency of vessel traffic and to prevent the detrimental impact of vessel traffic on the environment.

Section 2 (947/2018)
Definitions

For the purposes of this Act:

- 1) *Vessel traffic service (VTS)* means a service designed to supervise and manage vessel traffic, which has the capability to interact with traffic and to respond to changing traffic situations;
- 2) *Competent authority* means the Finnish Transport and Communications Agency;
- 3) *Vessel traffic service organiser* means the Finnish Transport Infrastructure Agency;
- 4) *Decision to establish a VTS* means a decision by the competent authority to establish a vessel traffic service in a specific area;
- 5) *VTS provider* means the vessel traffic service provider;
- 6) *VTS area* means an area which has been formally declared a VTS area by a decision to establish a VTS and in which vessel traffic service is operated; a VTS area can be divided into sub-areas or sectors;
- 7) *VTS centre* means a centre from which the VTS provider operates the vessel traffic service;
- 8) *VTS operator* means an appropriately qualified person performing VTS tasks in a VTS centre;
- 9) *VTS sailing plan* means a plan mutually agreed between a VTS operator and the master of a ship concerning the movement of the ship in the VTS area;
- 10) *VTS traffic image* means the surface picture maintained by the VTS centre of the situation of ships and their movements in the VTS area and of other matters affecting the traffic;

11) *Ship's routing system* means any system of one or more routes or routing measures aimed at reducing the risk of casualties; it may include traffic separation schemes, two-way routes, recommended tracks, areas to be avoided, inshore traffic zones, roundabouts, precautionary areas and deep-water routes (*DW routes*);

12) *Casualty* means a casualty within the meaning of the International Maritime Organization (IMO) Code for the investigation of marine casualties and incidents;

13) *Ship in need of assistance* means a ship in a situation that could give rise to its loss or an environmental or navigational hazard;

14) *Place of refuge* means a port, the part of a port or another protective berth or anchorage or any other sheltered area identified by the Finnish Transport and Communications Agency for accommodating ships in distress;

15) *Shipper* means the party submitting goods for carriage by sea;

16) *Operator* means the owner as defined in section 2 of the Ship Safety Control Act (370/1995);

17) *Agent* means any person mandated or authorised to supply information on behalf of the ship's operator;

18) *Dangerous goods* means the dangerous goods classified in IMO's IMDG Code, in Chapter 17 of the IBC Code, in Chapter 19 of the IGC Code and in the IMSBC Code;

19) *Polluting goods* means oils as defined in Annex I to the MARPOL 73/78 Convention, noxious liquid substances as defined in Annex II to the Convention and harmful substances as defined in Annex III to the Convention;

20) *MARPOL 73/78 Convention* means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as amended;

21) *Reporting Formalities Directive* means Directive 2010/65/EU of the European Parliament and of the Council on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC, as amended;

22) *Monitoring Directive* means Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, as amended;

23) *Maritime Transport Statistics Directive* means Directive 2009/42/EC of the European Parliament and of the Council on statistical returns in respect of carriage of goods and passengers by sea;

24) *Schengen Borders Code* means Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code);

25) *Notifications concerning security measures* means the notifications by ships referred to in the Act on the Security of Certain Ships and Port Facilities Serving Them and on Monitoring Maritime Security (485/2004);

26) *Notifications concerning ship-generated waste* means the notifications by ships referred to in the Act on Environmental Protection in Maritime Transport (1672/2009);

27) *SafeSeaNet System* means the maritime traffic information exchange system of the European Union referred to in the Monitoring Directive, which comprises the central system administered by the European Commission and the national systems of the Member States;

28) *Scheduled services* means a series of ship crossings operated so as to serve traffic between the same two or more ports, either according to a published timetable or with crossings so regular or frequent that they constitute a recognisable systematic series.

Section 3 (576/2018)

Scope

This Act applies to vessel traffic services operated in Finnish waters and the leased Saimaa Canal area and to temporary management of vessel traffic in exceptional circumstances.

The Act also applies to the supervision of compliance with the ship reporting systems and routing systems established outside Finnish waters when carried out by a VTS provider.

The Act applies to the maritime traffic information management and reporting obligations concerning ships used in maritime traffic and calling at Finnish ports.

However, the Act does not apply to the following ships, unless otherwise provided in this Act or in the provisions issued under it or in the provisions on participation in vessel traffic service or reporting obligations referred to in this Act:

- 1) warships, vessels of the Finnish Defence Forces, vessels of the Finnish Border Guard or vessels of other public authorities when used for non-commercial services;
- 2) fishing vessels, traditional ships and pleasure craft of less than 45 metres in length;
- 3) tugs when they are moving between two Finnish ports without cargo or a vessel in tow.

Notwithstanding what is provided in this Act on the operation of a vessel traffic service, monitoring and management of vessel traffic may also be carried out by port authorities in port areas.

Separate provisions apply to the notifications concerning maritime security, ship-generated waste, pilotage, customs clearance and the Schengen Borders Code.

Chapter 2

Vessel traffic services

Section 4

Vessel traffic services and languages

Vessel traffic services comprise the provision of information, navigational assistance and traffic organisation.

Vessel traffic services are provided in Finnish, Swedish or English.

Section 5 Information

Information is given to ships when they report, at set intervals, whenever necessary or when a ship so requests.

Information is provided on:

- 1) other ships in the VTS area;
- 2) changes in matters concerning the VTS area and traffic within it confirmed in the decision to establish a VTS in accordance with section 8;
- 3) meteorological and hydrological information;
- 4) operation of pilots and icebreakers;
- 5) condition and availability of fairways and status of aids to navigation;
- 6) any danger threatening a ship; and
- 7) other matters affecting the safety of vessel traffic.

Information about the weather shall be based on meteorological reports provided for seafarers by a competent meteorological information service.

Section 6 (576/2018) Navigational assistance

Navigational assistance is given to identified ships on request or, when deemed necessary by the VTS provider, in difficult navigational circumstances or weather or ice conditions. Navigational assistance is advisory and result-orientated only.

The messages sent to a ship by the VTS provider shall specify the name of the ship, when the navigational assistance begins and ends, and the observation instrument used as a basis for the navigational assistance. The VTS operator and the shipmaster shall also agree on communication procedures and on the ship's VTS sailing plan in the VTS area.

Navigational assistance may include the following:

- 1) information on the ship's course made good and speed over ground;
- 2) information on the ship's position relative to the fairway axis or waypoint in accordance with the VTS sailing plan;
- 3) information on the positions, identities and intentions of surrounding traffic; and
- 4) warnings to individual ships.

Section 7

Traffic organisation

Vessel traffic can be managed using permanent traffic arrangements in order to prevent danger situations and congestion. For organising vessel traffic, the following orders may be issued for the VTS area:

- 1) passing prohibition and passing area;
- 2) overtaking prohibition and overtaking area;
- 3) clearance for departure from port or anchorage and for entry into a VTS area;
- 4) separation of traffic in terms of time or distance;
- 5) routes to be followed in the VTS area for ships carrying dangerous or polluting goods and for special transports; and
- 6) prohibited and designated anchorage areas.

Chapter 3

Establishing a vessel traffic service

Section 8 (576/2018)

Decision to establish a VTS

The competent authority establishes a vessel traffic service in a specific area. Before establishing the service, the competent authority shall investigate whether such a service is needed. For this purpose, the competent authority shall review:

- 1) the effect of establishing a vessel traffic service on the safety and efficiency of maritime traffic, cooperation between the authorities and the VTS provider, and allied services; and
- 2) ship's routing systems, speed limits and other issues affecting or constraining traffic in the area.

In the decision, the following shall be established:

- 1) the VTS provider operating the vessel traffic service;
- 2) a cooperation agreement, if the vessel traffic service is operated jointly with other authorities or a port authority in accordance with section 16;
- 3) the vessel traffic services provided and the extent to which they are provided;
- 4) the VTS area and mandatory reporting points and routes to be followed;
- 5) the minimum number and qualifications of the VTS provider's personnel;
- 6) operating methods and working hours of the VTS provider;
- 7) the location of the VTS centre and the technical systems of the VTS centre and the VTS area;

8) further provisions concerning ship reporting required by the VTS and the radio channels to be used; and

9) permanent traffic arrangements referred to in section 7.

The competent authority may establish different vessel traffic services for various sectors and sub-areas of the VTS area.

Section 9 (576/2018)

Amendments to or cancellation of the decision to establish a VTS

The competent authority may amend or cancel the decision to establish a VTS at the proposition of the VTS provider.

In addition, the competent authority may also amend or cancel the decision to establish a VTS if the VTS is not operated in accordance with the decision.

Section 10 (576/2018)

Information on a decision to establish a VTS and on amending or cancelling the decision

The competent authority shall publish information on a decision to establish a VTS and on amending or cancelling it in national and international VTS publications.

In the decision to establish a VTS referred to in section 8, the competent authority may delegate the information provision obligation laid down in subsection 1 to the VTS provider.

Chapter 4

Personnel qualifications

Section 11 (947/2018)

VTS operators' qualifications and on-the-job training

A VTS operator shall be qualified to operate vessel traffic service safely and efficiently.

A person who has a valid VTS operator certificate issued by the Finnish Transport and Communications Agency and has completed a VTS operator's on-the-job training is entitled to serve as a VTS operator. The VTS provider makes an entry on the certificate concerning completion of on-the-job training.

The VTS provider shall have a quality management system for maintaining and developing on-the-job training. The quality management system shall be submitted to the Finnish Transport and Communications Agency for review at least once every five years.

Provisions on the quality management system prepared for the maintenance and development of the VTS operator's on-the-job training are issued by government decree.

Section 12 (947/2018)
VTS operator certificate

In order to be granted a VTS operator certificate, the applicant shall have successfully completed a VTS operator basic training and shall have sufficient command of Finnish, Swedish and English. If the certificate entitles its holder to provide services referred to in section 6 or section 7, the applicant shall also have completed a deck officer's training and shall have been granted a deck officer's certificate.

The Finnish Transport and Communications Agency shall enter on the certificate the vessel traffic services that the certificate holder is entitled to provide.

Further provisions on VTS operator basic training and the language skills requirements are issued by government decree.

Section 13 (947/2018)
VTS supervisor qualification

A VTS supervisor shall be qualified to oversee the vessel traffic service safely and efficiently.

A person who has a valid VTS operator certificate issued by the Finnish Transport and Communications Agency, has completed VTS supervisor training and has sufficient command of Finnish, Swedish and English is entitled to serve as a VTS supervisor. The Finnish Transport and Communications Agency shall make an entry on the certificate concerning successful completion of supervisor training.

Further provisions on the VTS supervisor training and the language skills requirements are issued by government decree.

Section 14 (576/2018)
Validity and revalidation of a VTS operator certificate

A VTS operator certificate is granted for a maximum fixed period of five years and it can be revalidated on application.

In order to have certificates revalidated, applicants shall show that they have maintained their competence and successfully completed VTS operator recurrent training.

The VTS provider shall carry out an assessment of knowledge and skills annually and make an entry of the assessment on the certificate. Persons who are continuously absent for more than 12 months from work for which they have received an endorsement shall complete an on-the-job training period successfully before returning to work.

Further provisions on the assessment of knowledge and skills, on-the-job training and recurrent training related to revalidation of certificates are issued by government decree.

Section 15 (947/2018)

Withdrawal of a VTS operator certificate

The Finnish Transport and Communications Agency shall withdraw a VTS operator certificate, if the holder's knowledge and skills no longer meet the requirements for certification.

After investigating the matter, the Finnish Transport and Communications Agency may withdraw the certificates of holders who:

- 1) repeatedly violate this Act or provisions issued under it; or
- 2) are intoxicated while attending to their duties.

The person in question shall be heard in the matter before the certificate is withdrawn.

In cases referred to in subsections 1 and 2 above, the Finnish Transport and Communications Agency may order certificate holders to hand over their certificates to the competent authorities without delay.

If a certificate is not withdrawn permanently, the decision shall specify the period during which certification will not be granted. The period begins when the person in question has been notified of the decision or, at the latest, when the certificate expires.

Chapter 5

Jurisdiction and duties of the VTS authority

Section 16 (947/2018)

Operation of a vessel traffic service

The VTS provider shall operate the vessel traffic service in its VTS area in accordance with this Act and provisions issued under it, with the decision to establish a VTS referred to in section 8 and monitor and manage vessel traffic based on the traffic image maintained in the VTS centre. The VTS provider shall ensure that the level of services provided in the VTS area is sufficient with respect to the nature of traffic in the area.

Based on a cooperation agreement, the VTS provider may operate a vessel traffic service jointly with port or other authorities. In such a case, too, the VTS provider carries the responsibility for operating the VTS.

The provisions on criminal liability for public acts apply to VTS operators when they are carrying out their statutory duties.

The VTS provider shall record the VTS area traffic image and related VHF radio traffic. The records shall be kept for 30 days. What is provided on document publicity in the Act on the Openness of Government Activities (621/1999) also applies to such records.

The VTS provider shall ensure proper management of the risks that might affect its communications networks and information systems.

The Finnish Transport Infrastructure Agency is responsible for organising traffic management services in the shipping routes that it manages, considering the decision to establish a VTS by the competent authority referred to in section 8 above.

Section 16a (947/2018)

Maritime traffic image

The VTS provider continuously produces an up-to-date maritime traffic image for the Finnish Transport Infrastructure Agency. The traffic image is made available to the defence and security authorities free of charge.

Section 17 (947/2018)

Temporary management of vessel traffic in exceptional circumstances

When necessary, the Finnish Transport and Communications Agency may order the following on account of exceptional meteorological and hydrological conditions or special transports, or a SAR operation or some other factor restricting or endangering traffic in the VTS area:

- 1) closure or opening of a water area, fairway or part of a fairway;
- 2) ships to anchor or to return to berth; and
- 3) speed limits in a water area or fairway.

The Finnish Transport and Communications Agency shall immediately communicate its decision to the VTS provider so that the VTS provider can take the necessary measures to implement the decision. The VTS provider shall immediately inform the ships in or approaching the VTS area and the relevant port authority of the measures.

The VTS provider may, at its own initiative and on the basis of the instructions laid out in the operating manual approved in advance by the Finnish Transport and Communications Agency, take the decision referred to in subsection 1 on account of exceptional meteorological and hydrological conditions, or on account of special transports, a SAR operation or some other factor restricting or endangering traffic in the VTS area for a maximum period of 24 hours. The VTS provider shall immediately notify the Finnish Transport and Communications Agency and the Finnish Border Guard of its decision. The Finnish Transport and Communications Agency shall decide on the suspension or continuation of the measure without any undue delay.

Section 17a (947/2018)

Right to prohibit

In order to implement the international obligations binding on Finland, the decisions issued under Article 29 of the Treaty on European Union, the regulations issued under Article 215 of the Treaty on the Functioning of the European Union, the decree issued under the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations and of the European Union (659/1967), a decision to freeze funds taken under the Act on the Freezing of Funds with a View to Combating Terrorism (325/2013), or a restriction concerning the navigation of a ship imposed by the authorities, the Finnish Transport and Communications Agency has the right to prohibit a ship

- 1) from entering or leaving a VTS area;

- 2) from entering a port or dropping anchor;
- 3) from leaving a port or an anchorage;
- 4) from staying in a VTS area, a port or an anchorage.

The Finnish Transport and Communications Agency shall immediately notify the VTS provider of the prohibition or restriction referred to in subsection 1. The VTS provider shall notify the ship in question of the decision taken by the Finnish Transport and Communications Agency. The VTS provider shall notify the ship of the measures taken in respect of it as soon as possible after the VTS provider has been notified by the Finnish Transport and Communications Agency; however, the notification shall be given no later than when the ship gives notification of its intention to enter or leave a VTS area, to enter a port or drop anchor or to leave a port or an anchorage.

In order to ensure effective enforcement of the prohibition referred to in subsection 1 above, the Finnish Transport and Communications Agency has the right to issue orders to the companies providing pilotage and icebreaking services.

The Finnish Transport and Communications Agency has the right to order the ship to be moved if it fails to comply with the prohibition referred to in subsection 1, paragraph 4, or there are other reasons for moving the ship such as endangerment of maritime traffic, the environment or safety, or another authority requests that the ship be moved. The owner or operator is responsible for the costs arising from the moving of the ship.

The executive assistance authorities referred to in section 24 and the Ministry for Foreign Affairs shall be immediately notified of the measures referred to in subsection 1 above, as necessary.

Section 18 (947/2018) **Notification obligations of the VTS provider**

The VTS provider shall notify the relevant maritime, SAR, environmental, territorial surveillance, police or customs authorities and port authorities of any relevant matters observed by it or reported to it and relating to the safety, SAR, environmental protection, territorial surveillance or customs inspection of a specific ship or those on board.

The VTS provider shall communicate the relevant information on a ship considered to endanger the safety of shipping or pose a threat to maritime safety, life or the environment to the relevant VTS authorities of the European Union Member States located along the intended route of the ship.

Provisions on the obligation of the VTS provider to receive the notifications concerning the use of pilots by ships and to report to the Finnish Transport and Communications Agency its observations concerning compliance with the Pilotage Act (940/2003) are contained in the act in question.

Further provisions on the notification obligations of the VTS provider are issued by government decree.

Section 18a (947/2018) **Notification of information security incidents**

The VTS provider shall, without delay, notify the Finnish Transport and Communications Agency of major incidents affecting its communications networks and information systems.

If informing of the incident is in the public interest, the Finnish Transport and Communications Agency may oblige the service provider to disseminate information on the matter or, after consulting the party obliged to provide the information, assume responsibility for the provision of the information.

The Finnish Transport and Communications Agency shall determine whether the incident referred to in subsection 1 affects other Member States of the European Union and, if necessary, notify other Member States concerned of the matter.

The Finnish Transport and Communications Agency may issue more detailed regulations on when the incident referred to in subsection 1 is of major significance and on the content, form and delivery of the notification.

Section 19 (947/2018) **Operating manual of the VTS provider**

The VTS provider shall have an operating manual defining the tasks and measures relating to the maintenance of the operation and technical systems of the VTS centre and a contingency plan for operating the vessel traffic service in emergency conditions and during disruptions in normal conditions.

The procedures and notification practices concerning the obligations laid down in the Pilotage Act and the cooperation with the Finnish Transport and Communications Agency and the Pilotage Company referred to in the Pilotage Act shall be specified in the operating manual. The operating manual of the VTS provider shall be approved by the Finnish Transport and Communications Agency.

Section 19a (947/2018) **Preparations for emergency conditions and disruptions in normal conditions**

The VTS provider referred to in section 2 of this Act shall prepare for the emergency conditions referred to in the Emergency Powers Act (1552/2011) by taking part in preparedness planning and by preparing for activities in emergency conditions and during disruptions in normal conditions.

In addition to what is provided in subsection 1, the VTS provider shall also be prepared to ensure that the operations can continue with minimum interruption in emergency conditions and during disruptions in normal conditions.

In addition to what is provided in the Emergency Powers Act on the powers of the government, Ministry of Transport and Communications, and the Finnish Transport and Communications Agency, further provisions on the preparedness planning required for emergency conditions and disruptions in normal conditions may be issued by government decree.

The Finnish Transport and Communications Agency shall supervise compliance with this section and the provisions issued under it.

Section 20 (947/2018) **Supervision in international waters**

The VTS provider shall monitor observance of ship's routing systems and ship reporting systems in international waters adjacent to its VTS area. The VTS provider shall implement appropriate

measures to ensure that ships entering the VTS area observe the rules of the systems referred to above.

The VTS provider shall, without delay, notify the Finnish Transport and Communications Agency, which supervises observance of the ship's routing systems and ship reporting systems in international waters, of any non-observance of the ship's routing systems and ship reporting systems.

Section 20a (947/2018) **Maritime information management system**

The Finnish Transport and Communications Agency shall establish and maintain a national maritime information management system to gather, process and preserve information referred to in the Reporting Formalities Directive and the Monitoring Directive. The Finnish Transport and Communications Agency shall observe the provisions of the Monitoring Directive and Annex III to it in the development, administration, architecture, maintenance, access rights and security of the information management system and in the exchange of information.

The Finnish Transport and Communications Agency may organise the maintenance, implementation and operational use of the national maritime information management system or purchase it from the VTS provider. The VTS provider shall also observe the provisions of the Monitoring Directive and Annex III to it in the development, administration, architecture, maintenance, access rights and security of the information management system and in the exchange of information.

It shall be possible to interconnect the information management system with the European Union maritime information management system (*central SafeSeaNet system*). It shall be possible to send and receive the information electronically.

Using the information management system, the Finnish Transport and Communications Agency shall be able, on request, to communicate to the relevant authorities in other Member States details of ships, their cargoes and dangerous and polluting goods.

The Finnish Transport and Communications Agency shall issue more detailed regulations on the reporting procedures, structure, contents and access rights of the information management system, as well as on the sharing of information with other authorities, other Member States and with the central SafeSeaNet system.

Section 20b (947/2018) **Plan for accommodating ships in need of assistance**

The Finnish Border Guard shall, in cooperation with the VTS provider, the Finnish Transport and Communications Agency, the Finnish Transport Infrastructure Agency, the Finnish Environment Institute and the other authorities referred to in section 4 of the Maritime Search and Rescue Act (1145/2001), prepare instructions for places of refuge for ships in need of assistance and a plan, based on the resolutions on maritime assistance services of the International Maritime Organization (IMO), for accommodating and rescuing ships in need of assistance and for threats to safety and human life.

Further provisions on the plan referred to in subsection 1 above are issued by government decree.

Section 20c (947/2018)
Accommodating ships in need of assistance

The Finnish Border Guard decides, in cooperation with the authorities referred to in section 20b, on directing a ship to a place of refuge on the basis of a situational assessment made in accordance with the plan referred to in the said section. When making the decision, the Finnish Border Guard shall consult the VTS provider.

The Finnish Border Guard shall notify the VTS provider of its decision referred to in subsection 1. The Finnish Border Guard shall notify the Finnish Environment Institute, the Finnish Transport and Communications Agency and the VTS provider of the measures that it has taken in accordance with the Maritime Search and Rescue Act and the Rescue Act (379/2011) to rescue ships in need of assistance and human lives and to prevent damage.

Further provisions on accommodating ships in need of assistance in places of refuge and cooperation between the authorities are issued by government decree.

Section 20d (947/2018)
Long Range Identification and Tracking system

The Finnish Transport and Communications Agency is the competent authority that concludes the required exchange of information agreements with the European Union Long Range Identification and Tracking of Ships Data Centre and that is responsible for cooperation in the exchange of information.

The Finnish Transport and Communications Agency is responsible for keeping the European Data Centre's ship register data up to date and for supervising the reporting on ships flying the Finnish flag and the use of on-board equipment. The Finnish Transport and Communications Agency may issue further technical regulations concerning the on-board long-range identification and tracking equipment.

Chapter 6
Notifications concerning the ship and its cargo (225/2012)

Section 21 (947/2018)
Participation in the vessel traffic service

Ships of 24 metres in length overall and over are obliged to participate in the vessel traffic service by reporting to the VTS provider in the manner laid down in the decision to establish a VTS in accordance with section 8, by listening to the VHF channels used in the VTS area and by observing the provisions concerning traffic in the VTS area and regulations confirmed in the decision to establish a VTS.

Vessels of the Finnish Defence Forces and the Finnish Border Guard may report to the VTS provider in a manner separately agreed with the VTS provider.

In individual cases, the VTS provider may, on account of weather or ice conditions or for other maritime safety related reasons, also order other ships to participate in the vessel traffic service for a maximum of 24 hours. The VTS provider shall notify the Finnish Transport and Communications Agency of its decision without delay. The Finnish Transport and Communications Agency shall decide on the suspension or continuation of the measure without any undue delay.

In individual cases, the Finnish Transport and Communications Agency may, if it is evident that reporting is unnecessary or unreasonably difficult, exempt a ship from the reporting obligation on condition that the safety of navigation is not endangered and that the ship has a functional automatic identification system (AIS) in place.

Section 22 (947/2018) **Responsibility and notification duty of the master**

The master is responsible for manoeuvring the ship when it is participating in the vessel traffic service.

If, for compelling safety-related reasons, the master is unable to participate in the vessel traffic service in the manner laid down in section 21 or to observe orders issued under section 17 for temporary management of vessel traffic, the master shall immediately notify the VTS provider as well as inform the Finnish Transport and Communications Agency in writing of the reasons for his/her decision.

The master shall inform the owner of relevant measures concerning the ship under section 17.

The VTS provider shall immediately notify the Finnish Transport and Communications Agency of the notification laid down in subsection 2 that it has received.

Section 22a (947/2018) **Notification of arrival**

The operator, agent or master of a seagoing ship bound for a Finnish port or anchorage shall give an electronic notification prior to entry into port to the Finnish Customs using the electronic maritime information management system referred to in section 20a. The notification shall be given at least 24 hours in advance or, at the latest, at the time the ship leaves the previous port, on its way to the Finnish port. If the port of call is only determined during the voyage, the notification shall be given as soon as the port of call is known. In addition to the notification prior to entry into port, a notification of the actual time of arrival shall be given in the port of call.

The notification prior to entry into port shall contain the information laid out in point A of the Annex to the Reporting Formalities Directive. In addition, the Finnish Customs may request that the information contained in the FAL forms referred to in points 1-6 of part B of the Annex to the Reporting Formalities Directive and the Maritime Declaration of Health are also provided as part of the notification, if they are needed to ensure internal order and national security or to implement customs legislation, tax legislation, immigration legislation, environmental legislation or health legislation.

The Finnish Customs shall ensure that the information provided on the arrival of the ship is in accordance with the requirements.

Section 22b (225/2012) **Notification of departure**

The operator, agent or master of a seagoing ship departing from a Finnish port or anchorage shall submit an electronic notification prior to departure to the customs authorities using the electronic maritime information management system referred to in section 20a. In addition to the notification prior to departure, a notification of the actual time of departure shall be given after the ship's departure.

The customs authorities may request that the information contained in the FAL forms referred to in points 1-6 of part B of the Annex to the Reporting Formalities Directive are provided as part of the notification prior to departure if they are needed to ensure internal order and public security or to implement customs legislation, tax legislation, immigration legislation, environmental legislation or health legislation.

The customs authorities shall ensure that the information provided on the departure of the ship is in accordance with the requirements.

Section 22c (791/2013)

Notifications of arrival and departure concerning dangerous and polluting goods carried on board

The operator, agent or master of a ship carrying dangerous or polluting goods and arriving from a port outside the European Economic Area and entering a Finnish port as its first port of call or anchorage shall, before the ship departs from the port of loading and in addition to the notification prior to entry into port referred to in section 22a, notify the customs authorities of the dangerous and polluting goods carried on board, using the electronic maritime information management system referred to in section 20a. If the port of call is only determined during the voyage, the notification shall be given at the latest when the port of call is known.

The operator, agent or master of a ship carrying dangerous or polluting goods and departing from a Finnish port shall, no later than at the time of departure, notify the customs authorities of the cargo using the electronic maritime information management system referred to in section 20 a.

The notification obligation referred to in subsections 1 and 2 above applies to all vessels irrespective of their size. The notification shall contain the information referred to in the Monitoring Directive. The customs authorities shall ensure that the information is provided in accordance with the requirements.

Further provisions on the notification obligation concerning cargo containing dangerous and polluting goods may be issued by government decree.

Section 22d (947/2018)

Provision of statistical information

The Finnish Transport and Communications Agency compiles statistics on vessel traffic in Finnish ports and the passenger and goods volumes carried by ships.

The Finnish Transport and Communications Agency collects data on vessel traffic in Finnish ports and the passenger and goods volumes carried by ships for its planning and supervisory tasks and for preparing maritime statistics. The Finnish Transport and Communications Agency may delegate the data collecting to the VTS provider.

The Maritime Transport Statistics Directive is observed in the collection of data on maritime traffic, compilation of statistics and the transmission of the results of the data collection. The Finnish Transport and Communications Agency transmits the results of the data collection to the European Commission.

Ship owners or their representatives and the ports shall provide the Finnish Transport and Communications Agency with ship-specific and goods type-specific details of the passenger and goods volumes and give the number of empty and full transport units.

The owners of the seagoing ships or their representatives shall transmit the data to the Finnish Transport and Communications Agency or, if the Finnish Transport and Communications Agency has delegated the data collection to a VTS provider, to the VTS provider electronically using the electronic system referred to in section 20 a.

Section 22e (791/2013) **Notification obligation of the shipper**

Before the ship is loaded in a Finnish port, the shipper shall provide the master, the operator or the operator's agent with a declaration of the dangerous or polluting goods intended to be carried by the ship. The notification obligation applies to all ships irrespective of size.

The shipper shall ensure that the goods taken on board correspond to the declaration. If the shipper has not provided the declaration referred to in subsection 1, dangerous or polluting goods may not be offered for carriage or taken on board.

A ship coming from a port outside the European Union and bound for a Finnish port carrying dangerous or polluting goods shall have a declaration provided by the shipper containing the details of the goods in question.

Further provisions on the shipper's notification obligation are issued by government decree.

Section 22f (947/2018) **Exemptions**

Upon application, the Finnish Transport and Communications Agency may exempt the ship operator, agent or master from the obligation to deliver the notification of arrival laid down in section 22a, subsection 1, the obligation to deliver the notification of departure laid down in section 22b, subsection 1, and the notification obligations laid down in section 22c, regarding scheduled services between Finnish ports, or between Finnish and foreign ports, on voyages with a duration of up to 12 hours. The exemption may only be granted if it does not endanger maritime safety, if it can be approved by all coastal states involved and the other prerequisites for the exemption laid down in the Monitoring Directive are met.

The Finnish Transport and Communications Agency shall carry out periodical checks to ensure that the conditions for the exemption are being met and withdraw the exemption if the company granted the exemption fails to meet the conditions.

The Finnish Transport and Communications Agency shall keep an up-to-date list of companies and ships to which an exemption has been granted. The list and the changes to it shall be communicated to the European Commission.

Section 22g (947/2018) **Further provisions**

Finnish Customs shall issue more detailed regulations on the contents of the notifications referred to in sections 22a and 22b and on the entry of these notifications in the maritime information management system referred to in section 20a.

The Finnish Transport and Communications Agency may issue more detailed regulations on the collection of data referred to in section 22d and on the procedures to be followed in the transmission of data.

Section 23 (947/2018)

Reporting of incidents and accidents at sea

In Finnish waters, the master shall provide the VTS provider with the following information:

- 1) any incidents or accidents affecting the safety of the ship, such as collisions, grounding, damage, malfunction or breakdown, flooding or shifting of cargo, any defects in the hull or structural failure;
- 2) any incidents or casualties affecting the safety of the ship, such as failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical power generating system, navigation equipment or communications equipment;
- 3) any circumstances liable to cause pollution of the waters or shore, such as the discharge or threat of discharge of polluting materials into the sea; and
- 4) any slick of polluting materials and containers or packages seen drifting at sea.

Masters of Finnish ships sailing outside Finnish waters shall submit the notification referred to in subsection 1 to the relevant authorities of the nearest coastal state.

The VTS provider shall, without delay, notify the Finnish Transport and Communications Agency and the Finnish Border Guard of a notification referred to in subsection 1 that it has received.

Further provisions on the content of the notifications referred to in subsection 1 are issued by government decree.

Chapter 7

Miscellaneous provisions

Section 24 (576/2018)

Assisting the VTS provider

The Finnish Defence Forces, the Finnish Border Guard, environmental, customs and police authorities, rescue services and the masters of government ships shall assist the VTS provider free of charge when it is carrying out its tasks laid down in this Act by providing the information that it requires or other support, if necessary, considering the seriousness and exceptional nature of the situation and if the tasks of the authorities do not prevent them from giving assistance.

Section 25 (947/2018)

Training programmes for vessel traffic service tasks

VTS providers shall have the training programmes for vessel traffic service tasks in place. The basic training programme for vessel traffic service tasks shall include at least basic knowledge of vessel traffic service, communication, applicable provisions and management of exceptional situations.

VTS providers shall have a quality management system for the training required for certification of VTS operators and VTS supervisors. The quality management system shall be submitted to the Finnish Transport and Communications Agency for assessment at least once every five years.

Section 26 (947/2018)

VTS certification log

The Finnish Transport and Communications Agency maintains a personal data file (*VTS certification log*) in order to supervise the competence of VTS operators and supervisors and to monitor related periods of service.

The following data may be entered in the VTS certification register as basic information on holders of VTS operator and supervisor certificates:

- 1) name and date of birth; and
- 2) address and other contact details as additional information.

In addition to basic information, data necessary in view of the purpose of the log may be entered in the VTS certification log on:

- 1) certificates granted;
- 2) vessel traffic services that the certificate holder is entitled to provide;
- 3) completed on-the-job training;
- 4) endorsements granted;
- 5) periods of service in VTS centres;
- 6) completed VTS operator recurrent training; and
- 7) withdrawal of certificates.

The personal data is removed from the log when ten years have elapsed from the end of the year during which the said person's certificate expires.

Personal data may only be disclosed to the competent authority, the VTS provider and parties jointly operating the vessel traffic service with the VTS provider under the cooperation agreement referred to in section 8, subsection 2, paragraph 2 and section 16, subsection 2.

Section 27 (947/2018)

Record of training institutions

The Finnish Transport and Communications Agency keeps a record of training institutions giving basic training for VTS operators and advancement training for VTS supervisors.

Section 28 (947/2018)

Supervision

The supreme supervision of the implementation and observance of this Act is exercised by the Ministry of Transport and Communications.

The Finnish Transport and Communications Agency supervises the observance of this Act and the provisions issued under it.

If a ship does not observe the provisions of this Act, the decisions and regulations issued under it, the provisions contained in international agreements or resolutions by the International Maritime Organization (IMO) and the violation is unambiguous and serious, the Finnish Transport and Communications Agency shall notify the ship's flag state.

The Finnish Transport and Communications Agency shall assess the effects of the risk management referred to in section 16, subsection 5 on maritime safety. The Finnish Transport and Communications Agency may oblige the parties concerned to take corrective measures to eliminate a significant risk to maritime safety. A conditional fine may be imposed to enforce the obligation. Provisions on conditional fines are contained in the Act on Conditional Fines (1113/1990).

Section 29 (576/2018)

Penal provisions

A person who deliberately or through negligence violates a provision approved in the decision to establish a VTS referred to in section 8, an order issued under section 17, subsection 1 or 3, a prohibition issued under section 17a or provisions in section 21, subsection 1 or neglects the notification obligation laid down in sections 22, 22a to 22e or 23 shall be sentenced to a fine for a *vessel traffic service violation* unless a more severe punishment is provided elsewhere by law.

Section 29 a (576/2018)

Penalty fee

If the operator, agent or master of a seagoing ship arriving in a Finnish port or anchorage or leaving a Finnish port or anchorage deliberately or through negligence fails to observe the notification obligation laid down in section 22a or 22b, the Finnish Customs may impose a penalty fee of between 50 and 3,500 euros. When the penalty fee is determined, consideration is given to the objectionability and recurrent nature of the activity.

A party who in a criminal investigation, consideration of charges or in a criminal case pending in a court is suspected of a similar offence or a party against whom similar charges have been brought and in whose case a court has delivered a final decision in the matter cannot be ordered to pay a penalty fee.

A claim for a revised decision concerning a penalty fee decision by the Finnish Customs referred to in subsection 1 above may be submitted as laid down in the Administrative Procedure Act (434/2003). A decision made on the basis of the claim for a revised decision may be appealed against to the Helsinki Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996). A decision of the Administrative Court may only be appealed against if a leave to appeal is granted by the Supreme Administrative Court.

Section 30

Court with jurisdiction

In matters handled in accordance with section 17 and sections 21 to 23 of this Act, the court with competent jurisdiction is determined under the provisions of chapter 21 of the Maritime Code (674/1994).

Section 31 (981/2015)

Appeal

A decision concerning the withdrawal of the VTS operator certificate may be appealed against to the Administrative Court as laid down in the Administrative Judicial Procedure Act (586/1996).

A claim for a revised decision concerning other administrative decisions may be submitted as provided in the Administrative Procedure Act (434/2003). A decision made on the basis of the claim for a revised decision may be appealed against to the Administrative Court as laid down in the Administrative Judicial Procedure Act.

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

The decision shall be complied with regardless of the appeal unless otherwise ordered by the appellate authority.

Chapter 8

Transitional provisions and entry into force

Section 32

Entry into force

This Act enters into force on 1 October 2005.

This Act repeals section 14 of the Water Traffic Act (463/1996) adopted on 20 June 1996 and the decision issued by the National Board of Navigation on 14 April 1997 on vessel traffic services.

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

Section 33

Transitional provisions

A decision to establish a VTS in accordance with section 8 shall be applied for in respect of vessel traffic services in operation at the time of the entry into force of this Act within six months of the entry into force of this Act.

VTS operators and VTS supervisors shall have the competence referred to in section 11 or section 13 as of 1 July 2007. VTS operators and supervisors holding an office or post at the time of the entry into force of this Act will not be required to have completed a deck officer's training or to have a deck officer's certificate.