

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

Act on the Ice Classes of Ships and Icebreaker Assistance
(1121/2005; amendments up to 949/2018 included)

By decision of Parliament, the following is enacted:

Section 1
Purpose

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

Section 2
Scope of application

This Act contains provisions on the ice classes of ships and assistance given to ships by icebreakers.

Section 3
Ice classes

Ships are assigned to ice classes as follows:

- 1) ice class IA Super; ships the structure, engine output and other properties of which are such that they can, as a rule, operate in severe ice conditions without icebreaker assistance;
- 2) ice class IA; ships the structure, engine output and other properties of which are such that they can operate in severe ice conditions assisted, if necessary, by an icebreaker;
- 3) ice class IB; ships the structure, engine output and other properties of which are such that they can operate in moderate ice conditions assisted, if necessary, by an icebreaker;
- 4) ice class IC; ships the structure, engine output and other properties of which are such that they can operate in light ice conditions assisted, if necessary, by an icebreaker;
- 5) ice class II; steel-hulled ships that are structurally fit for open sea navigation and that, despite not being strengthened for navigation in ice, can operate in very light ice conditions using their own propulsion machinery;
- 6) ice class III; ships that do not belong to the ice classes referred to in paragraphs 1 to 5.

Section 4 (949/2018)
Ice class regulations and the list of equivalent ice classes

The Finnish Transport and Communications Agency shall issue more detailed regulations on the requirements regarding the structure, engine output and other ice navigation properties of ships assigned to different ice classes, the methods for determining ice classes, and differences between ice classes.

The Finnish Transport and Communications Agency shall establish a list of which class notations assigned by recognized classification societies are equivalent to the Finnish ice classes, and issue more detailed regulations thereon.

Section 5 (949/2018)

Approving an ice class by using alternative methods

The Finnish Transport and Communications Agency may approve the determination of a ship's ice class in a manner other than that referred to in section 4, subsection 1, if the ship has been so constructed that its ice navigation properties are equivalent to those of a ship assigned to the same ice class.

Section 6 (949/2018)

Approving rules issued by Member States of the European Union, Turkey and states belonging to the European Economic Area

A ship that has been approved under the ice class requirements of another Member State of the European Union, Turkey, or a state belonging to the European Free Trade Association that is party to the Agreement on the European Economic Area is equated to a ship that meets the requirements of the ice class regulations issued by the Finnish Transport and Communications Agency under section 4, subsection 1, provided that the ship is as safe as a ship meeting the requirements of the Finnish ice class regulations.

Section 7 (949/2018)

Determining and establishing an ice class

A ship's ice class is determined on the basis of the class notation assigned to the ship by a recognized classification society and the list of equivalent ice classes established by the Finnish Transport and Communications Agency under section 4, subsection 2. The Agency shall, as notified by the shipowner, enter a notation of the ship's ice class in the record of ice classes it maintains.

If the ship has not been assigned a class notation by a recognized classification society, the Finnish Transport and Communications Agency shall, on the shipowner's application, establish the ship's ice class in the manner referred to in section 4, subsection 1, or section 5, or in accordance with the ice class rules of a state referred to in section 6. The shipowner shall provide the Agency with the information and documentation necessary for establishing the ice class. The Finnish Transport and Communications Agency shall issue more detailed regulations on what information and documentation is required. The Agency shall enter a notation of the ice class in the record of ice classes it maintains.

A notation in the record of ice classes retains its validity for as long as there are no changes in the ship's class notation, or the details used as a basis for establishing the ice class. If there are changes in the ship's class notation or the details used as a basis for establishing the ship's ice class, the shipowner must notify the Finnish Transport and Communications Agency, which shall enter a notation of the ship's new ice class in the record of ice classes or, if necessary, establish a new ice class for the ship under subsection 2 and enter a notation of it in the record of ice classes.

Section 8 (949/2018)**Ice classes that differ from those laid down in the ice class regulations**

Where there is reasonable cause to suspect that the ship's ice class or ice navigation properties differ substantially from what is required in the regulations referred to in section 4, the Finnish Transport and Communications Agency may, in order to determine the ship's ice class, request further information and documentation or carry out an inspection on board the ship and, on the basis of the information and documentation obtained or the outcome of the inspection, determine the ship's ice class. The right to carry out an inspection does not, however, extend to premises covered by domestic peace.

The shipowner must provide the Finnish Transport and Communications Agency with the information and documentation referred to in subsection 1 without delay.

Section 9 (949/2018)**Withdrawing the ice class notation and establishing a new ice class**

If the ship is damaged or its structural condition has otherwise deteriorated, the Finnish Transport and Communications Agency shall, when necessary, withdraw the ice class notation assigned to the ship and establish a new, lower ice class notation corresponding to the ship's ice navigation properties and structural condition.

The shipowner shall notify the Finnish Transport and Communications Agency of any ice or other damage weakening the condition of the ship.

Section 10 (949/2018)**Providing icebreaker assistance**

The Finnish Transport Infrastructure Agency is responsible for the availability of icebreaker assistance in Finnish waters when ice conditions so require. Assistance is provided to ships sailing to winter ports designated and other destinations specified by the Agency. Assistance in port areas is the responsibility of the port in question.

The Finnish Transport Infrastructure Agency is also responsible for the availability of icebreaker assistance beyond Finnish waters if assistance to and from Finnish ports is necessary for safeguarding Finnish foreign trade or is based on a cooperation agreement concluded with another state.

For safety reasons and for reasons of traffic prioritization, the Finnish Transport Infrastructure Agency may restrict the provision of icebreaker assistance in specific areas and to specific ports. The Agency's decision to restrict assistance shall be based on weather and ice conditions and the ship's ice class and deadweight. The Agency may also consider the ship's engine output and the amount of cargo carried on board, if necessitated by extreme ice conditions.

On application, the Finnish Transport Infrastructure Agency may, in individual cases, grant a ship that is sailing to a port or an area under restriction in accordance with subsection 3 the right to icebreaker assistance if:

- 1) ice conditions have temporarily eased;
- 2) a special transport, urgent energy supplies or a production shutdown in a factory is at stake;
- 3) the ship would otherwise be entitled to assistance, but its deadweight is not more than five per cent below the required deadweight; or
- 4) the ship already started its voyage on the day when more severe restrictions were imposed and the time of arrival of the ship is not substantially delayed from the time when the preceding restrictions were in force.

Section 10 a (949/2018) **Icebreaking services**

It is the duty of the Finnish Transport Infrastructure Agency to commission the nationwide icebreaking services required. The Act on Public Procurement and Concession Contracts (1397/2016) applies to the procurement procedure.

The Finnish Transport Infrastructure Agency may oblige a supplier of icebreaking services with significant market power to provide icebreaking services in circumstances where the services cannot be obtained using a procurement procedure.

When the supplier offers icebreaking services referred to in subsection 2, the principles of the EC Treaty governing services of general economic interest shall apply in determining the compensation for the services.

Section 11 (949/2018) **Charging for decisions**

A charge, as laid down in the Act on Criteria for Charges Payable to the State (150/1992), shall be collected for a decision made by the Finnish Transport and Communications Agency establishing the ship's ice class and for an exemption order issued by the Finnish Transport Infrastructure Agency under section 10, subsection 4 above.

Section 12 (949/2018) **Appeal**

Decisions made by the Finnish Transport and Communications Agency and the Finnish Transport Infrastructure Agency under this Act may be appealed to the Administrative Court, as laid down in the Administrative Judicial Procedure Act (586/1996).

A decision made by the Administrative Court may be appealed only if the Supreme Administrative Court grants leave of appeal.

A charge collected for establishing a ship's ice class by the Finnish Transport and Communications Agency and an exemption order issued by the Finnish Transport Infrastructure Agency under section 10, subsection 4, may be appealed as laid down in section 11b of the Act on Criteria for Charges Payable to the State.

Section 13
Entry into force

This Act enters into force on 1 January 2006.

This Act repeals sections 9 and 67 of the Decree on merchant ships (103/1924) of 17 April 1924, as section 9 stands in Decree 28/1973.

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

Section 14
Transitional provisions

Ice class certificates issued under section 14 of the Act on Fairway Dues (708/2002) before the entry into force of this Act shall remain valid until the ship's ice class has, under this Act, been entered in the record of ice classes maintained by the Finnish Maritime Administration; however, they shall not remain valid beyond 31 December 2006.