

No. 746
**DECREE ON THE PREVENTION OF
POLLUTION FROM SHIPS**
(Abridged version)
September 16, 1983

Chapter 1

General Provisions

Section 1 (324/87)

Definitions

The following definitions shall be used in applying the Act on the Prevention of Pollution from Ships (300/79) and this Decree:

- 1) *ship* means a vessel of any type, including hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed and floating platforms;
- 20) *oil* means petroleum in any form, including crude oil, fuel oil, sludge, oily refuse and refined products;
- 21) *oily mixture* means a mixture with any oil content;
- 22) *crude oil* means all liquid hydrocarbon mixtures obtained from nature, also when they have been treated for transport;
- 23) *persistent oil* means crude oil, heavy fuel and diesel oil, lubricating oil and other oil products and oily waste of comparable persistence;
- 24) *light oil* means gasoline, kerosene and other comparable oil products;
- 25) *noxious liquid substance* means a substance that, upon entering water and by accumulating in the food chain or owing to its toxicity, causes a hazard to marine life or human health or causes a deposit with a high oxygen demand to blanket the bottom of the sea, or causes an off-taste in food obtained from the sea, or, owing to its persistence and irritant characteristics, essentially reduces the value of the water or beaches for recreational use;
- 32) *harmful substance* means oil, noxious liquid substances, sewage and garbage; if a harmful substance has been mixed with another substance, the mixture is also considered a harmful substance.

Section 2

Application

This Decree shall be applied to all ships unless otherwise provided below.

This Decree shall not be applied to ships owned by the Defence Forces or the Frontier Guard unless they are used for the general transport of passengers or goods.

Chapter 2 Oil

Section 26 Duty to make a notification of observations

If the master of a Finnish ship on Finland's internal shipping routes or in the Baltic Sea area notices so much oil in the water that, taking weather and other conditions into account, there is a risk of oil pollution, he shall notify the relevant Finnish or foreign authorities of the observation, in a manner prescribed in more detail by the National Board of Navigation. If a member of the ship's crew or officers makes a similar observation, he is required to notify the ship's master thereof.

The master need not make the notification referred to in paragraph 1 if it is obvious that the authorities are already aware of the event.

As far as applicable, the provisions of paragraphs 1 and 2 also concern harmful substances other than oil.

Section 27 Duty to report pollution incidents

If the ship causes a discharge of a harmful substance into the water, contrary to the provisions of this Decree, or a situation defined in section 11 of the Act on the Prevention of Pollution from Ships, the ship's master is required forthwith to report matters pertaining to the ship, its condition, location, load and the type of incident concerned to the relevant Finnish or foreign authorities, in a manner prescribed in more detail by the National Board of Navigation.

If the ship's master is prevented from reporting as referred to in paragraph 1, the ship's owner, charterer, user or contractor or their representatives shall assume the duty to report assigned to the ship's master.

Chapter 2 a Prevention of Oil Pollution from Ships

Section 28 (509/88) Municipal contingency plan

Local authorities shall combine the local plan for combating oil pollution referred to in section 12 of the Act on the Prevention of Pollution from Ships and the plan referred to in section 5 of the Act on Combating Oil Pollution on Land to form a single *municipal oil-combating contingency plan*.

The plan must contain the following information on combating oil pollution caused by ships:

1) data on the official who, in accordance with section 12, paragraph 2, of the Act on the Prevention of Pollution from Ships, has been made responsible for

organizing response action within the local authority, data on the operational commander appointed by the local authority and data on the duty of other local authorities and administrative bodies to participate in combating oil pollution;

2) data on the cooperation agreement, as referred to in section 12, paragraph 2 of the Act on the Prevention of Pollution from Ships, that the local authority has made on combating oil pollution caused by ships with some other local authority or with the owner of a port, industrial plant, warehouse or shipyard, as referred to in section 14, paragraph 1, of the Act, and a description of any other cooperation agreed on oil combating with other local authorities within the same cooperation region for joint fire and rescue operations;

3) a description of the necessary oil-combating equipment, materials and chemicals and other equipment and materials suitable for the prevention of oil pollution, such as transportation equipment, communications devices, machinery, tools and maintenance materials, data on how they are stored and maintained and information on which of the above-mentioned equipment and materials are already available;

4) an estimate of the annual acquisition costs of oil-combating materials, the cost of maintaining and storing the oil-combating equipment and materials, other costs of maintaining combat readiness and training costs during the next five years (operating costs);

5) plans to acquire additional and supplementary oil-combating equipment and to build storerooms for oil-combating equipment and materials, handling places for oily combat waste and reception facilities for oily waste from ships during the next five years (acquisition costs);

6) plans on how to arrange and manage the combating of oil pollution and how to establish, equip and maintain combat units, and data on alarm and communications systems;

7) a plan for the collection, transport, storage, disposal and other treatment of oily combat waste and on other oil-combating follow-up action;

8) a plan on how to arrange training and exercises;

9) data on facilities posing a risk of oil pollution caused by ships within the local authority, such as oil ports, repair shipyards, oil stores and shipping routes; and

10) data on areas within the local authority that require special protection against oil pollution.

If the oil-combating equipment, materials or other acquisitions mentioned in the contingency plan are not meant to be used only for combating oil pollution, the plan must contain an estimate of the extent to which the acquisition will be used to combat oil pollution (*oil-combating utilization rate*).

The National Board of Waters and the Environment will issue more detailed instructions on how to prepare a municipal oil-combating contingency plan.

Section 28a (509/88)
Submission of the plan

Following approval by the local council, the municipal contingency plan must be sent to the water and environment district for ratification in five copies. The local authority must also send the plan to the water and environment district if the plan is to be ratified by the National Board of Waters and the Environment under section 12, paragraph 3, of the Act on the Prevention of Pollution from Ships.

Section 28b (509/88)
Ratification of the plan

If necessary, the water and environment district must request the relevant provincial government for an opinion on the municipal oil-combating contingency plan.

When considering the plan, the water and environment district shall especially ensure that the oil-combating equipment acquired is necessary and appropriate, and that maintenance of oil-combating preparedness has been arranged so as to meet the regional and local requirements while avoiding unnecessary costs. Otherwise, the plans shall be handled according to the provisions of section 137 of the Municipalities Act (953/76).

When a plan is to be submitted to the National Board of Waters and the Environment for ratification, the water and environment district shall obtain the necessary opinions on the plan and then send the plan, with the district's own opinion, to the National Board of Waters and the Environment. The provisions of paragraph 2 above also apply to the National Board of Waters and the Environment when it is considering the plan.

If the plan includes a single acquisition of oil-combating equipment the cost of which exceeds FIM 500,000, for which the local authority cannot be compensated at its full value out of the Oil Pollution Compensation Fund without advance approval from the Oil Pollution Compensation Fund board of management, as stipulated in section 12, paragraph 4, of the Act on the Prevention of Pollution from Ships and in section 5, paragraph 2, of the Act on the Oil Pollution Compensation Fund (379/74), the National Board of Waters and the Environment shall request advance approval before the plan is ratified. (1291/89)

The authority ratifying the plan shall send the ratified plan to the Oil Pollution Compensation Fund board of management and to the relevant provincial government for their information.

Section 28c (509/88)
Revision of the plan

For the oil contingency plan referred to in paragraph 2 of section 28, the local authority shall review operating costs subject to subparagraph 4 and acquisition costs subject to subparagraph 5 at least once every four years. If this review

results in any changes in the plan, these shall be dealt with, whenever applicable, in accordance with the provisions issued above on the plan and its handling.

The competent local oil-combating authority shall see to it that the part of the plan concerning the arrangement of oil combating, as referred to in section 28, paragraph 2, subparagraph 6, is reviewed at regular intervals to correspond to any changes that have taken place in the circumstances. This review shall not be submitted for ratification, though the oil-combating authority must send it to the water and environment district and to the provincial government for their information.

Section 28d (509/88)
Regional plan of cooperation for combating oil pollution caused by ships

The plan of cooperation referred to in section 31, paragraph 2, of the Act on the Prevention of Pollution from Ships shall be drawn up for the oil pollution caused by ships referred to in section 19, paragraph 1, of the Act on the Prevention of Pollution from Ships for each coastal province and the provinces around the Lake Saimaa deep-water channel, unless the provincial governments have agreed on the compilation of a joint plan.

The relevant water and environment district shall draw up the plan of cooperation for combating oil pollution caused by ships under the direction of the relevant provincial government and in cooperation with the competent authorities, as referred to in section 31, paragraph 1, of the Act on the Prevention of Pollution from Ships. The National Board of Waters and the Environment shall participate in compilation of the plan insofar as it deals with response action taken under the direction of the Board as provided in section 19, paragraph 1, of the Act on the Prevention of Pollution from Ships.

The provincial government shall send the regional plan to the National Board of Waters and the Environment. The Board shall obtain the necessary opinions on the plan and send the plan, together with the Board's own opinion, to the Ministry of the Environment for ratification.

Section 28e (509/88)
Contents of the regional plan of cooperation

The regional plan of cooperation for the prevention of oil pollution caused by ships shall include the following:

- 1) data on the staff of the State oil pollution combating authority, the executive assistance authorities referred to in section 31, paragraph 1 of the Act on the Prevention of Pollution from Ships, the local oil pollution combating authority, and the ports, facilities and shipyards referred to in section 14 of the Act on the Prevention of Pollution from Ships, and on the volunteers available within the province's area for combating oil pollution caused by ships;

2) data on the oil-combating equipment, materials and chemicals, transportation and boat equipment, communications devices, machinery, and service material owned by the State, local authorities and facilities, and available for combating oil pollution caused by ships within the province's area, including their location, and a plan for the transfers of oil-combating equipment and materials needed from other provinces and a proposal on the necessary supplementary acquisitions;

3) a plan on how to organize and direct response operations in incidents of oil pollution caused by ships, how to form, man, equip and maintain combat units and how to arrange the alarm and communications systems, a description of the alertness and starting order of the combat units and a description of the initial course of the response action before the operational commander referred to in section 19 of the Act on the Prevention of Pollution from Ships assumes responsibility;

4) a plan on how to arrange drills and training for those participating in combating oil pollution caused by ships;

5) a plan on how to arrange oil-combating follow-up measures and the treatment of oily combat waste;

6) a plan on how to arrange sampling and research to determine the damage and environmental impact caused by the oil and response operation and how to set up a review committee;

7) data on operations and circumstances within the area of the province that pose a particular risk of oil pollution caused by ships; and

8) data on operations and areas that demand special action for their protection against oil pollution within the province's area.

If necessary, the Ministry of the Environment shall issue more detailed instructions on how to draw up a regional plan of cooperation for combating oil pollution caused by ships.

Section 28f (509/88) **International assistance**

The National Board of Waters and the Environment shall, in cooperation with the executive assistance authorities referred to in section 31, paragraph 1, of the Act on the Prevention of Pollution from Ships, draw up the necessary plans on how to arrange the combating of oil pollution in international waters in which the responsibility for oil combating, in accordance with international agreements concluded by Finland, rests with the Finnish oil-combating authority for combating oil pollution, and how to render assistance to the competent oil-combating authority of another country, in accordance with said agreements.

Section 28g (509/88) **Oil-combating chemicals**

The National Board of Waters and the Environment shall decide on the use of oil, oily mixture or a noxious liquid substance (*oil-combating chemical*), as referred to in section 11, paragraph 1, subparagraph 3 of the Act on the Prevention of Pollution from Ships, for combating oil pollution caused by ships. Before deciding on the use of oil-combating chemical, the National Board of Waters and the Environment must ensure that:

- 1) the suitability of the chemical for oil combating has been checked in advance and its use does not cause an obvious risk of water pollution or any other harm to human health or to the environment; and
- 2) the oil-combating chemical is markedly better than any other methods in combating the oil pollution in question and use of the oil-combating chemical will not result in the risk or harm referred to in subparagraph 1.

The Ministry of the Environment will issue more detailed regulations on checking and using oil-combating chemicals.

Section 28h (509/88) **Report on combating oil pollution**

The competent authority for combating oil pollution shall prepare a report on any oil spill from a ship and how it has been combated. The report shall be sent to the National Board of Waters and the Environment, to the water and environment district and to the Oil Pollution Compensation Fund board of management for their information.

The National Board of Waters and the Environment shall issue more detailed instructions on how to prepare the report.

Chapter 6 **Miscellaneous Provisions**

Section 39a (324/87) **Fees and remunerations**

The fees and remunerations to be paid for the inspection and control measures prescribed in this Decree shall be determined separately.

Section 40 (509/88) **Further regulations**

The Ministry of the Environment will issue more detailed regulations on application of the provisions of chapter 2a of this Decree.

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The National Board of Navigation shall issue more detailed regulations and instructions on the application of chapters 1 and 2 and 3 to 5 of this Decree.

Section 41
Exceptions

The National Board of Navigation may, after having consulted the National Board of Waters and the Environment, grant exceptions to compliance with the provisions of chapters 1 and 2 and 3 to 5 of this Decree if said compliance would result in unreasonable inconvenience or unreasonable costs and would be unjustified in view of the slight risk of pollution. (509/88)

Section 42
Entry into force

This Decree comes into force on September 21, 1983.

This Decree repeals the Decree of April 29, 1980 on the Prevention of Pollution from Ships (297/80) as amended, with the exception of its section 1.