

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

Pilotage Act

(940/2003; amendments up to 1534/2019 included)

By decision of Parliament, the following is enacted:

Section 1
Purpose of the Act

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

Furthermore, the purpose of the Act is to lay down provisions on the obligation to use a pilot, the duties and responsibilities of pilots and the rights and responsibilities of the pilotage company. (1312/2016)

Section 2 (986/2018)
Definitions

For the purposes of this Act:

- 1) *Pilotage* means operations related to the navigation of ships in which the pilot acts as an advisor to the master of the ship and as an expert on the local waters and their navigation;
- 2) *Pilot* means a person whom the Finnish Transport and Communications Agency has, by granting him or her a pilot licence, authorised to work as a pilot in Finnish waters and in the part of the Saimaa Canal leased by Finland, as defined in paragraph 21 below;
- 3) *Pilotage company* means the limited liability company established by the Act on transforming the State Pilotage Enterprise into a limited liability company (1008/2010);
- 4) *Pilot boarding position* means a location marked on the chart, at the outer end of or in a channel that is defined as a compulsory pilotage area, where pilots board or disembark ships or where exchange of pilots takes place;
- 4a) *Temporary pilot boarding position* means an area other than a pilot boarding area in a channel defined as a compulsory pilotage area where pilots board or disembark ships or where exchange of pilots takes place and which has been approved as a temporary pilot boarding area by the Finnish Transport and Communications Agency; (51/2019)
- 5) *Public channel* means a public channel, as defined in chapter 1, section 3, subsection 1, paragraph 13 of the Water Act (587/2011);
- 6) *VTS provider* means the VTS provider referred to in section 2, paragraph 5 of the Vessel Traffic Service Act (623/2005);
- 7) *Icebreaker* means a ship used for the provision of icebreaker assistance, as referred to in the Act on the Ice Classes of Ships and Icebreaker Assistance (1121/2005);
- 8) *Government ship* means a warship, a border guard, police and customs vessel and a vessel used mainly for government purposes in other than commercial service;
- 9) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974, as amended;
- 10) *Automatic identification system (AIS)* means the automatic identification system referred to in Chapter V Safety of navigation of the SOLAS Convention;

- 11) *STCW Convention* means the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended;
- 12) *Ship simulator* means a ship simulator used in the training of seafarers provided by training institutions and universities of applied sciences assessed and approved in accordance with the STCW Convention;
- 13) *MARPOL Convention* means the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973, as amended;
- 14) *IGC Code* means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk, adopted by the International Maritime Organization (IMO);
- 15) *IMDG Code* means the International Maritime Dangerous Goods Code, adopted by IMO;
- 16) *Oil* means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;
- 17) *Liquefied gas* means the substances referred to in Chapter 19 of the IGC Code and equivalent gases carried in liquid form;
- 18) *Noxious liquid substance* means any substance falling into category X, Y or Z on the list of chemicals in the MARPOL Convention;
- 19) *Dangerous goods in solid form in bulk* means the dangerous goods in solid form in bulk defined in Chapter VII, Part A-1, Regulation 7 of the SOLAS Convention;
- 20) *INF cargo* means packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes referred to in Chapter VII, Part D of the SOLAS Convention and carried as cargo in accordance with the IMDG Code;
- 21) *The leased area of the Saimaa Canal* means the area referred to in the Agreement between the Republic of Finland and the Russian Federation on the lease of the part of the Saimaa Canal and of the associated area that belongs to Russia to Finland and on vessel traffic between the Republic of Finland and the Russian Federation through the Saimaa Canal (Finnish Treaty Series 8/201);
- 22) *Saimaa Canal* means the Canal Zone between the lower port of Brusnitchnoe Lock in the leased area of the Saimaa Canal and the upper port of Mälkiä Lock in the Finnish part of the canal;
- 23) *Saimaa waterways* means the lake area consisting of several lakes comprising the channels in the Saimaa area, excluding the Saimaa Canal, where pilotage is compulsory; (51/2019)
- 24) *Remote pilotage* means an activity where pilots perform their duties without boarding the ship to be piloted; (51/2019)
- 25) *VTS Centre* means a centre referred to in section 2, paragraph 7 of the Vessel Traffic Services Act, where a vessel traffic service provider maintains a vessel traffic service. (51/2019)

Section 3

Scope

This Act applies to pilotage provided for the assistance of ships in Finnish waters and in the leased area of the Saimaa Canal.

Section 4 (1050/2010)

Provision of pilotage services

Pilotage services may be provided and pilotage or remote pilotage operations may be performed only by the pilotage company. (51/2019)

The pilotage company shall be prepared to provide services also in emergency conditions as separately ordered by the Ministry of Transport and Communications.

The pilotage company shall offer the pilotage services referred to in this Act in the compulsory pilotage areas referred to in section 5 below.

Notwithstanding the provisions on pilotage laid down in this Act, operations relating to the manoeuvring of ships in a port area in which a person is acting as an advisor to the master of the ship and as an expert on the local waters and their navigation may also be carried out by a person authorized for this task by the Port Authority.

Section 4a (1015/2010)
Liability for damages of the pilotage company

The pilotage company is liable to compensate for damage caused in pilotage when the damage has been caused intentionally or through gross negligence in the knowledge that the damage was likely to occur.

Provisions on the maximum amount of the pilotage company's liability referred to in subsection 1 above are laid down in section 4b.

In other respects, the Maritime Code (674/1994) and the Tort Liability Act (412/1974) shall apply to the liability of the pilotage company.

Section 4b (1050/2010)
Maximum amount of liability for damages

The pilotage company's liability for damage caused in pilotage shall not exceed EUR 100,000 per occurrence of damage.

When the amount provided for in subsection 1 is insufficient to indemnify those entitled to damages, the amount shall be allocated among them in relation to the amount of their respective claims.

Section 4c (1050/2010)
Liability of the Port Authority

The provisions on the pilotage company laid down in sections 4a and 4b apply to the Port Authority referred to in section 4, subsection 4 when the person referred to in section 4, subsection 4, authorized for the task by the Port Authority is a person other than the master or deck officer of the ship shifted within the port area.

Section 4d (986/2018)
Operations Manual

The pilotage company shall compile and maintain an Operations Manual that describes

- 1) the provision of pilotage services;
- 2) procedures for ensuring enforcement of the rights and obligations provided for pilots in this Act;

3) exchange of information and co-operation with the vessel traffic service provider concerning pilotage; and

4) actions to be taken in case of accidents and emergency conditions.

The Operations Manual shall be submitted to the Finnish Transport and Communications Agency before it is taken into use and after each update.

Section 5 (986/2018) **Compulsory pilotage**

Compulsory pilotage applies to the following ships when operating in public channels defined as compulsory pilotage areas and located in Finnish waters and the part of the Saimaa Canal leased by Finland:

1) Ships, integrated tug/barge combinations and non-rigid combinations carrying oil, liquefied gas, noxious liquid substances or dangerous goods in solid form in bulk or INF cargo;

2) Ships and integrated tug/barge combinations operating in Finnish territorial waters, having a length overall of more than 70 metres or a maximum breadth of more than 14 metres;

3) With respect to operations in the Saimaa Canal or Saimaa waterways:

a) ships and integrated tug/barge combinations with a length overall of more than 35 metres;

b) non-rigid combinations where the towed unit is more than 35 metres in length and towage does not pertain to timber floating;

4) A foreign government ship with a length overall of more than 15 metres.

Compulsory pilotage does not apply to

1) Finnish government ships;

2) icebreakers used by virtue of an agreement on the provision of icebreaker assistance, as referred to in the Act on the Ice Classes of Ships and Icebreaker Assistance;

3) ferries forming an extension of public roads and vessels that are used solely in commuter traffic referred to in section 5 of the Act on the Promotion of Overall Development in the Archipelago (494/1981) or similar traffic in the Province of Åland;

4) Russian ships when they are operating only in the leased part of the Saimaa Canal;

5) non-rigid combinations when they are not carrying oil, liquefied gas, noxious liquid substances or dangerous goods in solid form in bulk or INF cargo and

a) the combined length of the tug and the towed unit is 70 metres or less; or

b) the tug is 50 metres or less in length and the towed unit is 110 metres or less in length and the tug is fitted with a type "A" AIS transponder for professional use which can indicate that towage is in progress.

The following ships are exempt from compulsory pilotage:

1) Ships for which pilotage is compulsory due to their size if the Finnish Transport and Communications Agency has granted to their masters:

a) A Pilotage Exemption Certificate, as referred to in section 14, for the specific ship and channel; or

b) A exemption, as referred to in section 16, for the specific ship and channel or water area; or

2) Tankers with a length overall of 90 metres or less or a maximum breadth of 14 metres or less if the Finnish Transport and Communications Agency has granted the master and deck officer a Pilotage Exemption Certificate for the specific ship and channel and which

a) carry liquefied natural gas (LNG) in bulk; or

b) are constructed with a double hull and carry light or low-sulphur fuel oil in bulk;

3) Ships, integrated tug/barge combinations, tugs and non-rigid combinations operating in the Saimaa waterways and the Finnish part of the Saimaa Canal solely within that water area, provided that they do not carry cargo referred to in subsection 1, paragraph 1;

4) Ships to which the Finnish Transport and Communications Agency has granted a derogation referred to in section 21.

The Defence Forces may exempt from compulsory pilotage a foreign government ship that is participating in training, exercises or other defence cooperation hosted by the Finnish Defence Forces or otherwise operating in public channels defined as compulsory pilotage areas in Finnish waters hosted by the Finnish Defence Forces. Such foreign government ships shall be fitted with a type "A" automatic identification system (*AIS*) for professional use unless exempted from this obligation by the Finnish Defence Forces. The Defence Forces shall immediately notify the Finnish Transport and Communications Agency and the VTS Centre of the relevant VTS area referred to in the Vessel Traffic Service Act of such exemptions. (51/2019)

For legitimate reasons of safety or environmental protection, the Finnish Transport and Communications Agency may decide that a certain master or certain ship shall utilise the services of a pilot.

Whenever a ship is entering a VTS area referred to in the Vessel Traffic Service Act, the master shall inform the VTS centre if the ship makes use of an exemption referred to in subsection 3 or 4 and, if so, report the number of the exemption. (51/2019)

Section 6 (1050/2019)

Payment obligation and pricing

The owner of a ship using a pilot is obliged to pay pilotage dues as laid down in this Act.

For pilotage services referred to in this Act, the pilotage company shall charge the piloted ship a fee based on a fixed unit price. The fee is determined based on the net tonnage of the ship to be piloted and the actual distance over which the service is provided.

In the Saimaa Canal and the Saimaa waterways, a fee based on a reduced unit price is charged. The reduced unit price must not exceed two thirds of the regular unit price. (1312/2016)

The Board of Directors of the pilotage company makes decisions on the unit price, reduced unit price, and prices of any other services provided. The fees charged by the pilotage company shall be reasonable with due consideration to the costs incurred and a reasonable return.

The pilotage company is compensated in part or in full for the loss of income, arising from the reduced unit price from an appropriation included in the Budget for this purpose in accordance with a decision of the Ministry of Transport and Communications.

The pilotage company shall keep the unit prices, the reduced unit prices charged, and the prices charged for other services and the grounds for their determination available for public review. In addition, any discounts and the grounds for the discounts shall be kept available for public review. The pilotage company shall keep consultations with those using pilotage services on the level of the pilotage dues and, if necessary, on the quality of the services offered. The pilotage company shall present their proposals for changes in the pilotage dues and the reasons for the proposed changes no later than three months before the changes are to take effect. Revised prices may take effect no earlier than at the beginning of the calendar year following their announcement. (1312/2016)

Section 7

Master's responsibilities and obligation to provide information

The master is responsible for the navigation of the ship also when he is following the pilot's navigation instructions.

The master is obliged to provide the pilot with all information relevant to the pilotage operation.

Section 8 (1050/2010)

Pilot's duties and responsibilities

The pilot is responsible for the pilotage operation. The pilot shall present the master of the piloted vessel with a passage plan based on up-to-date charts and any other information and instructions necessary for the safe passage of the ship. The pilot shall supervise any measures related to the steering and handling of the ship that are of significance for the safety of vessel traffic and environmental protection.

The pilot is obliged to report to the VTS any observations of significance for the safety of navigation, for the safety of the ship, persons on board and the environment, and for maritime

and customs surveillance. The pilot shall also report any damage caused to or by the ship and, upon request, provide the authorities with further information thereon.

Having performed the pilotage, the pilot shall upon request, for those bridge officers who were present throughout the pilotage and who took part in the steering or navigation of the ship, record the details of the training in the training record book or an equivalent document kept for obtaining a Pilotage Exemption Certificate.

The pilot is responsible for remote pilotage unless the technical implementation of remote pilotage, the operating model used, or a disruption in communication links prevent the pilot from discharging his or her duties. (51/2019)

The pilot is subject to the provisions covering criminal liability for public acts.

Section 9 (51/2019) **Start and end of pilotage**

Pilotage starts when the ship leaves a berth or anchorage and ends at the ship's arrival in port when the ship has anchored or moored.

Otherwise, pilotage starts when the pilot has boarded the ship and started the pilotage and ends when the pilot hands pilotage over to another pilot or has completed the pilotage operation. However, remote pilotage may also start and end as set out in the remote pilotage permit.

If required by circumstances, temporary pilot boarding areas are approved by the Finnish Transport and Communications Agency for a fixed period on application submitted by the pilotage company. Before applying, the pilotage company shall consult the VTS provider. The Finnish Transport and Communications Agency shall notify the VTS provider of such temporary pilot boarding areas.

By agreement with the master, the pilot may board or disembark in a location outside the pilot boarding area or temporary pilot boarding area of a channel subject to compulsory pilotage, if this is necessary due to weather or ice conditions. The VTS Centre shall be notified of this.

Section 10 (645/2010) **Engaging two pilots**

The pilot is entitled to bring along a second pilot on a pilotage assignment when necessary for compelling reasons associated with weather or ice conditions or the navigation or handling of the ship.

A pilot trainee may also be taken on board.

When two pilots are required, the master shall be informed before the pilotage assignment starts of which one of the pilots is responsible for the assignment.

Section 11

Right of the pilot to refuse or abort pilotage

The pilot has the right to refuse or abort pilotage if he considers that starting or continuing the voyage will endanger the safety of the ship, the persons on board, vessel traffic or the environment. In such cases, the pilot shall immediately state the reasons for refusing or aborting pilotage to the master of the vessel and notify the VTS of their refusal to provide or continue the pilotage.

Section 11a (986/2018)

Pilot examinations

A pilot examination consists of the following modules:

- 1) A blank chart test and compilation of a passage plan intended to give information on the candidate's familiarity with the channel.
- 2) A written test consisting of questions about the conditions in the channel(s) concerned, traffic, VTS, the icebreaking service and port conditions and about this Act and the provisions issued under it and the Vessel Traffic Service Act.
- 3) A test conducted in a ship simulator intended to assess the candidate's capability to navigate the ship optically and by means of radar in accordance with the passage plan he or she has compiled; capability to handle and steer the ship in the channel(s) and the port that the test concerns; capability to react adequately to meeting or transverse traffic; capability to liaise with the bridge team, other ships and the VTS, and the capability to act in emergencies.
- 4) A written test and a test in a ship simulator in order to find out whether the candidate is familiar with the manoeuvring characteristics of different types of ships and the functions of different types of steering gear and navigation equipment and able to liaise with tugs and to put the ship at anchor.

The candidate must pass the required modules of the pilot examination before the practical pilotage assessment referred to in section 11b takes place.

The organiser of the pilot examination issues an examination certificate or informs the candidate that he or she has failed the examination.

The Finnish Transport and Communications Agency issues more detailed regulations of a technical nature on the contents of the pilot examination modules referred to in subsection 1, on other details regarding approval and failure of performances, and on examination certificates.

Section 11b (986/2018)

Practical pilotage assessment

Anyone applying for a pilot licence referred to in section 12 or a Pilotage Exemption Certificate referred to in section 14 of this Act shall demonstrate in a practical pilotage operation that he or she has the capabilities for safely piloting, navigating and handling a ship in the channel concerned, is able to liaise with the bridge team, other ships and the VTS, and has sufficient knowledge of local conditions.

In order to receive a Pilot Licence or a Pilotage Exemption Certificate, the candidate shall conduct a practical pilotage operation in the channel, in the direction that is entered in the Pilot Licence or the Pilotage Exemption Certificate.

The practical pilotage operation is assessed by an officer of the Finnish Transport and Communications Agency designated for the task. The officer shall hold a Master's Certificate and be familiar with pilotage.

The master shall be present during the practical pilotage assessment. If the master does not hold a Pilotage Exemption Certificate, an experienced pilot holding a Pilot Licence for the channel, shall be present. Whenever the assessment concerns a prospective pilot, an experienced pilot holding a Pilot Licence for the channel shall always be present.

The examiner issues a certificate of the practical pilotage assessment or informs the candidate that he or she has been failed. A failed test can be renewed once the candidate has made at least two training voyages in the channel concerned and in the direction(s) applied for.

The Finnish Transport and Communications Agency issues more detailed regulations on the procedures, arrangements, conditions and documents concerning practical pilotage assessment.

Section 11c (986/2018)

Arranging pilot examinations

Pilot examinations may be arranged by training institutions or universities of applied sciences whose quality management system has been evaluated and approved in compliance with the STCW Convention.

The Finnish Transport and Communications Agency assesses the training institutions and universities of applied sciences to determine whether they meet the general requirements laid down in subsection 1 and the special requirements applicable to organisers of pilot examinations laid down in section 11d. Based on the assessment and on application, the Finnish Transport and Communications Agency accredits training institutions and universities of applied sciences that meet the requirements as organisers of pilot examinations to the extent that the organisers fulfil the special requirements referred to in section 11d.

In the absence of training institutions or universities of applied sciences meeting the requirements for organising pilot examinations, pilot examinations are arranged by the Finnish Transport and Communications Agency.

Section 11d (986/2018)

Special requirements applicable to organisers of pilot examinations

Training institutions and universities of applied sciences referred to in section 11c above shall have

- 1) a designated person responsible for pilot examinations as well as teaching staff familiar with pilot examinations and approved for the training of seafarers;
- 2) a detailed training programme based on the examination requirements that candidates must fulfil in order to be issued with a Pilot Licence, a Pilotage Exemption Certificate or a exemption referred to in this Act and in provisions issued under it;
- 3) access to a ship simulator with software needed for the pilot examination of a sufficiently high technical standard suitable for the simulation of each examination with up-to-date channels in which pilotage operations are carried out, and ship models;
- 4) the facilities and equipment needed for pilot examinations;
- 5) a quality management system referred to in section 11c, subsection 1 that covers the requirements laid down in paragraphs 1 to 4; and
- 6) publicly available pricing grounds and unit prices of examinations, which are determined based on the average costs of organising examinations.

The Finnish Transport and Communications Agency is entitled to receive from the organisers of examinations sufficient information necessary for supervising their activities on aspects referred to in subsection 1 and to carry out inspections in the organisers' training facilities in which examinations referred to in this Act are organised, as well as to attend examinations. The provisions contained in section 39 of the Administrative Procedure Act (434/2003) shall be complied with in the inspections. The Finnish Transport and Communications Agency may issue an examination organiser with a reprimand or a written warning if the organiser no longer meets the criteria for organising examinations or if the examinations are not organised appropriately. The Agency may also withdraw an accreditation referred to in section 11c if the shortcomings noted in a reprimand or a written warning are not rectified within a reasonable delay. However, the approval of a training programme may only be withdrawn completely if such shortcomings are substantial.

When performing their duties referred to in this Act, the examination organisers shall comply with the provisions of the Administrative Procedure Act, the Act on the Openness of Government Activities (621/1999), the Act on Electronic Services and Communication in the Public Sector (13/2003) and the Language Act (423/2003). The provisions on criminal liability for public acts apply to a person employed by an examination organiser referred to in subsection 1, paragraph 1. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Further provisions on the special requirements referred to in subsection 1, paragraphs 1 to 6 may be issued by government decree. The Finnish Transport and Communications Agency may issue more detailed regulations of a technical nature on the contents of the training programme and examination procedures.

Section 12 (986/2018)

Pilot Licences

Pilots have the right to perform pilotage in channels in which they, by virtue of the Pilot Licence granted by the Finnish Transport and Communications Agency, are entitled to serve as pilots. The Pilot Licence can be granted only if the candidate

- 1) holds a Master's Certificate;
- 2) meets the medical fitness requirements for service in the deck department of merchant ships;
- 3) has completed training voyages in the channel(s) to be entered in the pilot licence and in a ship simulator;
- 4) holds a certificate for a pilot examination attesting to
 - a) completion of the examination modules referred to in section 11a, subsection 1; or
 - b) completion of the examination modules referred to in section 11a, subsection 1, paragraphs 1 to 2 where, in the last five years preceding the submission of their application, the candidate has completed an examination for some other channel, which included the examination modules referred to in section 11a, subsection 1, paragraphs 3 to 4, or the candidate has previously completed a simulator test referred to in provisions laid down by virtue of section 21 valid before the entry into force of this Act;
- 5) has a certificate attesting that he or she has passed a practical pilotage assessment in the channel to be entered in the pilot licence;
- 6) has an adequate command of Finnish and Swedish.

Pilot Licences are issued for a period of no longer than five years and may be renewed on application. A Pilot Licence can be renewed only if the pilot demonstrates that he or she has maintained his or her professional skills, remains familiar with the channel, and meets the medical fitness requirements for service in the deck department of merchant ships.

The pilotage company shall ensure that all pilots employed by it have such valid Pilot Licences as are required in their duties. (51/2019)

Further provisions on the conditions for issuing and renewing Pilot Licences and the information to be contained in them may be laid down by government decree. The Finnish Transport and Communications Agency may issue more detailed regulations on the procedures for applying for and renewing a pilot licence as well as approve application forms or electronic forms.

Section 13 (986/2018)

Revocation of Pilot Licences

The Finnish Transport and Communications Agency shall revoke a pilot licence if

- 1) the pilot no longer meets the medical fitness requirements for service in the deck department of merchant ships; or
- 2) the pilot no longer possesses the skills or knowledge required for obtaining the pilot licence.

The Finnish Transport and Communications Agency may revoke a pilot licence if

- 1) the pilot repeatedly violates this Act or provisions issued under it or other provisions applicable to vessel traffic; or
- 2) the pilot otherwise puts vessel traffic safety at risk by his or her action.

In cases referred to in subsections 1 and 2 above, the pilot may be required to hand over his or her Pilot Licence to the Finnish Transport and Communications Agency immediately.

If the Pilot Licence is not revoked permanently, the decision shall state the period during which the pilot licence is suspended. The period begins when the licence holder has been informed of the decision or on expiry of the Pilot Licence at the latest.

Section 14 (986/2018)

Pilotage Exemption Certificates

Upon application, the Finnish Transport and Communications Agency may grant a Pilotage Exemption Certificate for a specific channel and ship to the master or an officer of the watch of the ship if the master or officer of the watch can demonstrate that they are familiar with the channel used by the ship where

- 1) regarding its size, the ship is subject to compulsory pilotage as laid down in section 5, subsection 1, paragraphs 2 and 3;
- 2) the ship is a tanker which has a length overall of 90 metres or less or a maximum breadth of 14 metres and carries liquefied natural gas (LNG) in bulk; or
- 3) the ship is a tanker which is constructed with a double hull, has a length overall of 90 metres or less or a maximum breadth of 14 metres, and carries light or low-sulphur fuel oil in bulk.

The Pilotage Exemption Certificate for a specified ship referred to in subsection 1 may, upon application by the master or officer of the watch, also be granted in respect of another ship which, in terms of size and technical characteristics, is essentially equivalent to the ship the application concerns.

A Pilotage Exemption Certificate may only be granted if the applicant

- 1) has taken part, as the master or officer of the watch, in the navigation of the ship covered by the application or a ship referred to in subsection 2 in the channel(s) to be entered in the Pilotage Exemption Certificate and in a ship simulator;
- 2) has a pilot examination certificate attesting to
 - a) completion of the examination modules referred to in section 11a, subsection 1, paragraphs 1 to 3; or
 - b) completion of the examination modules referred to in section 11a, subsection 1, paragraphs 1 and 2 where, in the last five years preceding the submission of his or her application, the applicant has completed an examination for some other channel which included the examination module referred to in subsection 3, or previously completed a simulator test referred to in provisions laid down by virtue of section 21 valid before the entry into force of this Act;
- 3) has a certificate of completion of practical pilotage assessment in the channel to be entered in the Pilotage Exemption Certificate;
- 4) has an adequate command of Finnish or Swedish.

In respect of channels defined as subject to compulsory pilotage situated within the area of a VTS Centre providing the information referred to in section 5 of the Vessel Traffic Service Act, the navigational assistance referred to in section 6 of that Act, and the traffic organisation referred to in section 7 of the said Act, a Pilotage Exemption Certificate may also be obtained on condition that the applicant

- 1) satisfies the requirement under subsection 3, paragraph 1;
- 2) has passed the examination referred to in subsection 3, paragraph 2 and undergone the practical pilotage assessment referred to in paragraph 3 in the English language;
- 3) has an adequate command of English;
- 4) knows the Finnish or Swedish geographical names used in navigation, VTS and icebreaking in the fairway area.

The Pilotage Exemption Certificate is granted for a period of no longer than five years and it may be renewed on application. The Pilotage Exemption Certificate can be renewed only if its holder demonstrates that he or she has maintained his or her professional skills and remained familiar with the channel.

Further provisions on the conditions for issuing and renewing Pilotage Exemption Certificates and the information to be contained in the certificate may be laid down by government decree. The Finnish Transport and Communications Agency may issue more detailed regulations on the procedures for applying for and renewing Pilotage Exemption Certificates as well as approve application forms or electronic forms.

Section 15

Revocation of Pilotage Exemption Certificates

The provisions on the revocation of Pilot Licences laid down in section 13 similarly apply to the revocation of Pilotage Exemption Certificates.

Section 16 (986/2018)

Exemptions

Upon application, the Finnish Transport and Communications Agency may grant an exemption from compulsory pilotage to the master or officer of the watch of a ship, integrated tug/barge combination or non-rigid combination if the gross tonnage of the ship is less than 3,700. An exemption may be granted either for an individual channel or several channels subject to compulsory pilotage, or all channels in a limited water area.

The exemption referred to in subsection 1 may, upon application by the master or officer of the watch, also be granted in respect of another ship, which, in terms of size and technical characteristics, is essentially equivalent to the ship that the application concerns.

An exemption can be granted only if the applicant

- 1) has experience of navigating the ship obtained in the last five years in the channel(s) the application concerns as a master or officer of the watch;
 - a) for a minimum of 12 months, of which no less than 6 months in the ship concerned in the application or referred to in subsection 2; or
 - b) for a minimum of 8 months in the ship concerned in the application or referred to in subsection 2, and has completed as a minimum one training voyage in a ship simulator in parts of the channels concerned in the application; and
 - c) ten training voyages in the Saimaa Canal in both directions if the application concerns the Saimaa Canal;
- 2) holds the deck officer qualification required to serve as master or officer of the watch;
- 3) meets the medical fitness requirements for service in the deck department of merchant ships;
- 4) has a certificate attesting to completion of the parts of the pilot examination referred to in section 11a, subsection 1, paragraphs 2 and 3 or a part referred to in paragraph 2 of this subsection where, in the last five years preceding the submission of their application, the applicant has completed an examination for some other channel which included the examination module referred to in subsection 3, or the applicant has previously completed a simulator test referred to in provisions laid down by virtue of section 21 valid before the entry into force of this Act; and
- 5) has an adequate command of Finnish and Swedish.

The exemption may only be granted when this poses no danger to ship safety or the environment. Conditions concerning watchkeeping arrangements on board or the experience of the officers in navigating the ship may be attached to the exemption.

The exemption shall be granted for a period of no more than five years and may, upon application, be renewed if the applicant demonstrates that he or she has maintained his or her professional skills and retained his or her familiarity with the channel, and the other criteria for being granted an exemption are still fulfilled.

The Finnish Transport and Communications Agency may revoke the exemption if the grounds on which it was granted cease to exist or if the exemption holder repeatedly violates this Act, provisions issued under it or other provisions on vessel traffic, or otherwise acts in a manner that puts ship safety at risk.

Further provisions on the conditions for renewing exemptions and the information to be contained in the exemption may be issued by government decree. The Finnish Transport and Communications Agency may issue more detailed regulations on the procedures for applying for and renewing exemptions as well as approve application forms or electronic forms.

Section 16a (51/2019)

Provision of remote pilotage services subject to a permit

A permit issued by the Finnish Transport and Communications Agency is required to perform remote pilotage in public channels defined as compulsory pilotage areas in Finnish waters and in the part of the Saimaa Canal leased by Finland.

The Finnish Transport and Communications Agency issues permits for remote pilotage for a fixed period. The permit is issued upon the pilotage company's application for no more than five years, and it can be renewed if necessary.

A permit for remote pilotage may be issued only if remote pilotage, on its own or in combination with other functions, does not

- 1) put vessel traffic at risk;
- 2) harm the environment;
- 3) impede vessel traffic.

Section 16b (51/2019)

Remote pilotage permit

An application for a remote pilotage permit shall describe the methods, technology and operating models to be used in remote pilotage, the methods used for securing environmental safety and the safety of vessel traffic and for risk management, the channels or channel sections in which remote pilotage is to be used and the staff numbers to be used in remote pilotage, and designate the persons responsible for remote pilotage.

The application shall provide the necessary information on remote pilotage and its impacts as well as other aspects significant for assessing the permit application. The Finnish Transport and Communications Agency may request further information related to the matter.

The Finnish Transport and Communications Agency issues a remote pilotage permit if the operations meet the requirements of this Act and the provisions issued under it.

The Finnish Transport and Communications Agency may issue more detailed technical regulations on applying for a permit, application contents, information on risk assessment and management required as part of the application, as well as other accounts.

Section 16c (51/2019) **Conditions of the remote pilotage permit**

The remote pilotage permit shall determine the channels or channel sections where remote pilotage is permitted as well as the ships participating in remote pilotage. The permit shall also determine the start and end points of remote pilotage.

The permit may contain

- 1) requirements that promote the achievement of the objectives laid down in section 1;
- 2) conditions related to the procedures, data and technologies used in remote pilotage;
- 3) conditions related to ensuring the safety of remote pilotage;
- 4) conditions regarding obligations to report to authorities and other parties;
- 5) conditions related to the supervision and inspections of remote pilotage;
- 6) geographical restrictions;
- 7) restrictions related to weather and ice conditions.

The operations covered by the permit shall be included in the pilotage company's Operations Manual.

The Finnish Transport and Communications Agency may issue more detailed regulations on the conditions to be set in the remote pilotage permit.

Section 16d (51/2019)
Amending the remote pilotage permit

For well-founded reasons, the Finnish Transport and Communications Agency may on its initiative amend the remote pilotage permit or its conditions after hearing the pilotage company. The Agency may also amend the remote pilotage permit or its conditions on application by the pilotage company. The permit holder shall apply for an amendment to the permit if essential changes are to be made in their operations.

Section 16e (51/2019)
Revocation of the remote pilotage permit

The Finnish Transport and Communications Agency may revoke the remote pilotage permit fully or in part if:

- 1) the pilotage company repeatedly violates the provisions of this Act or the permit conditions referred to in section 16c;
- 2) remote pilotage puts safety or the environment at risk or impedes maritime traffic; or
- 3) the pilotage company no longer engages in remote pilotage.

Section 16f (51/2019)
Essential data relevant to remote pilotage

Notwithstanding confidentiality provisions and business secret, the Finnish Transport and Communications Agency, the Finnish Transport Infrastructure Agency, the Finnish Meteorological Institute and the VTS provider may on request hand over to the pilotage company and other operators participating in remote pilotage data relevant to remote pilotage that are essential for the management of their statutory duties. The up-to-date data will be disclosed through a connection implemented in the information system (*interface*) or in some other electronic format. However, information referred to in section 24, subsection 1, paragraph 10 of the Act on the Openness of Government Activities may not be disclosed.

Notwithstanding business secret, the pilotage company engaged in remote pilotage and other operators participating in remote pilotage shall submit to the Finnish Transport and Communications Agency free of charge any data relevant to remote pilotage that is necessary for the Agency to perform its tasks laid down in this Act.

The disclosed data may only be used for the purpose for which they were disclosed. The data shall be deleted as soon as they are no longer needed for this purpose, and they shall not be disclosed to third parties.

Section 16g (51/2019)
Miscellaneous provisions on remote pilotage

The master of a ship may refuse remote pilotage. Refusal of remote pilotage must not affect the ship's ability to obtain a pilot.

The provisions of section 11 on the pilot's right to refuse or abort pilotage shall apply to remote pilotage.

The provisions of sections 4a to 4c, 7 and 8 on the responsibilities of the pilotage company, Port Authority, pilot and master shall apply to remote pilotage.

Section 17 **Executive assistance**

Where necessary, the pilot is entitled to executive assistance from masters of government ships, the police, the Border Guard and the Customs.

Section 18 (986/2018) **Supervision**

The Ministry of Transport and Communications shall attend to the overall management and development of pilotage under this Act.

The Finnish Transport and Communications Agency shall supervise compliance with this Act, excluding section 6.

The VTS provider shall inform the Finnish Transport and Communications Agency immediately of any deviations related to compliance with compulsory pilotage, the use of Pilot Licences, Pilotage Exemption Certificates and exemptions as well as to the provision of pilotage services.

Through an interface or in some other electronic format, the Finnish Transport and Communications Agency shall provide the VTS provider with up-to-date information on Pilot Licences, Pilotage Exemption Certificates, exemptions and derogations from compulsory pilotage. The Finnish Transport and Communications Agency may also inform the VTS provider of derogations in other ways besides using an interface or other electronic format.

The company providing pilotage services shall provide the VTS provider with up-to-date information on pilot requests and pilotage operations in progress in an electronic format. The company shall inform the VTS provider of non-conformities or disruptions in pilotage.

Section 19 (51/2019) **Pilotage offence**

Anyone who intentionally or through negligence

- 1) provides pilotage services or engages in pilotage or remote pilotage in violation of the provisions of section 4;
- 2) fails to comply with compulsory pilotage requirements referred to in section 5;
- 3) fails to comply with the duty to provide information referred to in section 7, subsection 2; or
- 4) engages in pilotage without the statutory right,

shall be sentenced to pay a fine for a *pilotage offence*, unless a more severe punishment is provided elsewhere by law.

Section 20 (51/2019) **Court of jurisdiction**

The competent court in matters to be dealt with in accordance with sections 4 to 11, 16a to 16e and 16g of this Act shall be determined in accordance with chapter 21 of the Maritime Code.

Section 20a (1534/2019) **Appeal**

Decisions on the revocation of a pilot licence, a Pilotage Exemption Certificate and exemptions from compulsory pilotage as well as the issue, amendment or revocation of a remote pilotage permit by the Finnish Transport and Communications Agency may be appealed.

Regarding other decisions made by the Finnish Transport and Communications Agency as well as decisions made by an organiser of pilot examinations on examinations, claims for a revised decision may be filed with the Finnish Transport and Communications Agency. Provisions on claims for revised decisions are laid down in the Administrative Procedure Act. A decision made based on a claim for a revised decision may be appealed.

Provisions on appeal to the Administrative Court are laid down in the Administrative Judicial Procedure Act (808/2019).

Section 21 (986/2018) **Further provisions, lists and records and derogations**

The Finnish Transport and Communications Agency issues more detailed regulations on and publishes a list of the compulsory pilotage areas and pilot boarding areas.

The Finnish Transport and Communications Agency maintains a record of Pilot Licences, Pilotage Exemption Certificates, exemptions and derogations from compulsory pilotage issued by it.

Upon application, the Finnish Transport and Communications Agency may grant ships derogations from compulsory pilotage when compliance with the provisions concerning compulsory pilotage would be manifestly unreasonable or unduly difficult, provided that ship safety and the environment are not put at risk:

1) for reason of severe weather or ice conditions, due to actions to combat oil or chemical spills or exercises related to such actions, for the performance of exercises relating to international cooperation within a limited area, or for competitions, search and rescue operations or border security duties; or

2) for work carried out on a hydrotechnical construction site, in order to lay a pipe, a cable or similar, for maintenance works on channels subject to compulsory pilotage, for research activities in certain waters, for special transports under towage, or for traffic operated in order to safeguard transport services referred to in section 5 of the Act on the Promotion of Overall Development in the Archipelago.

On grounds cited in subsection 3, the Finnish Transport and Communications Agency may also grant the pilotage company derogations from its duty to provide pilotage services.

Section 22

Entry into force

This Act enters into force on 1 January 2004.

This Act repeals the Pilotage Act of 6 February 1998 (90/1998), as amended.

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

However, Pilot Licences, Pilotage Exemption Certificates and exemptions from compulsory pilotage granted under the repealed Act or provisions issued under it shall remain in force for the period referred to in the grant decisions unless the decisions are amended or repealed pursuant to this Act.
