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Government Decree on Inspecting Foreign Ships in Finland

(1241/2010)

Section 1 — *Scope of application*

- (1) This Decree applies to foreign ships calling at Finnish ports and anchorages and interacting with such ports, and to the crew of such ships.
- (2) This Decree does not apply to fishing vessels, ships of war, naval auxiliaries, wooden ships of primitive build, government and municipal ships used for non-commercial purposes, or pleasure yachts engaged in non-commercial trade.

Section 2 — *Inspection commitment*

- (1) The competent authority shall each year carry out a number of inspections of *Priority I and Priority II* ships, referred to in Article 12 of the PSC Directive, corresponding to the annual inspection commitment of Finland. Specific surveys of foreign ro-ro ferries and high-speed passenger craft may be taken into account when calculating the total number of inspections to be carried out in order to fulfil the commitment. Inspections not carried out at ports or anchorages shall be considered as inspections fulfilling the inspection commitment whenever they are carried out in Finnish waters.
- (2) The annual rate of inspections missed by the competent authority must not exceed
 - 1) 5 % of the total number of *Priority I* ships with a high risk profile calling at ports and anchorages;
 - 2) 10 % of the total number of *Priority I* ships other than those with a high risk profile calling at ports and anchorages.
- (3) Notwithstanding the provisions of subsection 2, the competent authority shall prioritise inspection of *Priority I* ships with a high risk profile, which, according to the information provided by the inspection database, call at EU ports infrequently.
- (4) If the total number of calls of *Priority I* ships is less than the annual inspection share of Finland, the competent authority may miss up to 15 % of the inspections of the annual inspection share of *Priority II* ships calling at ports and anchorages.
- (5) If the total number of calls of ships which are due for inspection exceeds the annual inspection commitment, the number of inspections carried out by the competent authority shall at least correspond to the annual inspection share. The competent authority may miss a maximum of 30 % of the annual total number of ships due for inspection calling at the ports and anchorages but the annual inspection commitment must nevertheless be fulfilled.

Section 3 — *Selection of ships for inspection*

- (1) The competent authority may inspect a ship to which one of the unexpected factors listed in Annex I, Part II 2B to the PSC Directive applies. If the ship has been inspected in a port or anchorage of an EU Member State or a State signatory to the Paris MOU, the competent authority may inspect it no earlier than three months after its release.
- (2) The competent authority may inspect other ships than *Priority I* and *Priority II* ships as well. Inspections of such ships are not considered to be inspections in accordance with the PSC Directive and such inspections are not taken into account when calculating whether Finland has fulfilled its annual inspection commitment.
- (3) The competent authority may agree to carry out an inspection of a ship due for inspection in another EU Member State or in a State signatory to the Paris MOU. The inspection shall be performed in the ship's first Finnish port of call. It may be performed in another Finnish port provided that the ship does not call at a foreign port in between. The inspection cannot be postponed to be performed in the port of another EU Member State or a State signatory to the Paris MOU.
- (4) The competent authority must not accept a request by another EU Member State or a State signatory to the Paris MOU to carry out an inspection in a Finnish port, unless it is ensured that the inspection can be performed within 15 days from the date when the ship became a *Priority I* ship.

Section 4 — *Checking of documents and determination of a ship's overall condition*

- (1) On verifying the safety of a ship, the competent authority shall
 - 1) as a minimum, check the certificates and documents listed in Annex IV to the PSC Directive required to be kept on board in accordance with EU maritime legislation and Conventions relating to safety and security;
 - 2) verify, where appropriate, whether outstanding deficiencies found during the previous inspection carried out by a EU Member State or by a State signatory to the Paris MOU have been rectified;
 - 3) satisfy himself of the overall condition of the ship, including the hygiene of the ship, including engine room and accommodation.
- (2) When deficiencies to be rectified prior to the next port call or at the next port of call have been recorded in the inspection database, the competent authority shall satisfy himself that the deficiencies have been rectified or require that the deficiencies are rectified prior to departure from a Finnish port.

Section 5 — *More detailed inspections*

- (1) The competent authority shall ensure that its inspectors follow the procedures and guidelines specified in Annex VI to the PSC Directive. When controlling ships subject to Regulation (EC) No 725/2004 of the European Parliament and of the Council on enhancing ship and port facility security, the Guidelines, specified in Annex VI to the PSC Directive, for Port State Control Officers on Security Aspects shall be followed.

- (2) The competent authority may record specific surveys of foreign ro-ro ferries and high-speed passenger craft in the inspection database as more detailed or expanded inspections, provided that the scope of the inspection corresponds to the scope specified in Annex VII to the PSC Directive.

Section 6 — *Control of the communication skills and language proficiency of the crew*

- (1) The competent authority shall ensure that:
 - 1) the members of the ship's crew are capable of effective oral communication with shore-based authorities either in a common language or in the language of such authorities;
 - 2) on board oil tankers, chemical tankers and gas carriers, the members of the crew are able to communicate with each other in a common working language.
- (2) The competent authority shall satisfy himself that personnel on board ships departing from a Finnish port or destined for such a port, nominated on the muster list to assist passengers in emergency situations are readily identifiable and have communication skills that are sufficient for that purpose, taking into account an appropriate and adequate combination of any of the following factors:
 - 1) the language or languages appropriate to the principal nationalities of passengers carried on a particular route and the extent to which complete safety instructions have been provided to passengers in these languages;
 - 2) the likelihood that an ability to use elementary English vocabulary for basic instructions can provide a means of communicating when oral communication is impossible (e.g. by demonstration, hand signals, or calling attention to the location of instructions, muster stations, life-saving devices or evacuation routes);
 - 3) the languages in which emergency announcements may be broadcast during an emergency or drill to convey critical guidance to passengers and to facilitate crew members in assisting passengers.

Section 7 — *Expanded inspections*

The competent authority shall carry out expanded inspections in accordance with the scope and procedures set out in Annex VII to the PSC Directive.

Section 8 — *Postponement of inspections of ships due for inspection*

- (1) The competent authority cannot postpone the inspection of a ship due for inspection to be carried out in the next port of call if the port of call is located in the EU Member State whose flag the ship is entitled to fly.
- (2) The competent authority shall record the postponement of an inspection of a ship due for inspection in the inspection database within 24 hours of the actual time of departure of the ship.
- (3) The competent authority shall make a record of the missing inspection and the grounds for it in the inspection database within 30 days of the actual time of departure of the ship.

Section 9 — *Consideration of detention criteria*

- (1) When considering detention of a ship, the competent authority shall apply the criteria set out in Annex X to the PSC Directive.
- (2) If the overall condition of the ship is exceptionally poor and it clearly does not meet the requirements set, the competent authority may suspend the inspection until the owner has taken the steps necessary to ensure that the ship complies with the relevant requirements of the Conventions.

Section 10 — *Follow-up to inspections and detentions*

- (1) Where the decision to send a ship to a repair yard is due to a lack of compliance with IMO Resolution A.(744(18)), either with respect to the ship's lack of documentation or with respect to its structural failures and deficiencies, the competent authority may require that the necessary thickness measurements be carried out in the port of detention before the ship is allowed to sail.
- (2) In the circumstances referred to in subsection 1, the competent authority shall notify the competent authority of the State in which the repair yard is situated, the flag State administration or the nearest Consul or diplomatic representative of the flag State, of all the conditions for the voyage.
- (3) The competent authority receiving such notification made by an EU Member State or a State signatory to the Paris MOU shall immediately alert the competent authorities of all EU Member States.
- (4) If the ship fails to comply with the conditions for departure referred to in subsection 1 or does not call into the indicated Finnish repair yard, the competent authority shall alert the competent authorities of the EU Member States without delay.

Section 11 — *Refusal of access to ports*

Refusal of access orders shall be issued in accordance with the procedures set out in Annex VIII to the PSC Directive.

Section 12 — *Recording information in the database*

The inspector shall record an inspection performed in the inspection database within 24 hours of the actual time of departure of the ship.

Section 13 — *Data to be provided in the context of monitoring implementation*

- (1) The competent authority shall, by 1 April at the latest, provide the European Commission with data for the preceding year on the number of inspectors carrying out inspections in Finland using the model table in Annex XIV to the PSC Directive and the mode laid down in the said Annex.
- (2) The competent authority shall, by 1 April at the latest, provide the Commission with data for the preceding year referred to in Annex XIV Part 1 1.2 and 2b to the PSC Directive. In addition, the competent authority shall every six months provide the Commission with data specified in Annex XIV Part 2a of the Directive. If the data has been provided through the SafeSeaNet system, it need not be provided separately.

Section 14 — *Entry into force*

- (1) This Decree enters into force on 1 January, 2011.
- (2) This Decree repeals the Government Decree on Inspecting Foreign Ships in Finland (619/2004).