

Aviation Act
(864/2014; amendments up to 320/2018 included)

By decision of Parliament, the following is enacted:

Chapter 1
General provisions
Section 1
Scope of application

This Act shall be observed in aviation within Finnish territory, unless otherwise provided in European Union regulations or required by international obligations binding on Finland.

Unless otherwise required by international obligations binding on Finland:

- 1) this Act shall also be observed outside Finnish territory in aviation using Finnish aircraft or based on an Air Operator Certificate (AOC) issued in Finland;
- 2) chapters 4, 10, 13, 14 and 16, as well as sections 153 and 154 of this Act shall also apply to Finnish air navigation service providers outside Finnish territory;
- 3) the provisions of chapters 3, 4, 5 and 13, as well as section 170 of this Act shall also be observed in aviation using foreign aircraft outside Finnish territory if the responsibility for flight safety or flight operations oversight of an individual aircraft and its crew have, by appropriate agreements, been transferred to the Finnish Transport Safety Agency, and if the aircraft operator, using such an aircraft on a lease agreement or other similar arrangement, has its domicile, permanent residence or principal place of business in Finland.

Notwithstanding the provisions in subsection 1 and 2 above, section 59 and paragraph 10 of section 178 shall apply if the first place of arrival of the aircraft is within Finnish territory.

Section 2
Definitions

In this Act:

- 1) *Chicago Convention* means the Convention on International Civil Aviation (Treaty Series of the Statutes of Finland, 11/1949);
- 2) *ECAC* means the European Civil Aviation Conference;
- 3) *Eurocontrol* means the European Organization for the Safety of Air Navigation referred to in the “Eurocontrol” International Convention relating to Co-operation for the Safety of Air Navigation (Treaty Series of the Statutes of Finland, 70/2000);

- 4) *EASA Regulation* means Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;
- 5) *Slot Regulation* means Regulation (EC) No 545/2009 of the European Parliament and of the Council amending Regulation (EEC) No 95/93 on common rules for the allocation of slots at Community airports;
- 6) *aircraft* means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface;
- 7) *rating* means a special condition, limitation or privilege pertaining to a licence or certificate of competence;
- 8) *maintenance* means any type of overhaul, repair, inspection, modification, defect rectification, or a combination thereof performed on an aircraft or aircraft component, excluding pre-flight inspection;
- 9) *Air Operator Certificate (AOC)* means a certificate referred to in Article 8(2) of the EASA Regulation, used for demonstrating that the operator has sufficient capability and means to safely fulfil the obligations associated with its privileges in the aviation operations covered by the certificate;
- 10) *military aviation authority* means the military aviation regulatory unit operating under the Air Force Command;
- 11) *military aviation* means aviation for military purposes or using military aircraft;
- 12) *military aircraft* means an aircraft entered in the military aircraft register;
- 13) *joint military and civilian airport* means an airport where air traffic services are permanently provided and where troops, governing bodies and constructions of the Defence Forces are permanently located in addition to civil aviation operations;
- 14) *military airport* means an airport where air traffic services are permanently provided and which is maintained only for military aviation purposes;
- 15) *military aerodrome* means any land area temporarily arranged to be used exclusively for military aviation take-offs or landings; a military aerodrome may be an aerodrome, emergency landing strip or climb area temporarily taken into use by the Defence Forces;
- 16) *state aviation* means aviation operations conducted by state aircraft;
- 17) *state aircraft* means an aircraft used to perform the duties of the Customs, the police, the Border Guard or rescue services; state aircraft also means an aircraft used for other governmental duties than those referred to in this paragraph and in paragraph 11;
- 18) *Member State* means a member state of the European Union;

- 19) *third country* means any other state than a member state of the European Union;
- 20) *aerodrome* means a defined area on land or water or on a fixed, fixed offshore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- 21) *model aircraft* means a device designed for flight that does not carry a pilot and that is used for recreational or sporting purposes;
- 22) *unmanned aircraft* means an aircraft that is designed to fly without a pilot on board;
- 23) *remotely piloted aircraft* means an unmanned aircraft that is piloted from a remote pilot station;
- 24) *airspace management cell (AMC)* means a cell responsible for the day-to-day management of the airspace under the responsibility of one or more Member States, as referred to in Commission Regulation (EC) No 2150/2005 laying down common rules for the flexible use of airspace (FUA Regulation).

An aerodrome includes:

- 1) on water areas, any piers or other places for mooring associated with the manoeuvring area;
- 2) rescue access roads as well as those safety areas, obstacle limitation areas or other areas which are needed for the maintenance, use and security control of the aerodrome;
- 3) any buildings, structures and facilities necessary for the operation of the aerodrome.

Section 3 **Competent authority**

In addition to the provisions in this Act about the Finnish Transport Safety Agency's tasks, the Agency is the competent national authority as referred to in the following acts of European Union law:

- 1) Council Directive 96/67 /EC on access to the groundhandling market at Community airports (*the Ground Handling Directive*);
- 2) Regulation (EC) No 300/2008 of the European Parliament and of the Council on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (*the Security Regulation*) and any regulations issued under it;
- 3) Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (*the Framework Regulation*);
- 4) Regulation (EC) No 550/2004 of the European Parliament and of the Council on the provision of air navigation services in the single European sky (*the Service Provision Regulation*);
- 5) Regulation (EC) No 552/2004 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (*the Interoperability Regulation*);

6) the EASA Regulation and any European Commission regulations issued under it;

7) Regulation (EU) No 376/2014 of the European Parliament and of the Council on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007 (*the Occurrence Regulation*); (61/2016)

8) Regulation (EU) No 598/2014 of the European Parliament and of the Council on the establishment of rules and procedures with regard to the introduction of noise-related operating restrictions at Union airports within a Balanced Approach and repealing Directive 2002/30/EC (*the Noise Management Regulation*). (61/2016)

[Section 3, subsection 2 was repealed by Act 320/2018.]

The Finnish Transport Safety Agency shall be responsible for the regulatory duties laid down in the Slot Regulation.

The Finnish Transport Safety Agency shall also act as the aviation authority referred to in international transport agreements concluded by Finland, as provided in section 173 below.

By derogation from the provisions in subsection 1, paragraph 2, licences and approvals are granted to policemen by the head of unit responsible for police operations, to Border Guard officers by the head of the relevant Administrative Unit, and to customs officers by the Customs.

Section 4 Finnish aviation safety programme

The Finnish Transport Safety Agency shall prepare and validate the national aviation safety programme, taking into account the standards referred to in the Chicago Convention and the European Union Aviation Safety Programme.

Aviation operators shall take account of the national aviation safety programme, as well as related objectives and monitoring, in their operations.

Section 5 Issuance of regulations concerning Rules of the Air

The Finnish Transport Safety Agency issues more detailed regulations concerning the Rules of the Air, as required by the standard referred to in the Chicago Convention, specifying how the Rules of the Air issued in the European Union shall be applied in Finland. The Finnish Transport Safety Agency shall agree on these regulations with the Defence Forces as far as they relate to the operating conditions of military aviation.

In military aviation, exceptions from the rules and regulations referred to in subsection 1 above are allowed:

1) for aircraft engaged in territorial surveillance duties;

2) for aircraft performing statutory duties of the Defence Forces, other than those related to training or practising;

3) in an area segregated exclusively for military use.

Responsibility for the safety of any exceptional procedures rests with the Defence Forces. The Defence Forces shall agree with the Finnish Transport Safety Agency on how instructions on the exceptional procedures are given to the air traffic service provider.

In military aviation, regulations related to the operations listed in subsection 2 above are issued by the Defence Forces. Highest authority for these regulations rests with the Air Force Commander.

Section 6 Military aviation

In addition to the provisions in section 5, the Defence Forces may issue military aviation regulations concerning their own military aviation operations and international military aviation in Finland for the purpose of organising national defence and executing the duties assigned to the Defence Forces as specified below.

The military aviation authority may issue regulations on national military aviation and on international military aviation in Finland to ensure military aviation flight safety as specified below.

Unless otherwise provided in this Act, the military aviation authority shall be held comparable to the Finnish Transport Safety Agency as regards issues concerning flight safety exclusively in military aviation.

The Air Force Commander shall be responsible for implementation actions and safety in military aviation.

Further provisions on the military aviation authority may be issued by government decree.

Section 7 Specifications and exceptions concerning military aviation

The provisions of this Act and of the Act on Transport Services (320/2017) shall be applicable to military aviation with the following specifications and exceptions: (320/2018)

1) the military aviation authority maintains the registers in accordance with Chapter 2 for military aviation and decides on their form and content; the provisions of section 26 and 28 on granting access to the information are not applicable to military aviation registers;

2) military aircraft are marked with a special identification in addition to the nationality code; (61/2016)

3) the military aviation authority issues regulations on airworthiness requirements for military aviation and on the issue of certificates of airworthiness; the military aviation authority grants type certificates to Finnish military aircraft;

- 4) the military aviation authority determines the requirements for continuing airworthiness management organisations of military aircraft as well as for design, production and maintenance organisations of air navigation service systems, and grants permissions and approvals related to airworthiness and air navigation service systems in military aviation;
- 5) the military aviation authority determines the requirements for maintenance training organisations of military aircraft and air navigation service systems;
- 6) the military aviation authority determines the requirements for qualification and licensing procedures of personnel in military aviation duties;
- 7) for medical qualification of military aviation personnel, the applicant must meet the medical, psychological and physiological requirements arising from the special demands of military aviation; the Defence Forces issue more detailed regulations on medical fitness;
- 8) the Defence Forces issue regulations on the preparation and execution of military flights; the military aviation authority issues regulations on documents to be carried on board military aircraft;
- 9) separate permission is not required for air transport in military aviation;
- 10) aerial work certificate is not required for aerial work to be performed using military aircraft; the military aviation authority grants permissions for aerial work to be carried out using Finnish or foreign civil aircraft by the order of the Defence Forces, and determines the requirements for obtaining permission;
- 11) flight training approval is not required for military flight training provided by the Defence Forces themselves; regulations about the training are issued by the Defence Forces; any military flight training provided by external entities requires flight training approval granted by the military aviation authority; approval requirements are determined by the military aviation authority;
- 12) permissions for flying displays and competitions are granted by the Defence Forces; permission for flying display or flying competition is not required for military aviation demonstrations or individual aerobatic displays performed by the Defence Forces using Finnish military aircraft under military provisions; regulations on the permissions are issued by the Defence Forces;
- 13) regulations on the use of military aerodromes and structures exclusively intended for military aviation are issued by the Defence Forces; the military aviation authority determines safety requirements for the construction of and flight operations at military aerodromes, and grants permissions and approvals for the entry into service and operation of military airports and military aerodromes;
- 14) the Finnish Transport Safety Agency shall agree with the Defence Forces on the coordination of requirements concerning civil aviation security and the operating conditions for military aviation at airports after having consulted the airport operator;
- 15) personnel participating in military flight duties have the right of access as referred to in section 102, subsection 1 based on their tasks; personnel ID cards or crew member cards for entry to airports and access control are granted by the Defence Forces; the airport operator shall issue driving permits and provide any associated training, where necessary, to personnel participating in military flight duties;

16) regulations on military flight procedures and air navigation services are issued by the Defence Forces; the military aviation authority determines safety requirements for the design of military flight procedures and air navigation services, as well as grants permissions and approvals related to flight procedures; as regards coordination between civil and military aviation, the Defence Forces shall consult the Finnish Transport Safety Agency;

17) noise and other emissions from military aviation shall be kept at a minimum, as far as possible with regard to the purpose of use and operations of military aircraft;

18) the insurance provisions of this Act are not applicable to military aviation;

19) occurrences referred to in section 118 and 125 that exclusively involve military aviation shall be reported to the Defence Forces.

Further provisions on the markings of military aircraft as referred to in subsection 1, paragraph 2 above will be issued by government decree.

Section 8

State aviation and exceptions concerning state aircraft

The provisions of this Act shall be applicable to state aviation. Unless otherwise required by flight safety and to ensure public order and safety, exceptions to the provisions of Chapter 3 and 4 may be prescribed by government decree for state aircraft used for aviation to accomplish a task assigned to a public authority.

State aircraft engaged in territorial surveillance or performing duties in an area prohibited from other aviation or temporarily segregated for state aircraft may deviate from the Rules of the Air and other aviation regulations issued by the Finnish Transport Safety Agency, where the nature of the mission so requires and provided that the exceptional procedure has been planned and is conducted so as not to compromise flight safety. The Finnish Transport Safety Agency shall agree with the Border Guard on any regulations related to the operating conditions for state aviation. The aircraft operator shall agree with the Finnish Transport Safety Agency on the principles for organising the exceptional procedure.

State aircraft may be equipped with special devices. Responsibility for the approval, use and supervision of such devices rests with the authority operating the aircraft. The Finnish Transport Safety Agency may grant minor technical exceptions to the provisions of this Act to state aircraft, concerning the special equipment required for its purpose of use.

Section 9

Exceptions concerning certain other aircraft and devices

The provisions of this Act shall be applicable to the aircraft and devices referred to in this section. Unless otherwise required by flight safety, the Finnish Transport Safety Agency may grant minor exceptions to the provisions in Chapter 2–7 to:

- 1) ultralight aeroplanes;
- 2) aircraft with a clear historical relevance;

- 3) aircraft specifically designed or modified for research, experimental or scientific purposes;
- 4) amateur-built aircraft;
- 5) aircraft whose initial design was intended for military purposes only.

The provisions of Chapter 2–4 and 7 below shall not apply to the following aircraft and devices:

- 1) weight-shift controlled ultralight aeroplanes or powered parachutes;
- 2) gliders with a structural mass of no more than 80 kg for single-seaters or 100 kg for two-seaters, including foot-launched gliders;
- 3) any other aircraft that has a structural mass of no more than 70 kg including fuel; this shall not, however, mean unmanned aircraft.

Unless otherwise required by reasons of flight safety, the Finnish Transport Safety Agency may grant minor exceptions to the provisions of Chapter 5 and 6 for the aircraft and devices referred to in subsection 2 above.

Unmanned aircraft may deviate from the Rules of the Air in an area prohibited from other aviation or segregated for unmanned aircraft operations, provided that the exceptional procedure has been planned and is conducted so as not to compromise flight safety.

Where required by safety or environmental impact considerations and unless otherwise provided by the EASA Regulation, the Finnish Transport Safety Agency may issue technical and operational regulations as well as pilot knowledge, skill, experience or age requirements concerning the aircraft and devices referred to in subsection 2, as well as sport parachutes, parasails, and model aircraft used for sport and recreational purposes. When drafting such regulations, national sport aviation associations shall be consulted.

Section 10

Right to aviation within Finnish territory

Aircraft to be used for aviation within Finnish territory shall have the nationality of Finland or another state that has acceded to the Chicago Convention, or a special authorisation issued by the Finnish Transport Safety Agency, unless otherwise required by international obligations binding on Finland. This requirement shall not, however, apply to aircraft referred to in section 9, subsection 2. Provisions on the use of foreign military aircraft and state aircraft within Finnish territory are contained in the Territorial Surveillance Act (755/2000).

The Finnish Transport Safety Agency may issue an authorisation as referred to in subsection 1 for:

- 1) occasional aircraft operations from a state that has not acceded to the Chicago Convention;
- 2) ferry, test, demonstration, display or competition flights on an unregistered aircraft;
- 3) one or more flights by an unregistered, unmanned free balloon;

4) any use of aircraft comparable to that referred to in paragraphs 1–3 above.

Section 11

Areas where aviation is restricted and danger areas

By government decree, aviation may be restricted or prohibited above facilities and areas essential for state governance, national defence, border control, rescue services or preparedness, or above nationally important areas for environmental protection. The Finnish Transport Safety Agency may, for particular reasons, grant permission for aviation within a prohibited area after consulting representatives for those entities protected through the establishment of that area. Further provisions on the consultation are issued by government decree. However, if the prohibited area has been established to protect a specific facility, aviation operations directly related to the maintenance, operation or use of that facility are allowed. Aviation within a restricted area is only allowed with permission from or special conditions established by the Defence Forces. (61/2016)

Areas where activities dangerous to the flight of aircraft may be variously conducted at specified times can be designated as danger areas by a regulation or decision by the Finnish Transport Safety Agency. The area control centre shall be informed when the activities dangerous to the flight of aircraft are commenced and ceased within the danger area. In addition, the airspace management cell referred to in the FUA Regulation may, for special reasons, define and designate a temporary danger area for a maximum period of two weeks, provided that the instructions for designation are included in the Airspace Management Operations Manual referred to in section 107, subsection 2. (61/2016)

For compelling reasons of flight safety, national defence, territorial surveillance, police operations, rescue services or safety investigation, or to maintain public order and safety as well as safety at national borders, the Finnish Transport Safety Agency may restrict or prohibit aviation within a specified area for a maximum period of two weeks. Provisions on the right to intercept an aircraft where immediate action is required are contained in section 167.

The airspace management cell shall, by any means it considers appropriate, restrict or prohibit aviation within a specified area: (61/2016)

1) for a maximum period of three days at the proposal of rescue, police or military authorities, the Border Guard, the Customs, an aeronautical or maritime rescue coordination centre, the Radiation and Nuclear Safety Authority or aviation authorities, when it is necessary for compelling reasons of flight safety, national defence, police operations, rescue services or safety investigation, or to maintain public order and safety as well as safety at national borders;

2) for a maximum period of 24 hours on its own initiative for exceptional and particularly important reasons related to flight safety or national defence.

The airspace management cell shall inform the Finnish Transport Safety Agency of such prohibition or restriction without delay.

Chapter 2

Aircraft and licence registers

[Sections 12–15 were repealed by Act 320/2018.]

Section 16

Aircraft registration markings and certificate of registration

To obtain Finnish nationality, the aircraft shall be entered in the Finnish transport register or military aircraft register, unless otherwise provided below in this Act. The Finnish Transport Safety Agency assigns each aircraft a registration mark, and issues a certificate of registration as proof for registration and a temporary certificate of registration as proof for temporary registration of an aircraft. (320/2018)

Each aircraft shall bear nationality and registration markings. The Finnish Transport Safety Agency issues technical regulations on nationality and registration markings and on how they shall be made.

Section 17

Preconditions for registration

An aircraft may be entered in the transport register in Finland if the aircraft owner's, possessor's or operator's residence or, for legal persons, their domicile is in a member state of the European Economic Area, unless otherwise required by international obligations binding on Finland. (320/2018)

Where the aircraft owner's, possessor's or operator's residence or, for legal persons, their domicile is in a member state of the European Economic Area other than Finland, registration also requires that the principal place of departure of the aircraft is in Finland. The owner, possessor or operator of an aircraft referred to in this subsection shall have a competent representative in Finland.

The Finnish Transport Safety Agency may, however, decide to register the aircraft in Finland for particular reasons, provided that the aircraft has sufficient operational connections with Finland and the aircraft owner, possessor or operator has a competent representative in Finland.

An aircraft entered in another state's aircraft register may not be registered in Finland.

Section 18

Application for registration

The aircraft owner shall submit an application for registration to the Finnish Transport Safety Agency. The application shall contain the information referred to in section 13, subsection 1 and 2, and section 14, subsection 1 and 2. As an attachment to the application shall be presented evidence of acquisition or grounds for the right of possession or use of the aircraft, as well as documents showing that the preconditions for registration in Finland exist as provided in section 17 above.

Section 19

Temporary registration

The Finnish Transport Safety Agency may, on application and for specific reasons, register an aircraft temporarily for ferry flights, test flights and crew training.

An aircraft under construction may also be temporarily entered in the transport register, if the construction work has progressed so far that the aircraft can be identified. (320/2018)

Section 20

Changes to registered information

The aircraft owner shall notify the Finnish Transport Safety Agency of any changes and attach to the notification sufficient evidence to identify and verify the changed information if:

- 1) there are changes to the information recorded in the register as referred to in Part V, Chapter 2 of the Act on Transport Services; (320/2018)
- 2) changes occur in the preconditions for registration related to residence or domicile, as referred to in section 17, subsection 1 or 2, or to the place of departure as referred to in section 17, subsection 2.

Where an aircraft has been transferred to another operator to be operated at its own expense for a period exceeding 30 days, the transferor shall notify the Finnish Transport Safety Agency. An agreement or notification signed by both parties, or a copy thereof, shall be attached to the notification referred to in this subsection.

After the right of ownership, possession or use has ceased, the aircraft owner, possessor or operator may notify this to be recorded in the register. To the notification shall be attached evidence of the termination of such right, as well as details of the new owner, possessor or operator.

The Finnish Transport Safety Agency shall be notified of any changes referred to in subsection 1 and 2 above within 14 days. If no such notification has been made, the Finnish Transport Safety Agency may prohibit the operation of the aircraft.

[Section 21 was repealed by Act 320/2018.]

Section 22

Removal of aircraft from the transport register (320/2018)

An aircraft shall be removed from the transport register: (320/2018)

- 1) on the owner's application;
- 2) if the Finnish Transport Safety Agency, having reserved the aircraft owner an opportunity to be heard, concludes that the preconditions related to residence or domicile as imposed by section 17, subsection 1, or related to the place of departure as imposed by section 17, subsection 2 are no longer met, or that the particular reasons for keeping the aircraft in the register as referred to in section 17, subsection 3 no longer exist.

The Finnish Transport Safety Agency may remove an aircraft from the transport register if the aircraft has been destroyed, scrapped or lost and if the aircraft owner has not, within a time limit of at least six months determined by the Agency, presented any reason why the aircraft should not be removed. (320/2018)

If the aircraft has been mortgaged, taken in execution or is subject to precautionary measures, removal from the register also requires written consent of the lien holder, or of the applicant for execution or precautionary measure. If an aerodrome operator has prevented the aircraft from

departing in accordance with section 165, subsection 2 and notified the Finnish Transport Safety Agency of this, removal from the register shall require written consent of the aerodrome operator.

[Sections 23–31 were repealed by Act 320/2018.]

Chapter 3
Aircraft airworthiness and emission restrictions
Section 32
Scope of application

Unless otherwise provided by the EASA Regulation or any Commission Regulations issued by virtue of it, the provisions of this chapter shall apply to the airworthiness and environmental certification of aircraft and aeronautical products, parts and appliances, approval of design and production organisations, continuing airworthiness, approval of organisations and personnel involved in these tasks, as well as to procedures followed by competent authorities.

Section 33
Airworthiness

When an aircraft is used for aviation, it must be airworthy. An aircraft is considered airworthy if it is so designed, manufactured, equipped and maintained and otherwise has such properties that it can be safely used for aviation.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and with regard to the principles of the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the design, manufacture, equipment, properties and maintenance of aircraft, parts and appliances, as well as on the content and arrangement of inspections and tests required for approval.

Where necessary, the Finnish Transport Safety Agency shall also issue technical airworthiness directives and operational regulations as required for flight safety, in order to rectify any safety deficiencies found in the use of aircraft, parts and appliances.

Section 34
Continuing airworthiness

The owner, possessor or operator of an aircraft used for aviation shall be responsible for its airworthiness. To meet this requirement, the owner, possessor or operator shall ensure that:

- 1) any fault or damage affecting safe operation is repaired;
- 2) the aircraft is maintained in accordance with its approved maintenance programme;
- 3) airworthiness directives and other provisions affecting continuing airworthiness are complied with;
- 4) regulations issued by the Finnish Transport Safety Agency on account of a safety deficiency are complied with;

5) any repairs and modifications of the aircraft, parts and appliances are performed so that the aircraft, part or appliance meets the requirements contained in section 33 above or issued by virtue of it;

6) the aircraft is subjected to a test flight after maintenance, unless airworthiness can be assured by other means.

An aircraft may not be flown, if:

1) it is not airworthy;

2) the emergency equipment or any other equipment required for its use is not properly fitted and serviceable; or

3) its airworthiness review certificate, as referred to in section 37 or 38, is not valid.

The aircraft owner, possessor or operator may, by an agreement, assign some or all of the tasks referred to in subsection 1 above to a continuing airworthiness management organisation referred to in section 35. When the aircraft maximum take-off mass (MTOM) is 2 730 kg or more and it is not of simple design, the tasks referred to in subsection 1 above shall be carried out by a continuing airworthiness management organisation, or managed using another similar arrangement approved by the Finnish Transport Safety Agency.

The aircraft maintenance programme and any amendments thereto shall be approved by the Finnish Transport Safety Agency or a continuing airworthiness management organisation. Maintenance programmes for aircraft of simple design and with an MTOM of less than 2 730 kg shall be approved by the aircraft owner, possessor or operator responsible for their airworthiness.

Section 35 **Continuing airworthiness management organisation**

The Finnish Transport Safety Agency shall, on application, approve as a continuing airworthiness management organisation any natural or legal person with the necessary skilled personnel, equipment, facilities, working procedures, quality system and instructions for ensuring and monitoring the continuing airworthiness of aircraft. The approval may be granted for a fixed period or indefinitely, considering the practices applicable to equivalent approvals in other Member States. The Finnish Transport Safety Agency shall oversee the operations of airworthiness management organisations.

To ensure that a sufficient level of flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and on the EASA Regulation and any Commission Regulations issued by virtue of it, issue more detailed regulations on the competence of personnel and the necessary equipment, facilities, working procedures, quality system and instructions for a continuing airworthiness management organisation.

Administrative sanctions used in the supervision of continuing airworthiness management organisations are prescribed in Chapter 14.

Section 36

Airworthiness information

The aircraft owner, possessor or operator shall ensure that any information concerning the maintenance of aircraft, parts and appliances is recorded and stored in the aircraft technical records, so that the airworthiness of the aircraft can be assured at any time. The Finnish Transport Safety Agency shall issue more detailed regulations on aircraft technical records.

The aircraft owner, possessor, operator or the entity to which the aircraft maintenance or airworthiness management duties have been assigned shall, without delay, inform the Finnish Transport Safety Agency of any issues that may significantly affect the airworthiness of the aircraft.

The Finnish Transport Safety Agency has the right to receive any information necessary for airworthiness monitoring from the aircraft owner, possessor, operator and the entity to which the aircraft maintenance or airworthiness management duties have been assigned.

Section 37

Certificate of airworthiness and airworthiness review certificate

The Finnish Transport Safety Agency issues a certificate of airworthiness to an aircraft that has been found to meet the airworthiness requirements as specified in section 33 above.

The certificate of airworthiness shall be accompanied with an airworthiness review certificate. The airworthiness review certificate is issued for a fixed period.

Where necessary for safe operation of the aircraft, the certificate of airworthiness and airworthiness review certificate can be issued with specific conditions related to particular operating circumstances.

The Finnish Transport Safety Agency shall accept a foreign certificate of airworthiness or airworthiness review certificate, provided that the aircraft meets the requirements for issuing a Finnish certificate.

Section 38

Permit to fly

Notwithstanding the provisions of section 33 and 34 above, the Finnish Transport Safety Agency may, for a limited period, issue permission for an aircraft to be used for aviation for the purpose of testing flight characteristics, although there is no full evidence of its airworthiness. The Finnish Transport Safety Agency may also grant corresponding permission for a ferry flight or for a similar particular reason, even if the aircraft is not fully in compliance with airworthiness requirements.

Where an aircraft has not been shown to meet the requirements in section 33, but is considered to meet the airworthiness requirements with regard to its intended use, the Finnish Transport Safety Agency may issue a permit to fly instead of a certificate of airworthiness. The permit shall be accompanied with an airworthiness review certificate issued for a limited period.

Any conditions necessary for safe operation of the aircraft may be specified in the permit to fly and airworthiness review certificate.

The Finnish Transport Safety Agency may approve an aircraft to be used for aviation with a foreign permit, provided that the conditions laid down in subsection 1 and 2 are fulfilled.

Section 39 **Airworthiness monitoring**

The Finnish Transport Safety Agency shall oversee that aircraft, parts and appliances meet the airworthiness requirements specified in section 33 above. The Finnish Transport Safety Agency has the right to examine and inspect an aircraft and order test flights to be flown. The aircraft owner, possessor and operator shall be responsible for the arrangements and costs of any test flights.

The Finnish Transport Safety Agency may be assisted in airworthiness monitoring by a continuing airworthiness management organisation referred to in section 35 above or by any other Finnish or foreign expert.

Where necessary, the Finnish Transport Safety Agency issues more detailed technical and procedural regulations for the establishment and monitoring of airworthiness, concerning:

- 1) aircraft annual inspections performed by the Agency itself;
- 2) the content of and arrangements for airworthiness reviews carried out by continuing airworthiness management organisations providing assistance to the Finnish Transport Safety Agency;
- 3) the content of and arrangements for inspections required to extend the aircraft life limit and other special inspections, as well as persons carrying out such inspections.

Section 40 **Issue and extension of an airworthiness review certificate**

The Finnish Transport Safety Agency shall issue or extend an airworthiness review certificate on the basis of an airworthiness review made and recommendation given by a continuing airworthiness management organisation, provided that the aircraft, at the time of inspection, meets the requirements for the issue a certificate of airworthiness or permit to fly. The Finnish Transport Safety Agency may also decide that a continuing airworthiness management organisation assisting the Agency in accordance with section 39, subsection 2, shall issue or extend an airworthiness review certificate on specific conditions determined by the Finnish Transport Safety Agency.

Where a recommendation or airworthiness review certificate issued by a continuing airworthiness management organisation is not reasonably available, the Finnish Transport Safety Agency may issue a certificate of airworthiness or permit to fly referred to in section 38, subsection 2 on the basis of an inspection made by the Agency itself, provided that the aircraft meets the requirements for the issue of a certificate of airworthiness or permit to fly at the time of inspection.

Section 41 **Revocation of a certificate of airworthiness, airworthiness review certificate or permit to fly**

The Finnish Transport Safety Agency may revoke a certificate of airworthiness, airworthiness review certificate or permit to fly or prohibit the use of an aircraft for aviation, if the Agency's oversight activities reveal that the aircraft is not airworthy or no longer meets flight safety

requirements, or if there is reasonable cause to suspect such a condition, and the aircraft is not made or shown to be airworthy or in compliance with flight safety requirements within a reasonable time determined by the Finnish Transport Safety Agency.

Where a permit to fly or airworthiness review certificate has been issued, extended or validated with any conditions necessary for flight safety, and such conditions have not been complied with, the Finnish Transport Safety Agency may prohibit the use of the aircraft for aviation until the said conditions have been met.

The provisions of subsection 1 and 2 above shall also apply to the revocation of an acceptance given to a foreign aircraft as referred to in section 37, subsection 4.

Section 42

Design, manufacture and maintenance

An approval from the Finnish Transport Safety Agency is required for the design, manufacture and maintenance of aircraft, parts and appliances. Approval shall be issued if the designer, manufacturer or maintainer has skilled personnel, equipment, facilities, working procedures, quality system and instructions as necessary for the performance of its duties. Depending on the scope and complexity of the work, the Agency's approval can be:

- 1) approval for a design organisation, production organisation or maintenance organisation;
- 2) an aircraft maintenance mechanic licence; or
- 3) approval granted to a person for a task requiring particular professional skills.

Design approval is not required for: (61/2016)

- 1) design of a minor modification or repair;
- 2) design of an aircraft for which a certificate of airworthiness is not applied, or the design of parts or appliances for such aircraft; or
- 3) design of a modification or repair of an aircraft for which a certificate of airworthiness is not applied, or which has been issued with a permit to fly instead of a certificate of airworthiness.

Manufacturer approval is not required for aircraft of which at least 51% is built by an amateur, or a non-profit making association of amateurs, for their own purposes and without any commercial objective. (61/2016)

Maintenance approval from the Finnish Transport Safety Agency is not required if the entity maintaining the aircraft has obtained equivalent approval in another member state of the European Economic Area or in the state of aircraft design. The Finnish Transport Safety Agency may determine that the aircraft maintainer need not be approved, if the maintenance concerns:

- 1) limited maintenance of private aircraft with simple design and maximum certificated take-off mass of less than 2 730 kg;
- 2) limited maintenance of a sailplane or hot air balloon;

- 3) maintenance of an aircraft which has been issued with a permit to fly instead of a certificate of airworthiness;
- 4) work performed under the supervision of a certified maintainer.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and with regard to the principles of the EASA Regulation and any European Commission regulations issued by virtue of it, issue more detailed regulations on the following subjects related to the designer, manufacturer and maintainer:

- 1) staff training, experience and competence;
- 2) tests and certificates required to determine competence;
- 3) equipment and facilities;
- 4) working procedures, quality system and instructions.

Approval from the Finnish Transport Safety Agency shall be obtained for aircraft design and for the design of aircraft modifications and repairs, unless otherwise provided by the Agency. The Finnish Transport Safety Agency issues more detailed regulations on designs, taking into account the corresponding requirements in European Union law, and may exempt a design from the approval requirement if approval is not necessary for flight safety. (61/2016)

Administrative sanctions used in the supervision of approvals granted for design, manufacture and maintenance operations are prescribed in Chapter 14.

Section 43 **Maintenance training organisation**

A maintenance training organisation may apply for the Finnish Transport Safety Agency's approval. Approval shall be issued if the maintenance training organisation has skilled personnel, training equipment and facilities, training programme and quality system as necessary for the performance of its duties. The Finnish Transport Safety Agency shall oversee the operations of maintenance training organisations.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations referred to in the Chicago Convention and on the EASA Regulation and any European Commission regulations issued by virtue of it, issue more detailed regulations on the maintenance training organisation's:

- 1) staff training, experience and competence;
- 2) working procedures, quality system and instructions.

Administrative sanctions used in the supervision of maintenance training organisations are prescribed in Chapter 14.

Section 44 Emissions

Power-driven aircraft shall be so designed, manufactured, equipped and maintained as not to cause damage or significant harm to the environment by noise or other emissions.

Where necessary, the Finnish Transport Safety Agency issues more detailed technical regulations on noise and other emissions, based on standards referred to in the Chicago Convention.

Provisions on noise-related operational limitations at airports are laid down in Chapter 12.

Chapter 4 Licences and qualification requirements Section 45 Scope of application of this chapter

Subject to the EASA Regulation and European Commission regulations issued by virtue of it, the provisions of this chapter shall apply to licences, ratings, certificates of competence and approvals granted to personnel involved in flight operations and aircraft maintenance, and to licences of air navigation services personnel (*permits*).

Administrative sanctions used in the supervision of such permits are prescribed in Chapter 14.

Section 46 (320/2018) Entity that issues the permit

Unless otherwise provided in section 163 below, permits are issued by the Finnish Transport Safety Agency. Medical certificates may, however, be issued by an aeromedical examiner, aeromedical centre or the Finnish Transport Safety Agency. A permit shall be issued provided that the applicant meets the requirements for obtaining it. Permits shall be issued for a fixed period, unless otherwise provided below.

Section 47 Requirements for the issue of a permit and types of permits

For the issue of any of the following permits, it is required that the applicant meets the qualification requirements for the permit type as regards the applicant's age, health, knowledge, skills, training and experience:

[Section 47, subsection 1, paragraph 1 was repealed by Act 320/2018.]

- 2) aircraft maintenance licence;
- 3) air traffic controller licence and ratings;
- 4) medical certificate;
- 5) aeromedical examiner certificate;

6) cabin crew attestation and cabin crew medical report;

7) aircraft marshaller approval; (61/2016)

[Section 47, subsection 1, paragraph 8 was repealed by Act 320/2018.]

[Section 47, subsection 1, paragraph 9 was repealed by Act 320/2018.]

Provisions on permits and associated qualification requirements are given in the EASA Regulation and Commission Regulations issued by virtue of it. To ensure flight safety, the Finnish Transport Safety Agency issues more detailed regulations on the qualification requirements, application procedures and validity of the permits based on the standards and recommendations referred to in the Chicago Convention, as well as on the EASA Regulation and Commission Regulations issued by virtue of it, or on Eurocontrol requirements.

A permit shall nevertheless not be issued, if the applicant is unfit to be a permit holder. An applicant shall be regarded as unfit to be a permit holder, if he/she:

1) continues violating against provisions or regulations on aviation despite an admonition or warning notice;

2) by fundamentally or repeatedly violating against provisions or regulations on aviation demonstrates an unwillingness or inability to observe them; or

3) has, by his/her earlier actions, shown such general disregard of provisions or regulations that it gives reason to suspect the applicant's ability or willingness to observe the provisions and regulations essential for aviation safety.

The duties which the permit holder is entitled to perform shall be specified in the permit. The permit may contain any conditions necessary to maintain flight safety.

Notwithstanding the provisions of the Language Act (423/2003) on the use of languages before authorities, the Finnish Transport Safety Agency may arrange theoretical knowledge examinations and skill tests for obtaining permits in the English language.

Section 48 **Requirements for the issue of a medical certificate**

For the issue of a medical certificate, it is required that the applicant meets the medical requirements imposed by the Finnish Transport Safety Agency based on standards and recommendations referred to in the Chicago Convention, on Eurocontrol requirements and recommendations, or on the provisions of the EASA Regulation and Commission Regulations issued by virtue of it.

Medical certificates shall be issued for a fixed period in accordance with the standards, regulations or recommendations referred to in subsection 1 above, unless there are specific grounds for an exception. The issue and renewal of a medical certificate requires that the applicant has been approved in an examination carried out by an aeromedical examiner.

A certified aeromedical examiner or general medical practitioner shall submit any report related to a medical assessment, as well as copies of medical certificates or cabin crew medical reports, to the Finnish Transport Safety Agency. Aeromedical records, opinions and any other necessary information shall also be submitted to the Finnish Transport Safety Agency upon request.

Section 49

Duty to notify circumstances affecting qualifications and ascertainment of qualifications

An applicant for a permit is obliged to notify an authorised aeromedical examiner, general medical practitioner or the Finnish Transport Safety Agency of any known issues that affect his/her qualifications or medical fitness. The holder of a permit is obliged to notify the Finnish Transport Safety Agency of any known issues that affect his/her qualifications or medical fitness. If the issue affecting the permit holder's qualifications or medical fitness has an influence on his/her ability to perform the duties referred to in this chapter, the permit holder shall notify his/her employer of any changes related to the qualifications or medical fitness.

When there is reason to suspect that the applicant for or holder of a permit does not meet the requirements for the issue of a medical certificate, the Finnish Transport Safety Agency may require him/her to undergo a medical examination and other tests to determine his/her state of health.

When there is reason to suspect that the applicant for or holder of a permit does not meet the knowledge and skill requirements for the issue of a permit, the Finnish Transport Safety Agency may require him/her to undertake theoretical knowledge examinations, proficiency checks and other tests.

The applicant for or holder of a permit shall be responsible for the charges and other costs of any checks, examinations and tests referred to in subsection 2 and 3 above.

Section 50

Finnish Transport Safety Agency's right of access to information

The Finnish Transport Safety Agency shall, notwithstanding secrecy provisions, in order to assess whether the conditions for the issue, renewal or revocation of a permit are fulfilled and notwithstanding confidentiality provisions, have the right to access any information from the criminal register, the register of fines and the judicial administration's information systems on criminal cases under consideration of charges, and from preliminary investigation authorities any information about an applicant for or holder of a permit as concerns causing a traffic hazard in aviation, causing a serious traffic hazard while operating a motor-driven vehicle, operating or driving an aircraft or other means of transport as referred to in Chapter 23 of the Penal Code, and using alcohol or other intoxicating substances in flight safety-related tasks in a ground organisation, as well as any information about ongoing preliminary investigation, consideration of charges or trial concerning them, and any information on the penalties and sanctions imposed for those acts.

Notwithstanding secrecy provisions, a physician having conducted a medical examination of the applicant for or holder of a permit, a health care professional as referred to in the Act on Health Care Professionals (559/1994) who treats or has treated him/her, and an institution or establishment providing medical or health care services shall, on request, inform the Finnish Transport Safety Agency of any circumstances that may affect the issue or validity of a permit. (320/2018)

A physician, health care professional, institution or establishment referred to in subsection 2 above may, notwithstanding secrecy provisions, also without request notify the Finnish Transport Safety Agency where it is suspected that the applicant for or holder of a permit does not satisfy the medical requirements for obtaining the permit. Before the Agency is notified, the applicant or holder shall be informed of the physician's right to notify and the impact of state of health on the capacity to perform aviation duties. (320/2018)

The notification referred to in subsection 3 above may only contain the following information:

- 1) an announcement that the person in question may not satisfy the medical requirements for obtaining the permit; and
- 2) what additional measures the medical examiner suggests to investigate the person's state of health in more detail and to determine how it affects his/her capacity to perform the duties.

The data may be submitted via a technical user interface or by other electronic means.

Section 51 Foreign licences

The Finnish Transport Safety Agency shall recognise any personnel licences required for a certain duty that have been issued abroad, in accordance with international obligations binding on Finland. (320/2018)

For reasons listed in section 143 or 144, the Finnish Transport Safety Agency may determine that a foreign permit validated in Finland shall not entitle its holder to exercise such privileges within the Finnish territory, in a Finnish aircraft or when flight operations are conducted under an Air Operator Certificate issued in Finland.

Chapter 5 General requirements concerning flight operations

Section 52 Aircraft commander

An aircraft, glider or other device, when used for aviation, shall have a commander appointed by its owner, possessor or operator.

Section 53 Licences, ratings, approvals and medical certificates for flight crew members and remote pilots

An aircraft flight crew member or remote pilot shall have:

- 1) a licence, ratings or approvals and a medical certificate as required for his/her duties, issued or approved by the Finnish Transport Safety Agency or a sport aviation organisation referred to in section 163; or

2) a licence, ratings, approvals and a medical certificate as required for his/her duties, issued by a foreign state and recognised as equivalent to those referred to in subsection 1 above in Finland in accordance with binding international obligations.

The provisions in subsection 1 shall not apply to the pilot of an aircraft or other device referred to in section 9, subsection 2.

By way of derogation from the provisions in subsection 1, paragraph 1 above, flight crew members other than pilot-in-command are not required to hold the licence, rating or approval as required for the duty on instruction or examination flights conducted for the purpose of obtaining that licence, rating or approval.

Section 54 (320/2018) **Student pilot**

Provisions on student pilots' right to fly solo are laid down in Part II, Chapter 13, section 5 of the Act on Transport Services.

Section 55 **Crew in aircraft and at remote pilot stations**

An aircraft or its remote pilot station shall be safely manned when the aircraft is used for aviation. Responsibility for safe manning rests with the aircraft owner, possessor or operator.

In addition to the provisions of subsection 1 and Chapter 4, the Finnish Transport Safety Agency shall, as necessary for flight safety and based on the standards and recommendations referred to in the Chicago Convention and with regard to the EASA Regulation and any European Commission regulations issued by virtue of it, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the following subjects:

- 1) aircraft commander, flight crew composition, other crew composition and the manning of a remote pilot station as required for the flight duty;
- 2) licences, ratings, certificates of competence, privileges, approvals and medical certificates required for flight crew members and remote pilots;
- 3) crew training and experience requirements;
- 4) maximum duty periods and flight duty periods, minimum rest periods.

Section 56 **Authority of the commander**

The aircraft commander shall exercise supreme authority on board an aircraft. The commander may temporarily order a member of the aircraft crew to perform a duty different from the duties he/she was employed for.

When necessary for maintaining order and safety or for other imperative reasons, the commander has the right to refuse entry on board, and for compelling reasons, the right to disembark a member of the crew or a passenger or remove goods from the aircraft prior to departure or, if the aircraft is in flight, at the first suitable landing site.

Section 57

Flight preparation and performance

Prior to commencing the flight, the commander of the aircraft or device shall ascertain that the aircraft or device is airworthy and ensure that the flight in all other respects has been prepared in accordance with applicable provisions and regulations.

The commander shall ensure that the flight is conducted safely and that the applicable provisions, regulations and conditions of the air operator certificate, aerial work certificate or training organisation approval, and the flight manual approved by the aviation authority are complied with during the flight.

A crew member, including the crew and observer at a remote pilot station, shall perform the duties assigned to him/her in the flight manual and in the air operator certificate, aerial work certificate or training organisation approval, unless the division of tasks is otherwise determined by the aircraft commander.

The Finnish Transport Safety Agency may, as necessary for safety and based on the standards and recommendations referred to in the Chicago Convention, on ECAC and Eurocontrol requirements and on the EASA regulation and any Commission Regulations issued by virtue of it, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the following subjects:

- 1) flight planning and preparation;
- 2) flight performance and actions in flight;
- 3) special equipment required for a flight;
- 4) actions immediately after a flight;
- 5) parachuting flights;
- 6) aerobatics;
- 7) aerotow operations;
- 8) spraying flights or dropping of objects from aircraft; and
- 9) safe operation of an aircraft on water.

Section 58

Responsibility towards aircraft, passengers and goods

The commander and the crew are obliged to attend to the aircraft as well as to the passengers and goods carried on board. If the aircraft gets into distress, the commander and the crew shall, by any means available, protect the aircraft and the persons and goods on board.

Section 59
Passenger responsibilities in flight

Passengers may not compromise the safety of a flight or of its crew and other passengers with their actions. A passenger shall obey any commands issued by the crew for the purpose of maintaining safety and order in flight.

Section 60
Order and coercive measures on board

If the aircraft is in danger or the safety of the passengers or crew otherwise so requires, the commander has the right to capture a person, to inspect a person or goods or to seize an object to restore order or to prevent any imminent danger to flight safety. For the purpose of performing a capture, inspection or seizure, the commander may use such forcible measures that are necessary and that can be deemed as justifiable when assessed as a whole with regard to the extent of the danger and the situation otherwise. Every crew member shall be obliged to render the commander whatever assistance necessary without an explicit command. At the request of the commander or a crew member, a passenger shall also have the right to render such assistance in accordance with the instructions given by the commander or crew member.

Any crew member or passenger may take preventive measures as referred to in this subsection even if not requested by the commander, if it is evident that such action is necessary in order to protect the aircraft or the persons or property carried on board. The commander shall be informed of such measures as soon as possible.

The means referred to in subsection 1 above may, at the most, be applied until the time when the issue can be submitted to the competent authority.

Provisions on excessive use of forcible measures are contained in the Penal Code of Finland, Chapter 4, section 6, subsection 3 and section 7.

Section 61
Aircraft documents

The following documents shall be carried on board an aircraft of Finnish nationality when used for aviation:

- 1) a valid registration certificate;
- 2) a valid certificate of airworthiness or a permit to fly issued in accordance with section 38 above;
- 3) evidence of mandatory insurance cover for the aircraft;
- 4) other documents depending on the type of aircraft and nature of flight, which are necessary for the safe conduct of the flight and for regulatory oversight.

The following documents shall be carried on board a foreign aircraft or an aircraft which has not been registered, when used for aviation within the Finnish territory:

- 1) a valid registration certificate issued in a state having acceded to the Chicago Convention or an authorisation to use the aircraft for aviation within the Finnish territory issued by the Finnish Transport Safety Agency as referred to in section 10, subsection 1;
- 2) a valid certificate of airworthiness in accordance with Annex 8 to the Chicago Convention or a permit to fly recognised by the Finnish Transport Safety Agency;
- 3) evidence of mandatory insurance cover for the aircraft;
- 4) other documents depending on the type of aircraft and nature of flight, which are necessary for the safe conduct of the flight and for regulatory oversight.

The Finnish Transport Safety Agency shall, where necessary, issue more detailed regulations on the documents to be required for unmanned aircraft, considering the development of international and European Union legislation. The documents required for unmanned aircraft shall be stored at the remote pilot station, unless otherwise specified by the Finnish Transport Safety Agency.

Chapter 6

Commercial air transport and permits for aviation operations in certain cases

Section 62 (320/2018)

Definitions

For the purposes of this chapter and in accordance with European Union legislation:

- 1) *flying display permission* means an authorisation permitting its holder to organise a flying display;
- 2) *flying competition permission* means an authorisation permitting its holder to organise a flying competition;
- 3) *flying display* means a public event as referred to in the Assembly Act (530/1999), in which aviation operations are arranged as a performance to the public;
- 4) *aerobatic flight* means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed, not necessary for normal flight or for instruction for licenses or ratings other than the aerobatic rating.

[Sections 63–69 were repealed by Act 320/2018.]

Section 70 (320/2018)

Aerial work and aircrew training

Provisions on aerial work and on flying training and theoretical knowledge instruction related to obtaining or maintaining aircraft flight crew and cabin crew licences, attestations, ratings and approvals are laid down in Part II, Chapter 12, section 8 and Chapter 13, section 6 of the Act on Transport Services.

[Section 71 was repealed by Act 320/2018.]

Section 72

Flying displays and flying competitions

For the organisation of a flying display or flying competition, a permission issued by the Finnish Transport Safety Agency is required when:

- 1) the event is organised at an airport;
- 2) the programme includes aerobatic flying; or
- 3) there are foreign participants in the event.

To obtain the permission, the applicant shall have at its disposal an organisation and staff necessary for the safe arrangement of such a display or competition. In addition, the aircraft and other equipment to be used in the event, the performers of the display or participants in the competition, flying programmes and safety arrangements must meet the requirements of the applicable rules and regulations.

The Finnish Transport Safety Agency shall issue more detailed regulations on the requirements for obtaining a flying display permission or flying competition permission, as necessary for the safe arrangement of such an event. The regulations may concern:

- 1) the size of the permission holder's organisation and staff qualifications;
- 2) the aircraft, equipment, performers, flight programmes and participants of the display or competition; and
- 3) the permission holder's operating procedures, safety arrangements for the event and the organiser's co-operation with air navigation service units and authorities other than aviation authorities.

Flying display permission or flying competition permission shall be issued if the applicant meets the requirements specified in this section and on the basis of subsection 3 above. The permission shall be issued for each event or series of events separately.

The Finnish Transport Safety Agency may issue regulations as necessary for the safe arrangement of an event for those flying displays or flying competitions for which no separate permission is required. The regulations may concern notification of the event, responsible persons and operating procedures at the entity organising the event, safety arrangements for the event, and co-operation with air navigation service units and authorities other than aviation authorities.

[Section 73 was repealed by Act 320/2018.]

Section 74

Administrative sanctions

Administrative sanctions used in the supervision of the permits referred to in this chapter are prescribed in Chapter 14.

Chapter 7
Aerodromes and ground aids
75
Definitions

For the purposes of this chapter:

- 1) *airport* means an aerodrome where flight information service, alerting service, air traffic advisory service and air traffic control service is permanently provided;
- 2) *light aviation aerodrome* means an aerodrome which is used for aviation by gliders, power-driven gliders, airships, hot air balloons and by other light aircraft more specifically determined by the Finnish Transport Safety Agency;
- 3) *other area serving aviation* means an area situated apart from the aerodrome with buildings, structures or facilities serving aviation;
- 4) *airport certificate* means an approval confirming that the airport operator and its personnel have sufficient proficiency, organisation and operational procedures to ensure an adequate level of air traffic safety, and that the airport complies with applicable regulations;
- 5) *aerodrome operating permit* means an approval establishing the aerodrome organisation and operational conditions and attesting that the aerodrome complies with applicable provisions;
- 6) *manoeuvring area* means that part of an aerodrome intended to be used for the take-off, landing and taxiing of aircraft, excluding aprons; and
- 7) *apron* means that part of an aerodrome intended for purposes of loading or unloading passengers, mail or cargo, and fuelling, parking or maintenance of aircraft.

Section 76
Use of aerodromes and other areas

Only aerodromes or areas referred to in subsection 2 below may be used for take-off and landing of aircraft. However, the prohibition to use other areas shall not apply to emergencies, forced landings and other comparable events or to take-offs and landings of unmanned aircraft or military helicopters, other state helicopters or search and rescue helicopters on operational (military) flights or on flights associated with rescue services or assistance to authorities. Separate provisions shall be issued on the use of ship landing decks for helicopter take-offs and landings.

An aircraft may temporarily use an open water area or other land or water area for take-off and landing with the consent of its owner or possessor, even if the area has not been specifically arranged for that purpose. Where necessary for aviation safety, the Finnish Transport Safety Agency issues regulations on:

- 1) temporary use of a land or water area;
- 2) dimensions and surface conditions of an area to be used by aircraft;
- 3) obstacle limitations;

4) other factors affecting the safety of take-off and landing.

Provisions on the consent of partners in a common land or water area, which is required to obtain the owner's or possessor's permission for the activities referred to in subsection 2 above, are contained in the Act on Jointly Owned Areas (758/1989).

Where necessary for reasons of flight safety, expeditious flow of traffic, national defence, engagement in trade or prevention of harmful environmental effects, the Finnish Transport Safety Agency may prohibit the use of an area other than an aerodrome or restrict the use of an area referred to in subsection 2 for aircraft take-off and landing. If the prohibition or restriction is imposed for reasons other than flight safety or expeditious flow of traffic, the Finnish Transport Safety Agency shall hear the Centre for Economic Development, Transport and the Environment and other authorities as necessary.

Section 77

Air transport facilitation

The Finnish Transport Safety Agency prepares and establishes a national programme for air transport facilitation and supports coordination between the companies and authorities regularly operating at airports in order to enhance facilitation.

The airport operator shall ensure coordination between the companies and authorities regularly operating at airports in accordance with the national programme and any operational and technical regulations issued by the Finnish Transport Safety Agency.

Section 78

Allocation of slots at airports

Provisions on the allocation of slots at airports are contained in the Slot Regulation.

The Finnish Transport Safety Agency shall be responsible for the tasks assigned to the Member State in the Slot Regulation, unless otherwise provided in subsection 3. The Agency shall appoint the schedule adviser or coordinator referred to in Article 4, paragraph 1 of the Slot Regulation.

The airport operator shall:

- 1) carry out the capacity analysis referred to in Article 3, paragraph 3 of the Slot Regulation;
- 2) set up the coordination committee referred to in Article 5, paragraph 1 of the Slot Regulation;
- 3) determine the figures to be used for allocation of slots in accordance with Article 6, paragraph 1 of the Slot Regulation.

Section 79

Construction permit

For the construction of an aerodrome or other area serving aviation, a permit is required. A permit is also required for any changes to an aerodrome or other area serving aviation that might affect flight safety or have a significant effect on the landscape. Construction permits are issued by the Finnish

Transport Safety Agency. The Council of State may, in individual cases, reserve the right to decide on the matter.

Nevertheless, construction permit as referred to in this chapter shall not be required for emergency landing strips constructed for national defence needs and intended for use in crisis situations and related exercises, helicopter landing sites of the Defence Forces, or light aviation aerodromes for UAV operations by the Defence Forces. Construction permit is also not required for helicopter landing sites intended to be used exclusively by the Border Guard.

Unless otherwise provided in this chapter, any requirements with respect to planning, environmental permits, environmental impact assessment, construction, and redemption of real property and specific rights shall be complied with in the construction and modification of an aerodrome or other area serving aviation. Provisions on the obligation to attach an environmental impact assessment report and a reasoned conclusion by the contact authority in accordance with the Act on Environmental Impact Assessment Procedure (252/2017) to an application concerning a construction permit as referred to in the said Act, as well as on the obligation to take account of the assessment in the approval decision and to include the reasoned conclusion in the approval decision, are laid down in the said Act. However, where the assessment report already includes such information on environmental impacts as is needed for the application of this Act, the same report need not be submitted again. (263/2017)

The requirements concerning action permits referred to in section 126 of the Land Use and Building Act (132/1999) and provisions issued on the basis of it shall not apply to the construction of aerodrome areas or aviation radio beacons, radar facilities and their protective structures, or any facilities or structures necessary for flight safety and regular air services. Moreover, actions on an aerodrome or other area serving aviation do not require a permit for landscape work in accordance with section 128 of the said Act, nor a notification in accordance with its section 129.

Section 80 **Hearing procedure related to the construction permit**

Before a permit to construct an aerodrome is granted, the municipality concerned and, depending on the nature of the matter, the Ministry of Defence, the Ministry of the Environment, the Centre for Economic Development, Transport and the Environment and the Regional Council shall be provided an opportunity to state their opinions on the matter.

Where a construction permit is applied for the construction of an area serving aviation other than an aerodrome or its structures and facilities or for their modification in accordance with section 79, the municipality concerned and, depending on the nature of the matter, other relevant authorities and neighbours shall be provided an opportunity to state their opinions on the matter.

Section 81 **Preconditions for granting a construction permit**

A construction permit shall be granted provided that the aerodrome or other area serving aviation and its buildings, structures and facilities meet the requirements necessary for flight safety and expeditious flow of traffic, and has been issued with an environmental permit as required by the Environmental Protection Act (527/2014). The construction permit may include conditions to ensure flight safety and an expeditious flow of traffic. A construction permit may be denied for national defence reasons.

The Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention, issue more detailed regulations on the preconditions for granting a construction permit as necessary to ensure safe and expeditious flight operations. The regulations may concern:

- 1) dimensions and qualities of areas intended to be used by aircraft;
- 2) obstacle limitations and marking of obstacles to air navigation;
- 3) visual ground aids;
- 4) air navigation services at aerodromes;
- 5) rescue operations at aerodromes;
- 6) civil aviation security;
- 7) other requirements comparable to those listed in paragraphs 1–6 with a view to ensure flight safety and an expeditious flow of air traffic.

A construction permit shall be issued for a period of at least five years. The permit may be revoked if the conditions attached to it are not complied with or if the requirements for granting the permit are no longer met, and the permit holder has not corrected the deficiencies within a reasonable time determined by the Finnish Transport Safety Agency.

Section 82

Airport certificate

An airport must be approved by the Finnish Transport Safety Agency, except as otherwise provided below. The certificate issued on approval specifies for which type of traffic or other aviation operations the airport may be used.

The use of a public airport shall be allowed under the same conditions for all, unless otherwise prescribed by the Slot Regulation or in provisions issued on the basis of it.

Airports which are used exclusively for military aviation or state flight operations are not required to have an airport certificate.

Section 89

Preconditions for granting an airport certificate

An airport certificate shall be granted if the applicant proves that:

- 1) the airport, including its ground areas, facilities, systems and operations, complies with the applicable regulations;
- 2) the airport operator and its personnel have the competence and experience needed for maintaining an airport.

The Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention, issue more detailed regulations on the preconditions for granting an airport certificate as necessary to ensure safe and expeditious flight operations. The regulations may concern:

- 1) dimensions and qualities of areas intended to be used by aircraft;
- 2) notification of airport information;
- 3) obstacle limitations and marking of obstacles to air navigation;
- 4) visual ground aids;
- 5) air navigation services at airports;
- 6) traffic guidance and monitoring;
- 7) staff training and qualifications;
- 8) airport maintenance and inspections;
- 9) snow removal and ice control;
- 10) rescue operations at airports;
- 11) temporary arrangements at airports;
- 12) control of birds and other animals at aerodromes and in their vicinity;
- 13) the airport operations manual;
- 14) airport operator's organisation and staff competence;
- 15) airport operator's safety management system;
- 16) other requirements to ensure air traffic safety.

The approval is granted for a fixed period or indefinitely. The approval shall remain valid at the most as long as the certificate holder has the right to use the land or water area on which the airport is located.

Administrative sanctions used in the supervision of the approval and compliance with its preconditions are prescribed in Chapter 14.

Section 84 Aerodrome operating permit

If the aerodrome is not required to have an approval certificate in accordance with section 82, a permit granted by the Finnish Transport Safety Agency is needed for its operation unless otherwise

provided below. The aerodrome operating permit specifies the aerodrome operator and manager, and determines for which type of traffic or other aviation operations the aerodrome may be used.

Permit in accordance with subsection 1 is not required for the operation of an aerodrome which is used exclusively for military aviation or state flight operations.

Section 85 **Preconditions for granting an aerodrome operating permit**

An aerodrome operating permit shall be granted if the applicant has proved that the aerodrome meets the requirements for a construction permit as listed in section 81 and the operator's organisation is appropriate for safe operation of the aerodrome. The provisions of section 83, subsection 3 also apply to aerodrome operating permits.

Administrative sanctions used in the supervision of aerodrome operating permits and compliance with their preconditions are prescribed in Chapter 14.

Section 86 **Light aviation aerodromes**

Construction permits or operating permits shall not be required for light aviation aerodromes. However, the aerodrome operator shall notify the Finnish Transport Safety Agency 90 days before the construction of a light aviation aerodrome is started, and 30 days before the aerodrome is brought into use. The Agency shall specify the information to be given in these notifications.

The Finnish Transport Safety Agency may, for reasons of flight safety, prevention of harmful environmental effects or national defence, prohibit the construction or opening of a light aviation aerodrome or impose such conditions on its construction and use as deemed necessary for flight safety, environmental protection or national defence.

Section 87 **Approval of buildings, structures and facilities for use**

Any building, structure or facility at an aerodrome or other area serving aviation shall be approved by the Finnish Transport Safety Agency before it is brought into use after construction or modification. Approval shall be granted if the buildings, structures and facilities satisfy the requirements for flight safety and expeditious flow of traffic. Nevertheless, approval from the Finnish Transport Safety Agency is not required if the building, structure or facility or its modification will not affect flight safety or impede the flow of traffic.

Section 88 **Prohibition and restriction of aerodrome use**

The aerodrome operator shall be responsible for ensuring that the aerodrome is in compliance with applicable requirements during reported operating hours. At other times, responsibility for using the aerodrome for take-off, landing and taxiing of an aircraft rests with the pilot-in-command.

The aerodrome operator shall prohibit or restrict the use of the aerodrome or another area, building, structure or facility serving aviation both within and outside operating hours if it is aware that:

- 1) the aerodrome equipment as required in aviation regulations is not serviceable;
- 2) the manoeuvring area or apron is not in compliance with regulations because of surface conditions or repair work;
- 3) the manoeuvring area or apron is not in compliance with regulations because of an obstacle;
- 4) the aerodrome hosts an event or occasion which restricts or impedes flight operations; or
- 5) any other important reason comparable to those referred to in paragraphs 1–4 above so requires.

The Finnish Transport Safety Agency may impose the prohibition or restriction referred to in subsection 2 above, if it considers that the aerodrome operator has not acted as required in that subsection.

Chapter 8

Ground handling

Section 89

Definitions

For the purposes of this chapter:

- 1) *ground handling services* mean those services provided to users at an aerodrome as listed in the Annex to the Ground Handling Directive; and
- 2) *self-handling* means a situation in which an operator transporting passengers, cargo or mail by air directly provides for itself one or more categories of ground handling services and concludes no contract with a third party for this.

For the purposes of subsection 1, paragraph 2, operators shall not be deemed to be third parties among themselves where one holds a majority holding in the other or a single body has a majority holding in each.

Section 90

Supply of ground handling services

The aerodrome operator shall not, without a specific cause as provided in this section, restrict the supply of ground handling services or self-handling as far as the Ground Handling Directive is applicable to the provision of services at the aerodrome. The aerodrome operator shall ensure that access to aerodrome installations for ground handling and self-handling is organised as provided in Article 16 of the Ground Handling Directive.

The Finnish Transport Safety Agency may, on the aerodrome operator's application, limit the supply of ground handling services or self-handling in accordance with Article 6, 7, 9 or 15, or to impose public service obligations on suppliers of ground handling services in accordance with Article 15 of the Ground Handling Directive.

Nevertheless, a limitation placed in accordance with Article 9 of the Ground Handling Directive shall only be valid as far as it has been approved by the European Commission as provided in

paragraph 5 of the said Article. In case the Finnish Transport Safety Agency decides to limit the supply of ground handling services or self-handling in accordance with Article 6, 7, 9 or 15 of the Ground Handling Directive, it shall follow the procedures prescribed in the said articles and, where necessary, arrange the selection of ground handling service suppliers in accordance with Article 11 of the Directive. Decisions concerning the selection of suppliers and any permission to supply ground handling services subject to the limitation without a selection process shall be notified as provided in Article 11, paragraph 3 of the Ground Handling Directive.

In ground handling issues, the aerodrome operator shall consult the Users' Committee as referred to in section 94 and ground handling service providers as prescribed in Article 13 of the Ground Handling Directive.

The Finnish Transport Safety Agency may, based on lack of reciprocity, restrict the rights arising from the Ground Handling Directive for a supplier of ground handling services or self-handling operator from a third country in accordance with Article 20 of the Directive.

The Finnish Transport Safety Agency may issue more detailed regulations on ground handling as necessary to ensure flight safety and an expeditious flow of air traffic. The regulations may concern the organisation of ground handling activities, management of functional entities, and assignment of responsibilities to ascertain that ground handling operations will not cause any hazard to air traffic.

Section 91 **Use of centralised aerodrome infrastructures**

The Finnish Transport Safety Agency may, on the airport operator's application, decide that suppliers of ground handling services and self-handling operators shall use centralised aerodrome infrastructures for the provision of ground handling services. In this case, Article 8 of the Ground Handling Directive shall apply.

Section 92 **Separation and inspection of ground handling accounts**

Suppliers of ground handling services must separate the accounts of their ground handling activities from the accounts of their other activities and, on request, make their accounts and any information necessary to oversee the separation of accounts available to an examiner appointed by the Finnish Transport Safety Agency.

The examiner shall submit a report to the Finnish Transport Safety Agency as to how the separation of accounts has been carried out. The Finnish Transport Safety Agency may, notwithstanding secrecy provisions, forward the report to the Commission and to the Finnish Competition and Consumer Authority.

Section 93 **Ground handling service supplier's safety management**

Suppliers of ground handling services shall maintain and further develop a safety management system to ensure the safety of their own operations and to promote the safety of the aerodrome as a whole. The safety management system must contain at least the following items:

- 1) division of responsibility and system for decision-making in the ground handling service supplier's organisation;
- 2) how the operations comply with applicable requirements;
- 3) any subcontractors used and how they are supervised;
- 4) documentation management;
- 5) occurrence reporting and handling of occurrences;
- 6) staff training and other development activities; and
- 7) equipment management.

Suppliers of ground handling services shall submit details of their safety management system to the aerodrome operator and the Finnish Transport Safety Agency.

Section 94 Airport Users' Committee

At airports falling under the scope of application of the Ground Handling Directive, the airport operator shall be responsible for ensuring that an Airport Users' Committee is set up. Airport users and organisations representing them shall be invited to participate in the Committee. The Airport Users' Committee assists the airport operator in organising the ground handling services at the airport.

The Airport Users' Committee shall establish its rules of procedure, which must specify the Committee's working methods and procedures, including the rules for voting.

Chapter 9 Aviation security Section 95 Scope of application of this Chapter and general provisions

Provisions on civil aviation security are contained in the Security Regulation and in the European Commission regulations issued by virtue of it.

In cases referred to in Article 4, paragraph 4 and Article 6 or the Security Regulation, the Finnish Transport Safety Agency may issue regulations on measures different from or complementary to the provisions of the Security Regulation and any European Commission regulations issued by virtue of it, where it is justified considering the estimated threats, the security situation in general or specific problems related to local application of the measures referred to in the Security Regulation and any European Commission regulations issued by virtue of it. The measures shall not, however, derogate from the provisions of section 97, subsection 2. The Finnish Transport Safety Agency shall inform the European Commission of such measures.

Where necessary, the Finnish Transport Safety Agency issues more detailed regulations on aviation security, taking into account the standards and recommendations referred to in the Chicago Convention as well as any requirements for national provisions laid down in the Security Regulation and the European Commission regulations issued by virtue of it.

Section 96 Definitions

For the purposes of this chapter:

- 1) *airport* means those airports referred to in the Security Regulation and any European Commission regulations issued by virtue of it;
- 2) *airside* means the movement area of an airport, adjacent terrain and buildings or portions thereof, access to which is restricted;
- 3) *aviation security* means the combination of measures and human and material resources intended to safeguard civil aviation against acts of unlawful interference that jeopardise the security of civil aviation;
- 4) *identification card* means a card issued to personnel working at the airport or visiting it frequently to prove their identity and to indicate the area where they are allowed access;
- 5) *vehicle pass* means a permit issued for each vehicle separately for those areas where the vehicle is allowed to move.

Section 97 (61/2016) Security screening, access control and surveillance

Provisions on how to carry out security screening are contained in the Security Regulation and European Commission regulations issued by virtue of it. Security screening can be performed by a person having completed the training referred to in section 98 and approved as a security screener by the Finnish Transport Safety Agency. Access control, surveillance and patrols at an airport can be performed by persons approved for those duties by the airport operator. Such persons carry out their tasks under the airport operator's surveillance and instructions, and the provisions on criminal liability for acts in office shall be applicable to them when performing those tasks. Provisions on liability for damages are contained in the Tort Liability Act. The Finnish Transport Safety Agency may issue regulations supplementary to the provisions contained in the EU regulations.

Security screening shall be performed in a manner that does not cause unnecessary interference to the person, article or subject of the inspection. The screening shall not unnecessarily hinder or disturb air traffic or other activities at the airport.

Section 98 Aviation security training

Aviation security training may be provided by instructors approved by the Finnish Transport Safety Agency.

Section 99 Responsibility for security measures

Responsibility for the implementation of aviation security measures and arrangements at the airport as required by the Security Regulation, European Commission regulations issued by virtue of it and

this chapter shall rest with the airport operator, unless responsibility has been transferred to the authority, air carrier or other operator by specific provisions.

Section 100

General restriction of movement and other restrictions in certain areas of an airport

Movement and presence on the airside and in the security restricted areas of an airport and in buildings directly connected with the airside without airport operator's authorisation is prohibited, if access to the areas and buildings is obstructed by a fence or otherwise structurally prevented and the restrictions to presence and movement have been clearly marked.

Photographing airport security control measures without the airport operator's authorisation is prohibited, if the prohibition is clearly marked.

Section 101

Background checks

Provisions on background checks on persons are contained in the Security Regulation and in European Commission Regulations issued by virtue of it. The following circumstances found in the background check form an impediment to the issue of a right of access as referred to in section 102, an identification card as referred to in section 103, and any other approvals and permits as referred to in the regulations:

- 1) the applicant has been sentenced to imprisonment for a crime which shows general disregard towards the safety of others, for a drug offence or for belonging to a group of organised criminals;
- 2) the applicant has been sentenced to a fine for violating provisions or regulations concerning flight safety or aviation security;
- 3) the applicant has, by his/her earlier actions, shown such general disregard of provisions or regulations that it gives reason to suspect the applicant's ability or willingness to observe the provisions and regulations applicable to his/her tasks.

Section 102

Access to the airside and security restricted areas of an airport

The airport operator shall grant an access permit to the airside and security restricted areas of an airport to persons who have a justified reason to be there. The staff of the police, Border Guard and the Customs have right of access to the airside and airport security restricted areas based on their official duties.

The airport operator may revoke an access permit referred to in subsection 1 above if it is used in a manner that compromises the implementation or effectiveness of the security measures in accordance with the Security Regulation and this chapter. The airport operator may also revoke an access permit on the basis of an issue related to its holder as referred to in section 101 above, if it is revealed during the validity period of the right of access.

Section 103

Airport identification card and vehicle pass

Airport identification cards and vehicle passes are issued by the airport operator. The airport operator may charge a fee for the identification card and vehicle pass, which shall correspond to the manufacturing and handling costs incurred and be non-discriminatory.

The airport operator may terminate the validity of an identification card or revoke a vehicle pass and require the document to be returned, if it is used in a manner that compromises the implementation or effectiveness of the security measures in accordance with the Security Regulation and this chapter.

The airport operator may also terminate the validity of an identification card on the basis of an issue related to the card holder as referred to in section 101 above.

Section 104

Equipment supporting aviation security

The Finnish Transport Safety Agency may revoke or suspend an approval granted in accordance with the Security Regulation to equipment supporting aviation security, where it is shown that the equipment does not meet the requirements specified for the approval in the Security Regulation and the changes needed to comply with the requirements are not made without delay.

Chapter 10

Airspace management, air traffic management and air navigation services

Section 105

Scope of application of this Chapter and general provisions

Provisions on airspace management, air traffic management and air navigation services are contained in:

- 1) Regulation (EC) No 549/2004 of the European Parliament and of the Council laying down the framework for the creation of the single European sky (the *Framework Regulation*);
- 2) the Service Provision Regulation;
- 3) Regulation (EC) No 551/2004 of the European Parliament and of the Council on the organisation and use of the airspace in the single European sky (the *Airspace Regulation*);
- 4) Regulation (EC) No 552/2004 of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (the *Interoperability Regulation*);
- 5) Commission Regulations issued by virtue of the regulations referred to in point 1–4 above.

In addition to the provisions laid down in regulations listed in subsection 1 above, airspace management, air traffic management and air navigation services shall be governed by the provisions of this chapter.

In addition to the other provisions of this chapter, the Finnish Transport Safety Agency shall, as necessary to ensure flight safety and an expeditious flow of air traffic, issue more detailed regulations on airspace management, air traffic management and air navigation services based on the standards and recommendations referred to in the Chicago Convention as well as on Eurocontrol requirements and recommendations. The Finnish Transport Safety Agency shall also issue any supplementary provisions as required by European Union legislation applicable to airspace management, air traffic management and air navigation services. The Finnish Transport Safety Agency shall consult the Defence Forces about regulations related to military aviation, and the Ministry of the Interior about regulations related to the operating conditions of state aviation. Provisions on the coordination between civil, military and state aviation for the flexible use of the airspace shall be issued by government decree.

Section 106 Definitions

For the purposes of this chapter:

- 1) *single European sky* means the entity based on the regulations listed in section 105, subsection 1 above;
- 2) *control zone* means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- 3) *terminal control area (TMA)* means a control area established in the vicinity of one or more major aerodromes;
- 4) *airspace class* means an airspace of defined dimensions within which flights of a certain type, specified in more detail in the Rules of the Air, may be conducted and for which the air traffic services to be provided and operational rules to be followed have been specifically determined;
- 5) *flight information region (FIR)* means an airspace of defined dimensions within which flight information services and alerting services are provided;
- 6) *airspace management* means a planning function with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;
- 7) *airspace organisation* means decision-making by the Finnish Transport Safety Agency to establish the use and structure of airspace;
- 8) *air traffic management (ATM)* means the aggregation of the airborne and ground-based air traffic services, airspace management and air traffic flow management required to ensure the safe and efficient movement of aircraft during all phases of operations;
- 9) *air navigation services (ANS)* means air traffic services; communication, navigation and surveillance services; meteorological services for air navigation; and aeronautical information services.

Section 107

Coordination between civil and military aviation

To coordinate between civil and military aviation operations in the airspace, the principles laid down in the FUA Regulation shall be followed. Necessary conditions for military and state aviation operators to perform their statutory duties shall be ensured when implementing these principles.

The Ministry of Transport and Communications and the Ministry of Defence shall agree on how the needs of civil and military aviation will be accounted for in airspace and air traffic management, in the provision of air navigation services and in the procedures related to the flexible use of airspace. Procedures for the flexible use of airspace are included in a manual that provides guidance on airspace management.

The National Committee for Airspace Management, working under the Ministry of Transport and Communications, is tasked with preparing the issues referred to in subsection 2 above between the administrative sectors of the Ministry of Transport and Communications and the Ministry of Defence. The Committee is appointed by the Government for a period of three years at a time, and consists of representatives for civil and military aviation operators.

Further provisions on the duties and composition of the National Committee for Airspace Management may be given by government decree.

Section 108

Provision of air traffic services and meteorological services

The Government shall designate an air traffic service provider for the airspace under Finland's responsibility or for a certain part of it, acting with an exclusive right within that airspace. Before designating the air traffic service provider, the Ministry of the Interior and the Ministry of Defence shall be consulted. The designation shall take account of the special features of air traffic service to be provided in the airspace or part of airspace in question, the need to maintain a high level of safety, the efficient use of airspace, as well as the ability to perform duties related to search and rescue, territorial surveillance, and emergency conditions as referred to in section 3, subsections 1 and 2 of the Emergency Powers Act (1552/2011). In connection with the air traffic service provider designation, the conditions for change, limitation, suspension and revocation of the designation shall be specified.

The Government may designate a meteorological service provider for the airspace under Finland's responsibility or for a certain part of it, acting with an exclusive right within that airspace. Before designating the meteorological service provider, the Ministry of the Interior, the Ministry of Defence and the air traffic service provider shall be consulted. The designation of the meteorological service provider shall take account of the need to maintain a high level of safety as well as the ability to perform duties related to search and rescue, territorial surveillance and crisis management. In connection with the meteorological service provider designation, the conditions for change, limitation, suspension and revocation of the designation shall be specified.

The Ministry of Transport and Communications may decide that in the airspace under Finland's responsibility or in a certain part of it, air navigation services are only provided in the English language, where it is necessary to ensure flight safety and an expeditious flow of air traffic, as well as to achieve the single European sky objectives.

Section 109

Organisation and management of airspace

Unless otherwise provided in section 11 above, the Finnish Transport Safety Agency shall decide on the establishment of and changes to airspace blocks in the part of airspace under Finland's responsibility. When making the decision, the Finnish Transport Safety Agency shall take account of the expeditious flow of air traffic, national defence aspects, coordination between civil and military aviation, appropriate operating conditions for state aviation, and the scope of action for recreational aviation.

The Finnish Transport Safety Agency shall establish the principles for airspace use and airspace organisation, and issue more detailed regulations on the safe, efficient and flexible use of airspace.

The airspace management cell (AMC) as referred to in the FUA Regulation, involving both civil and military operators, will function under the air traffic service provider designated in accordance with section 108 above. In emergency conditions as referred to in section 3, subsections 1 and 2 of the Emergency Powers Act, responsibility for airspace management belongs to the Defence Forces.

Section 110

Flight procedures

The air traffic service provider shall be responsible for aerodrome departure and arrival routes, as well as for flight procedures in the control zone, terminal control area and in the airspace where aerodrome flight information service is provided.

Section 110a (61/2016)

Appointment of notified bodies and withdrawal of appointments

The Finnish Transport Safety Agency shall, on application, appoint a body to carry out assessments of conformity or suitability for use as referred to in Article 5, and tasks pertaining to verification as referred to in Article 6 of the Interoperability Regulation.

The notified body shall meet the criteria laid down in Annex V to the Interoperability Regulation. If the notified body no longer meets those criteria, the Finnish Transport Safety Agency shall withdraw the appointment as a notified body and inform the Commission and the other Member States thereof.

Section 111 (61/2016)

Charges for air navigation services

The Finnish Transport Safety Agency shall monitor that the charges for air navigation services are determined in accordance with Article 15 in the Service Provision Regulation.

Based on information submitted by service providers, the Finnish Transport Safety Agency shall draft a proposal on charges in accordance with the common charging scheme for air navigation services. The Agency shall provide the operators an opportunity to state their opinions on the proposal, and submit the proposal to the European Commission for review. After the statements have been received and the European Commission has given its approval, the Agency shall establish the charges and notify them to the European Commission.

The air traffic service provider shall establish the charges for air navigation services to the extent that they are not established in accordance with subsection 2 above.

In addition, the Finnish Transport Safety Agency shall monitor that the charges imposed on state aviation and military aviation operators are reasonable and that the pricing complies with the provisions laid down in section 112 below.

Section 112

Air navigation services maintained, organised and developed for the performance of state aviation and military aviation duties, and the pricing of such services

The air traffic service provider referred to in section 108 above shall maintain, organise and develop the air navigation services provided in airspace blocks for the needs of civil aviation, state aviation and military aviation.

The charges collected from state and military aircraft shall be equal to those collected for services provided to civil aircraft, except for any special services or unless otherwise agreed. The services to be organised for state aviation and military aviation, as well as their pricing, shall be agreed upon more precisely between the air traffic service provider and the representatives for state aviation and military aviation.

In this Act, special air navigation services shall mean those air navigation services required by state and military aircraft operations:

- 1) which are only provided by one service provider;
- 2) for which no charges have been determined in accordance with the general terms of service; and
- 3) which are exclusively used by state aircraft or military aircraft.

Further provisions on the services included in special air navigation services may be given by government decree.

Charges paid for special air navigation services shall be reasonable, considering the specific costs incurred and a reasonable return.

Section 113

Licences, certificates of competence, ratings, approvals and medical certificates for air navigation services personnel

An air traffic controller or student air traffic controller performing ATC duties shall have:

- 1) a licence issued or validated by the Finnish Transport Safety Agency, ratings and endorsements required for the duty, and a medical certificate issued by an authorised aeromedical examiner, aeromedical centre or the Finnish Transport Safety Agency; or
- 2) a licence issued by a foreign state, ratings and endorsements required for the duty and a medical certificate, which are recognised in Finland in accordance with binding international obligations.

A flight information service officer providing aerodrome flight information services shall have:

- 1) a licence issued or validated by the Finnish Transport Safety Agency, any ratings and endorsements required for the duty and a medical certificate;
- 2) a licence or corresponding certificate issued by a foreign state, which the Finnish Transport Safety Agency, based on its impact assessment, converts into a Finnish licence after unit training;
- 3) a medical certificate recognised in Finland in accordance with binding international obligations;
or
- 4) a licence referred to in subsection 1 above.

The Finnish Transport Safety Agency shall, as necessary for flight safety and based on standards referred to in the Chicago Convention, on the EASA Regulation and any Commission regulations issued by virtue of it, and on Eurocontrol requirements, supplemented by exceptions and additions made for reasons of geography, climate conditions and traffic or to adapt an international practice to the circumstances in Finland, issue more detailed regulations on the licences, ratings, certificates of competence, approvals, and certificates to be granted on medical fitness that air traffic controllers, student air traffic controllers and flight information service officers are required to hold.

Section 114 **Training of air navigation services personnel**

For the provision of training for flight information service officer licences, approval from the Finnish Transport Safety Agency is required. Approval shall be granted if the applicant has skilled personnel, training equipment and facilities, training programme and quality system as necessary for the performance of its duties. The Finnish Transport Safety Agency shall oversee the operations of training organisations.

The Finnish Transport Safety Agency shall, as necessary, issue regulations on the training and qualifications of technical air navigation services staff working in duties related to the safety of operational air navigation systems. When preparing such regulations, the Agency shall consider the standards and recommendations of the Chicago Convention as well as the requirements of European Union legislation.

The Finnish Transport Safety Agency shall approve the qualification system for technical air navigation services staff. Approval shall be granted if the system meets the requirements determined on the basis of standards and recommendations of the Chicago Convention as well as Eurocontrol requirements and recommendations. The Finnish Transport Safety Agency shall oversee the operations of those maintaining the qualification system.

To ensure that a standard sufficient for flight safety is achieved, the Finnish Transport Safety Agency shall, based on the standards and recommendations of the Chicago Convention as well as on European Union legislation, issue more detailed regulations on the following qualities of the training organisation referred to in subsection 1 above:

- 1) staff training, experience and professional skill;
- 2) training programmes, working procedures, quality system and instructions.

Administrative sanctions used in the supervision of training organisations are prescribed in Chapter 14.

Section 115
**Gathering of information related to the achievement of
single European sky objectives**

Notwithstanding secrecy provisions, the Finnish Transport Safety Agency shall have the right to receive from the air navigation service provider and from the Defence Forces any necessary information that it needs to assess the achievement of single European sky objectives, and to report on them further to the European Commission, based on the European Union regulations referred to in section 105 above.

Section 116
Recordings related to air navigation services

The air navigation service provider shall ensure that the traffic image and communications related to air navigation services are recorded and stored so as to protect them against unlawful interference.

The Finnish Transport Safety Agency issues more detailed regulations on the methods and times of storage, considering the needs of aviation accident, incident and occurrence investigation, storage techniques to be used and other similar factors. Notwithstanding the provisions of the Personal Data Act, information on flight plans and on the traffic image may be disclosed to an airspace management cell and air traffic service provider of another state or organisation, where international standards and practices so require, having regard to national defence needs. To the extent that the recordings contain personal data, the requirements of the Personal Data Act shall be complied with in the collection, recording, storage and deletion of the information. The air navigation service provider shall assess the need to delete information from the register at an interval of no more than five years.

Unless otherwise provided elsewhere in law, the recordings may only be used for the investigation of accidents, incidents and other similar occurrences and for the air navigation service provider's own flight safety work. Traffic image recordings may also be used for environmental impact assessment and airspace planning.

Chapter 11
**Aviation accidents, aviation search and rescue services, incidents
and occurrences**
Section 117
Definitions

For the purposes of this chapter:

1) *aviation search and rescue services* means the actions taken to locate and assist an aircraft which is in distress, missing, under imminent danger or has been involved in an accident, so that rescue authorities will be able to initiate actions to rescue the aircraft and its occupants;

2) *emergency positioning* means the identification data and location data showing the location of the user terminal device and subscriber connection searched when, in the considered opinion of the authority, the object of the search is in obvious distress or immediate danger, and the positioning action cannot be delayed;

3) *serious incident* means a serious incident in accordance with Article 2 of the Occurrence Regulation; (61/2016)

4) *occurrence* means an occurrence in accordance with Article 2 of the Occurrence Regulation. (61/2016)

Section 118 **Reporting of aviation accidents and incidents**

Civil aviation accidents and incidents shall be reported to the Finnish Transport Safety Agency. (61/2016)

Provisions on reporting accidents and incidents to the Safety Investigation Authority are laid down in the Safety Investigation Act (525/2011).

Provisions on reporting issues under the scope of the Maritime Rescue Act to the Maritime Rescue Command Centre are laid down in the Maritime Rescue Act (1145/2011).

Section 119 **Investigation of aviation accidents**

The Safety Investigation Authority investigates any aviation accidents and incidents as provided in Regulation (EU) No 996/2010 of the European Parliament and of the Council on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, and in the Safety Investigation Act.

The military aviation authority investigates any military accidents as provided in the Act on the Investigation of Military Aviation Accidents (526/2011).

Section 120 **Investigations organised by the Finnish Transport Safety Agency**

The Finnish Transport Safety Agency shall investigate incidents and occurrences in civil aviation, other than those referred to in section 119, if such an investigation is necessary for the purpose of promoting safety in civil aviation.

The Finnish Transport Safety Agency may resort to the help of external experts in such investigations.

Section 121 **Aviation search and rescue services**

The Government shall designate an air traffic service provider which is responsible for the organisation of aviation search and rescue services.

The Government shall set up a committee to coordinate co-operation between the provider of aviation search and rescue services and various authorities.

The Finnish Transport Safety Agency shall:

- 1) issue regulations on procedures and practices to be followed in aviation search and rescue services, as required by the Chicago Convention standards concerning aviation search and rescue services;
- 2) oversee that this Act, any regulations issued by virtue of it and international agreements are complied with in aviation search and rescue services.

Based on the work of the committee referred to in subsection 2 and the standards referred to in subsection 3, paragraph 1 above, the Finnish Transport Safety Agency shall coordinate the division of tasks between various rescue authorities and the service provider as regards the organisation of aviation search and rescue services, and issue any necessary regulations on aviation search and rescue services related to this. In this work, the Finnish Transport Safety Agency may be assisted by the committee referred to in subsection 2 above.

For tasks required by aviation search and rescue services, compensation amounting to full cost recovery shall be paid. Further provisions on the compensation shall be issued by government decree as necessary.

The aircraft owner, possessor or operator and anyone performing duties on board an aircraft, at an aerodrome or in another facility serving aviation shall take part in aviation search and rescue services and rescue exercises, unless a valid excuse is submitted. Persons obliged to take part in aviation search and rescue services shall be compensated from state funds for any personal injury or material damage caused during the service, as provided in Chapter 5 of the Tort Liability Act (412/1974).

Section 122

Emergency locator transmitter (ELT) register

The Finnish Communications Regulatory Authority maintains a register of emergency locator transmitter (ELT) devices for the use of search and rescue service providers, so that the service can be activated when necessary.

The ELT register shall contain the following information:

- 1) name and contact details of the aircraft owner and operator;
- 2) name and contact details of another person or entity designated as an emergency contact for search and rescue services;
- 3) transmitter identification, coded in accordance with a protocol meeting the standard referred to in the Chicago Convention as required by the Finnish Transport Safety Agency, as well as transmitter manufacture and type approval data;
- 4) the nature of the transmitter;

- 5) aircraft manufacturer and type;
- 6) aircraft registration;
- 7) home base of the aircraft;
- 8) aircraft maximum passenger number;
- 9) colour of the aircraft;
- 10) aircraft radio equipment.

The ELT register may also contain other aircraft details in accordance with international standards and practices.

Where required by international obligations applicable to Finland, generally applied international standards, the purpose of the register, the provision of rescue services, technical development or other similar factors, further provisions on the recording of information referred to in subsection 2 and 3 in the register may be issued by government decree as necessary. The Finnish Communications Regulatory Authority shall, notwithstanding secrecy provisions, have the right to obtain information referred to in subsection 2 and 3 from the Finnish Transport Safety Agency's transport register for the purpose of maintaining the ELT register. (320/2018)

The aircraft owner or operator shall report to the registration authority the details referred to in this section and any changes thereto, as far as they are not required to be notified for the transport register. Sufficient information needed to identify and verify the data must be attached to the report. (320/2018)

Personal data will be removed from the register three years after the end of the year during which the information on an aircraft ELT was removed from the register at the aircraft owner's, possessor's or operator's request. Otherwise the need to retain or remove any personal data stored in the register shall be assessed at least every five years from the time when they were recorded.

Information from the ELT register may only be released to the authorities referred to in section 4 of the Act on the Openness of Government Activities for the performance of duties laid down by law or assigned in provisions or regulations issued by virtue of it.

The processing of personal data contained in the ELT register shall otherwise be subject to the provisions of the Personal Data Act.

Section 123 **When an aircraft or part is found**

Anyone who finds an aircraft, or parts of an aircraft, or goods transported in an aircraft under such conditions that there is reason to suspect that an accident has occurred, shall always report the object found to the Emergency Response Centre. A report may also be submitted to the Aeronautical Rescue Coordination Centre, to the police or, at sea, to the Maritime Rescue Command Centre. Any object found must not be removed without permission of the investigating authority, unless there are compelling reasons to do so.

In other respects the provisions of the Lost and Found Objects Act (778/1998) shall apply to lost and found objects referred to in subsection 1, other than aircraft or parts of it. Nevertheless, the authorities may hand over lost and found objects to the person entitled to hold them, even where the finder's reward or compensation for costs provided in the Lost and Found Objects Act has not been paid.

Section 124 Removal of wrecks

After having heard the opinion of the investigating authority, the Finnish Transport Safety Agency may order the owner, the possessor or the operator of an aircraft to remove that aircraft, parts of it or goods contained in it from the accident site, or from the premises where the investigation was conducted.

Section 125 (61/2016) Applicability of the Occurrence Regulation

The Occurrence Regulation shall be applicable in Finland to all aircraft. Nevertheless, any occurrences solely related to military aviation, which are to be reported to the Defence Forces in accordance with section 7, subsection 1, paragraph 19 above, will be handled at national level.

Occurrences involving aircraft registered in Finland or operated by an organisation established in Finland shall be reported as specified in the Occurrence Regulation, even when the occurrence took place abroad.

Section 126 (61/2016) Reporting system

The Finnish Transport Safety Agency shall maintain a reporting system in accordance with the Occurrence Regulation, to which all mandatory and voluntary occurrence information must be reported.

Organisations established in Finland shall report to the Finnish Transport Safety Agency any occurrence information collected in their own voluntary reporting systems.

The occurrence information shall be reported to the Finnish Transport Safety Agency through a technical user interface.

Section 127 Exchange of occurrence information

[Section 127 was repealed by Act 61/2016.]

Section 128 Use of occurrence information

The authority must not take legal action based on an unplanned or involuntary infringement, of which the authority becomes aware only because a report is submitted in accordance with the Occurrence Regulation, except in situations referred to in Article 16(10) of the Occurrence Regulation. (61/2016)

Operators shall not discriminate against employees who make reports concerning incidents of which they may be aware.

Section 128a (282/2018)

Duty to ensure the management of risks posed to communication networks and information systems

Providers of air navigation services and operators of such airports that are significant for the functioning of the society shall ensure the management of risks posed to communication networks and information systems in their use.

The Finnish Transport Safety Agency shall assess how the risk management referred to in subsection 1 above may impact aviation safety. Providers of air navigation services and operators of airports significant for the functioning of the society shall provide to the Finnish Transport Safety Agency any information necessary for the assessment. The Agency may oblige a provider of air navigation services or an operator of an airport significant for the functioning of the society to take corrective actions to eliminate any significant risk posed to aviation safety.

The Finnish Transport Safety Agency shall, notwithstanding secrecy provisions and any other restrictions on disclosure of information, have the right to disclose any document received or prepared when performing the duties laid down in subsection 2 above and to reveal any secret information to the Finnish Communications Regulatory Authority, where it is essential for the performance of duties related to information security.

Provisions on when an airport shall be regarded as significant for the functioning of the society shall be issued by government decree.

Section 128b (282/2018)

Notification of information security incidents

Providers of air navigation services and operators of such airports that are significant for the functioning of the society shall, without delay, notify the Finnish Transport Safety Agency of any significant information security incident related to communication networks and information systems.

If reporting the incident is in the public interest, the Finnish Transport Safety Agency may oblige the service provider to disseminate information on the issue or, having heard the entity required to notify, disseminate the information itself.

The Finnish Transport Safety Agency shall evaluate whether the incident referred to in subsection 1 above also concerns other member states of the European Union and, where necessary, inform any other member states concerned.

The Finnish Transport Safety Agency may issue more detailed regulations on when the incident referred to in subsection 1 above shall be regarded as significant, as well as on the form and content of the notification and how it must be submitted.

Chapter 12
Noise-related operating restrictions at airports
Section 129 (61/2016)
Balanced approach and introduction of operating restrictions

The Noise Management Regulation shall be applied to aircraft used for civil aviation as referred to in the Regulation. In accordance with the balanced approach referred to in Article 2 and 5 of the Noise Management Regulation, aircraft noise may be managed and restricted using the operating restrictions in accordance with Article 2(6) of the Regulation only after other measures of the balanced approach have been considered and assessed.

The Finnish Transport Safety Agency shall establish noise abatement objectives for airports. The Finnish Transport Safety Agency shall also evaluate the need for introducing operating restrictions as referred to in subsection 1 above in accordance with the balanced approach, and decide on imposing such a restriction.

When performing the duties referred to in subsection 2, the Finnish Transport Safety Agency shall consult the airport operator, authorities responsible for zoning and land use planning, the state authority as referred to in section 21, subsection 1 and municipal environmental protection authority as referred to in section 22 of the Environmental Protection Act, air carriers, the Defence Forces and other interested parties. A coordination group may be established for cooperation between various competent authorities and actors.

Further provisions on the noise abatement objective established by the Finnish Transport Safety Agency for the airport as referred to in subsection 2, on the evaluation of the need for introducing operating restrictions by the Agency, and on the notification of operating restrictions, may be issued by government decree. Further provisions on the coordination group established for the purpose of coordinating actions by and cooperation between competent authorities and various actors as referred to in subsection 3 may also be issued by government decree.

Section 130
Applicability and content of operating restrictions

[Section 130 was repealed by Act 62/2016.]

Section 131
Principles concerning operating restrictions

[Section 131 was repealed by Act 62/2016.]

Section 132
Assessment of need for operating restrictions

[Section 132 was repealed by Act 62/2016.]

Section 133
Specific operating restrictions for marginally compliant jet aeroplanes

[Section 133 was repealed by Act 62/2016.]

Section 134
Notification of operating restrictions

[Section 134 was repealed by Act 62/2016.]

Section 135
Exemptions from operating restrictions

[Section 135 was repealed by Act 62/2016.]

Chapter 13
Liability and insurance
Section 136
Liability for damages

With regard to liability for damages caused in aviation, the provisions of the Tort Liability Act shall apply with the exceptions listed below.

The aircraft owner, possessor and operator shall, regardless of any negligence, be jointly and severally liable for any damage caused by the use of an aircraft for aviation to any person or property not being carried on board that aircraft. The holder of a reservation of title or other security rights based on ownership, or the aircraft lessor shall not, however, be liable on the basis of this subsection, provided that the aircraft operator has been recorded in the transport register.
(320/2018)

The provisions of subsection 2 above shall not apply to any damage caused by the use of an aircraft for aviation to another aircraft which also was used for aviation at the time when the damage occurred, or to any person or property carried on board such aircraft. Furthermore, the provisions of subsection 2 shall not apply if the aircraft was being used without authorisation when the damage occurred. In this case, any damage caused to persons other than the aircraft owner, possessor or operator shall be compensated by the aircraft liability insurance, to the extent that the person having caused the damage is not able to pay compensation for it.

Separate provisions shall be issued on liability for damage caused by the use of an aircraft for aviation to persons or property carried on board the same aircraft.

Section 137
Airport coordinator's liability

Liability for damages of a coordinator referred to in the Slot Regulation shall be determined in accordance with the Tort Liability Act. The coordinator shall, however, only be liable for any damage he/she has caused deliberately or by gross negligence in the performance of his/her duties in accordance with the said Regulation.

Section 138
Insurance

Provisions on insurance for damage caused in aviation are laid down in Regulation (EC) No 785/2004 of the European Parliament and of the Council on insurance requirements for air carriers

and aircraft operators (*Aviation Insurance Regulation*) and in Commission Implementing Regulation (EU) No 1035/2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010. To the extent that these regulations are not applicable or certain issues related to insurance are not covered by them, section 139 shall apply.

Section 139 **National insurance requirements**

Liability insurance terms for a Finnish aircraft or an aircraft operated by a holder of a Finnish air operator certificate, aerial work certificate or flight training organisation approval shall not allow the insurance cover to be interrupted before the end of the insurance period, or a suspension to be notified to the Finnish Transport Safety Agency.

In respect of non-commercial operations by aircraft with a maximum take-off mass of 2700 kg or less, the liability insurance cover for personal injuries shall be at least half of the general minimum insurance cover per passenger as specified in Article 6, paragraph 1 of the Aviation Insurance Regulation, but not less than the minimum insurance cover applicable to the aircraft referred to in this subsection in accordance with the said paragraph.

For initial flight training, the aircraft shall have an accident insurance for each seat in respect of personal injuries to the student pilot and flight instructor. The minimum insurance cover shall be at least ten percent of the general minimum insurance cover for passengers as specified in subsection 2 above. Flight instructors' insurance cover can also be arranged by an accident insurance in accordance with the Employment Accidents Insurance Act (608/1948).

Chapter 14 **Administrative sanctions applicable to licences, declarations and approvals** **(320/2018)** **Section 140** **Scope of application**

The provisions of this chapter concerning licences shall apply to any licences, ratings, certificates of competence and approvals issued to individual persons, as well as to any certificates and approvals granted to an organisation.

Unless otherwise provided in European Union legislation on administrative sanctions applicable to licences, this chapter shall be applied.

Provisions on cancellation of access permits to the airside and security restricted areas of an airport, granted by the airport operator, and on cancellation of airport ID cards and vehicle passes are given in chapter 9.

Section 141 **Disciplinary actions imposed on licences or activities of individual persons (320/2018)**

The Finnish Transport Safety Agency may, where necessary, undertake the actions referred to in sections 142–145 with regard to persons who hold:

- 1) a pilot licence with associated ratings;
- 2) an aircraft maintenance licence;
- 3) a licence for air navigation services personnel and associated ratings;
- 4) a medical certificate;
- 5) an aeromedical examiner certificate;

[Section 141, subsection 1, paragraph 6 was repealed by Act 320/2018.]

[Section 141, subsection 1, paragraph 7 was repealed by Act 320/2018.]

- 8) an aircraft marshaller approval;
- 9) a security screener approval;
- 10) approval as a civil aviation security instructor;
- 11) approval as an EU security validator; or
- 12) approval as a nominated postholder for a training organisation or air operator. (320/2018)

By way of derogation from subsection 1 above, the competent authority for security screener approvals granted to policemen is the head of unit responsible for police operations, for approvals granted to Border Guard staff the commander of the Border Guard or Coast Guard, and for approvals granted to customs officers the Customs.

Section 142

Admonitions and warnings to individual persons

Persons referred to in section 141 above may be issued an admonition, if they negligently act in a manner contrary to their obligations, determined by provisions or regulations, in duties affecting flight safety or civil aviation security. An admonition may be given orally or in writing.

Persons referred to in section 141 above may be issued a warning notice in writing, if they:

- 1) deliberately act in a manner contrary to their obligations, determined by provisions or regulations, in duties affecting flight safety;
- 2) by violating against provisions or regulations on aviation, demonstrate an unwillingness or inability to observe them; or
- 3) act against provisions or regulations issued on civil aviation security.

Section 143 (320/2018)

Revocation or suspension of licences issued to individual persons or prohibition to act in certain duties

A licence granted to a person referred to in section 141 above for practising a specific function may be revoked or suspended, or he/she may be prohibited from acting in a duty affecting flight safety or civil aviation security, if the person:

- 1) by reason of illness, disability or other reason affecting flight safety no longer satisfies the requirements for obtaining such a licence;
- 2) by his/her knowledge, abilities, training or experience no longer satisfies the requirements for obtaining a licence or the requirements for the task in question;
- 3) continues violating against provisions or regulations on aviation despite an admonition or warning notice;
- 4) by fundamentally or repeatedly violating against provisions or regulations on aviation demonstrates an unwillingness or inability to observe them; or
- 5) has, by his/her other actions, shown such general disregard of provisions or regulations that it gives reason to suspect the person's ability or willingness to observe the provisions and regulations essential for safety.

The suspension or prohibition referred to in subsection 1, paragraphs 1 and 2, shall be in effect until the requirements for obtaining the licence or for performing the activity in question are satisfied. The suspension referred to in paragraph 3–5 of said subsection shall be determined to be in effect for a period proportional to the severity of the violation, or until further notice.

The licence holder may be prohibited from exercising the privileges of his/her licence, if an issue which may result in a prohibition referred to in subsection 1 or in suspension of a certificate attesting medical fitness in accordance with section 144 is under investigation or consideration by the Finnish Transport Safety Agency. The prohibition shall be in effect no longer than until the issue has been resolved. Any revocation or suspension of a licence shall be recorded in the licence register data of the person concerned.

Section 144

Suspension of medical certificate

A medical certificate may be suspended if the holder, by reason of illness, disability or other reason affecting flight safety, no longer satisfies the requirements specified in the EASA Regulation or any European Commission regulations issued under it for obtaining such a certificate.

Section 145

Returning the licence or certificate to the authority

In cases referred to in section 143 and 144 above, the licence holder may be required to return his/her licence or certificate immediately to the issuing authority.

Section 146
**Disciplinary actions imposed on certificates issued to organisations or on operations
subject to declaration (320/2018)**

The Finnish Transport Safety Agency may, where necessary, undertake the actions referred to in sections 147–149 with regard to:

- 1) continuing airworthiness management organisations;
- 2) aeromedical centres;
- 3) design, manufacture or maintenance organisations;
- 4) maintenance training organisations;

[Section 146, subsection 1, paragraphs 5–7 were repealed by Act 320/2018.]

- 8) airshow or flying competition organisers; (320/2018)
- 9) aerodrome operators;
- 10) regulated agents, known consignors and regulated suppliers;
- 11) holders of approvals for air cargo or mail carriers operating into the Union from a third country airport (ACC3);
- 12) air navigation service providers;
- 13) training organisations for air navigation services personnel; or

[Section 146, subsection 1, paragraph 14 was repealed by Act 320/2018.]

- 15) holders of obstacle approvals as referred to in section 158.

Section 147
Admonitions and warnings to organisations

If the holder of a certificate issued to an organisation or an entity that performs operations subject to declaration fails to comply with the terms of an approval referred to in this Act or with other provisions and regulations concerning the operations covered by the certificate or declaration, the entity performing the operations may be issued an admonition or a warning notice. (320/2018)

A warning notice shall be issued if, considering the circumstances as a whole, an admonition cannot be regarded as sufficient. A warning notice shall always be given in writing.

Section 148

Amendment, limitation or revocation of a certificate issued to an organisation and prohibition or restriction of operations referred to in a certificate or declaration (320/2018)

The Finnish Transport Safety Agency may amend or limit a certificate issued to an organisation in accordance with this Act, revoke it or suspend it temporarily, if:

- 1) there is reasonable cause to suspect that the approved organisation is unable to conduct the operations safely;
- 2) the requirements for issuing the certificate are no longer satisfied and the defects or non-compliances are not corrected within the time limit specified;
- 3) the certificate holder essentially fails to comply with the terms of the approval or other provisions and regulations concerning the operations covered by the certificate; (320/2018)
- 4) the certificate holder continues to act contrary to the terms of the approval despite an admonition or warning notice, or continues violating against other applicable regulations; or
- 5) the certificate holder fails to comply with the air services agreement on which its operating authorisation is based, or with other international obligations.

A certificate may only be revoked when, considering the circumstances as a whole, a more lenient sanction to the organisation cannot be regarded as sufficient.

The Finnish Transport Safety Agency may, for a fixed period or indefinitely, prohibit operations for which no approval is required in accordance with this Act or any European Union regulation referred to in this Act but which are subject to a declaration, if:

- 1) there is reasonable cause to suspect that the operator referred to in the declaration is unable to conduct the operations safely;
- 2) the requirements for performing the declared operations are no longer satisfied and the defects or non-compliances are not corrected within the time limit specified;
- 3) the operator essentially fails to comply with the provisions and regulations concerning the declared operations; or
- 4) the operator continues violating against provisions and regulations applicable to the declared operations despite an admonition or warning notice. (320/2018)

Section 149

Refusal to amend or renew a certificate due to neglected payment

The authority may not, without a specific reason, accept an application for amendment or renewal of a certificate issued by it, if a payment prescribed for the certificate is overdue and has not, despite request, been paid within a reasonable time, and the default in payment is serious and significant.

Section 150

Expiration of air operator certificate, flight permit or operating authorisation

An air operator certificate, flight permit or operating authorisation shall expire if:

- 1) the certificate holder has not undertaken to use the traffic rights in accordance with the operating authorisation obtained;
- 2) the certificate holder ceases or discontinues flight operations and fails to demonstrate, within a time limit determined by the Finnish Transport Safety Agency of at least six months, that it continues to satisfy the operational and financial requirements for obtaining the certificate, or that the interruption in air services is due to such exceptional circumstances that the operating authorisation holder was not able to control; or
- 3) the conditions for obtaining the certificate no longer exist, and the certificate holder fails to rectify the deficiencies within the assigned time limit of at least one month as determined by the Finnish Transport Safety Agency.

Section 151

Conditional fines and conditional orders of execution

The Finnish Transport Safety Agency may, so as to make an order or prohibition issued on the basis of this Act or European Union regulations more effective, impose conditional fines or orders of execution or suspension as provided for in the Conditional Fine Act (1113/1990).

Chapter 15

Miscellaneous provisions

Section 152

Maintenance of professional competence

Where the duties of a person employed by the Finnish Transport Safety Agency are subject to special requirements concerning the maintenance of professional competence, he/she may maintain that competence by working for an aviation operator as a secondary occupation. The terms and conditions of such work shall be separately agreed upon between the Agency, the employee and the operator concerned.

The provisions of section 28, subsection 1, paragraph 4 of the Administrative Procedure Act (434/2003) on the disqualification of the person referred to in subsection 1 above when an issue concerning the operator referred to in the said subsection is handled by the Finnish Transport Safety Agency, shall not be applied to the oversight of air navigation services or related decision-making.

Section 153

Authorities' right to obtain information and inspect operations

An aviation operator, aircraft owner, possessor or operator and anyone performing flight safety related duties shall, when requested and notwithstanding secrecy provisions, submit the following information to the Finnish Transport Safety Agency for the oversight of aviation operations, as far as the information is at his/her disposal or available to him/her:

- 1) information concerning the aircraft and its movements, including radar recordings;
- 2) recordings related to air navigation services, aviation search and rescue services and aircraft telephone and radio communications;
- 3) other information necessary for flight safety than that referred to in paragraphs 1 and 2 above;
- 4) information on the operator's activities, finances and insurances;
- 5) information necessary for ensuring that passenger rights are respected;
- 6) name, personal identity code and contact details of persons responsible for the operation (61/2016).

The Finnish Transport Safety Agency shall have the right to obtain, on request, information necessary for the performance of duties referred to in this Act from:

- 1) passengers;
- 2) aircraft crew members;
- 3) owners of items transported in aircraft.

The Finnish Transport Safety Agency shall, notwithstanding secrecy provisions, have the right to obtain necessary information from the Customs for the approval process of regulated agents and known consignors referred to in section 146.

The Finnish Transport Safety Agency shall, for the performance of duties referred to in this Act and to monitor compliance with this Act and European Union regulations, have the right to:

- 1) access the aircraft and other locations where aviation operations are conducted, excluding premises permanently used for residence;
- 2) otherwise inspect the activities of an aviation operator.

The airport operator and any other undertaking or organisation operating at an airport under the scope of application of the EU Security Regulation is, without delay, obliged to allow any inspections by officials authorised by the Commission or by the Finnish Transport Safety Agency and concerning the application of the Security Regulation and any European Commission regulations issued under it.

The Finnish Transport Safety Agency and other authorities referred to in this section shall, in any inspections carried out to monitor compliance with this Act or to implement it, comply with the provisions of section 39 of the Administrative Procedure Act.

Provisions of Chapter 2 on the processing of information in the transport register shall be applied to the processing of personal data as referred to in subsection 1, paragraph 6 above. Provisions on the processing of personal data are also laid down in the Personal Data Act, and provisions on the disclosure of data in the Act on the Openness of Government Activities. (320/2018)

Section 154

Right to obtain assistance from other authorities

The Finnish Transport Safety Agency shall, for the duties assigned to it, have the right to obtain assistance from the police, Border Guard, Customs and Defence Forces.

An airport operator shall have the right to obtain assistance from the police for taking back an airport ID card and vehicle pass.

Section 155

Oversight records

Registers are kept of any licences, privileges and approvals issued by the Finnish Transport Safety Agency under this Act. These registers shall be governed by the Act on the Openness of Government Activities and Personal Data Act, and by the provisions of Chapter 2 of this Act.

Section 156

Crew member certificate

The Finnish Transport Safety Agency shall, on application, issue crew member certificates to aircraft crew members. To the application shall be attached an operating licence holder's declaration confirming that the applicant is employed by that operator.

For the issue and validity of the crew member certificate, it is required that:

- 1) the applicant is employed as a crew member by a holder of an operating licence issued by the Finnish Transport Safety Agency;
- 2) the applicant meets the requirements for granting an access permit to the airside as referred to in section 102.

The operating licence holder shall inform the Finnish Transport Safety Agency when a crew member certificate holder's employment is terminated.

Section 157

Regulations and decisions concerning environmental impacts of aviation (61/2016)

The Finnish Transport Safety Agency may, considering the balanced approach referred to in section 129, issue regulations and make decisions on flight operations and aircraft maintenance if necessary to reduce noise or other environmental nuisance caused by aircraft or to grant an allowable exemption. The regulations and decisions may concern: (61/2016)

- 1) the times or procedures for aerodrome use or the number of take-offs and landings;
- 2) restriction or prohibition of engine test runs at certain times;
- 3) restriction of operations by exceptionally noisy aeroplanes;
- 4) prohibition of operations by an earlier approved aeroplane type after a transitional period.

Section 158

Obstacles to air navigation

Masts, wind power plants, cranes, lights, radio equipment or other facilities, buildings, structures or signs shall not be set up, arranged or directed so that they could be mistaken as facilities or signs serving aviation. The structures or facilities may not interfere with air navigation facilities or air traffic or constitute any other hazard to flight safety.

Permission is required for setting up a facility, building, structure or sign which might cause confusion, interference or hazard as referred to in subsection 1 above, if the obstacle:

- 1) extends to a height of more than 10 metres above the earth's surface and is located within a rectangular area around a runway of an aerodrome, light aviation aerodrome or emergency landing site, with the long sides of the rectangle at a distance of 500 metres from runway centreline and the short sides at a distance of 2500 metres from runway thresholds;
- 2) extends to a height of more than 30 metres above the earth's surface and is located outside the area referred to in paragraph 1, but no farther than 45 kilometres from the reference point of an airport referred to in section 75;
- 3) extends to a height of more than 30 metres above the earth's surface and is located outside the area referred to in paragraph 1, but no farther than 12 kilometres from the reference point of an emergency landing site or an aerodrome other than an airport referred to in section 75;
- 4) extends to a height of more than 60 metres above the earth's surface and is located outside the areas referred to in paragraphs 1–3;
- 5) penetrates an obstacle limitation surface; or
- 6) affects the obstacle clearance altitude/height (OCA/H) in operating procedures.

No permission is required for facilities, buildings, structures or signs set up by the aerodrome operator or based on the aerodrome operator's assignment.

The Finnish Transport Safety Agency may exempt an obstacle referred to in subsection 2 from the requirement for permission if it has no impact on aerodrome obstacle limitation surfaces or flight procedures and is located in the immediate vicinity of an existing obstacle. The Finnish Transport Safety Agency may issue more detailed regulations on the construction of the obstacles or on other similar aspects of a technical nature.

Applications for permission to establish a facility, building, structure or sign as referred to in subsection 2 shall be submitted to the Finnish Transport Safety Agency. The application must be accompanied by the relevant air traffic service provider's statement, and for offshore wind power plants also by the Finnish Border Guard's statement. If flight safety is not compromised, the Finnish Transport Safety Agency may grant permission to set up a facility, building, structure or sign referred to in subsection 2. Permission shall be granted if the disadvantage caused by the planned obstacle to the expeditious flow of air traffic can, with available planning criteria for operating procedures, be reduced so that it will not cause unreasonable disadvantage to the aerodrome operator or impede the expeditious flow of air traffic. Any obstacles to air navigation shall be marked as specified in regulations issued by the Finnish Transport Safety Agency. (61/2016)

The person responsible for maintaining the obstacle shall, without delay, notify any changes in his/her contact information or in the obstacle itself to the Finnish Transport Safety Agency or to an entity designated by it.

Section 159 **Activities hazardous to flight safety**

Any activity that poses a hazard to air traffic or impedes the expeditious flow of air traffic is prohibited. The air traffic service provider shall be notified in advance of any activity that may pose a hazard to air traffic or affect the traffic flow, so that the air traffic service provider can assess whether the planned activity can be performed without compromising flight safety or impeding the expeditious flow of traffic. Where the planned activity cannot, by the means available to the air traffic service provider, be safely and smoothly adapted to other aviation operations, the Finnish Transport Safety Agency may prohibit or restrict the activity or impose conditions on it.

Section 160 **Preparedness for emergency conditions and disruptions**

The following holders of aviation certificates or approvals issued in Finland shall prepare for emergency conditions by participating in emergency planning and by preparing in advance for operations in emergency conditions and comparable disruptions of normal operations:

1) continuing airworthiness management organisations referred to in section 35, to which an air operator certificate holder has assigned the duties listed in section 34, subsection 1;

[Section 160, subsection 1, paragraph 2 was repealed by Act 320/2018.]

3) holders of an airport certificate referred to in section 82;

4) providers of air traffic services and meteorological services designated by the Government by virtue of section 108.

Airport operators and providers of air traffic services and meteorological services shall, in addition to the provisions of subsection 1 above, prepare to ensure that their operations continue as undisturbed as possible also in emergency conditions referred to in section 3, subsections 1 and 2 of the Emergency Powers Act and in comparable disruptions of normal operations.

In addition to the provisions on the powers of the Government and the Ministry as laid down in the Emergency Powers Act, further provisions and instructions for emergency planning as necessary to prepare for emergency conditions and comparable disruptions of normal operations may be issued by government decree. The Finnish Transport Safety Agency shall monitor compliance with this section and any provisions and regulations issued by virtue of it.

Section 161 **Transfer of functions to foreign authorities**

If a Finnish aircraft is, by lease or other similar arrangement, used by an aircraft operator whose principal place of business or domicile is in another state, the Finnish Transport Safety Agency may, with regard to an individual aircraft, as well as a remote pilot station and their crew, transfer

functions assigned to it in Chapters 3 and 4 and sections 53 and 55 to the Authority of that foreign state, as agreed with the state in question.

Section 162 **Delegation of functions in military aviation**

The military aviation authority may delegate functions related to the training, approval and oversight of organisations and personnel to the Defence Forces.

When delegating these functions, the military aviation authority shall make sure that the Defence Forces have the necessary skilled personnel, equipment, facilities, working procedures and instructions for the functions referred to in subsection 1 above. The functions may be delegated for a fixed period or indefinitely.

[Sections 163–164 were repealed by Act 320/2018.]

Section 165 **Joint responsibility for the use of aerodromes and air navigation services and prevention of aircraft departure pending payment**

The aircraft owner, possessor and operator shall be jointly liable for the costs of services obtained from aerodrome operators or service providers during their period of ownership, possession or right of use, and during the period for which they are recorded in the transport register as owners, possessors or operators. (320/2018)

An aerodrome operator may, by refusing to provide services or by using equipment or constructions intended to prevent aircraft departure, prevent an aircraft from departing until the charges due in accordance with subsection 1 above have been paid or a security for them has been given. The measures shall be proportioned and implemented so as not to pose a hazard to life or health or cause damage to parked aircraft. The right to prevent departure shall not, however, apply to aircraft departing for international scheduled flights.

Section 166 **Prevention of aircraft departure for other reasons**

The Finnish Transport Safety Agency may prohibit a flight and prevent an aircraft from departing if:

- 1) there is reason to believe that the aircraft at the time of its departure is not airworthy or properly manned;
- 2) there is reason to believe that the provisions of this Act or any regulations issued by virtue of it and governing the flight have otherwise not been complied with;
- 3) the operation of the aircraft has been prohibited or it is subject to other operating restrictions under international obligations binding on Finland or under European Union legislation, or the aircraft owner or other person operating it has been banned from engaging in business activities;
- 4) the use of the aircraft for aviation is otherwise prohibited on the basis of this Act.

The measures needed to prevent the aircraft from departing shall be proportioned and implemented so as not to pose a hazard to life or health or cause damage to parked aircraft.

The aerodrome manager, any person employed by the aerodrome operator, and anyone having duties in air navigation services or in a maintenance organisation or ground handling organisation have the right to provide necessary assistance in preventing the departure of an aircraft, when so requested by the Finnish Transport Safety Agency.

The persons referred to in subsection 3 above shall have the right to prevent an aircraft from departing if it is obvious that the deficiencies referred to in subsection 1 may seriously compromise flight safety. In this case, the prevention of departure shall be notified without delay to the Finnish Transport Safety Agency, which shall take the necessary action. As to measures permitted to prevent the departure, the provisions in subsection 2 apply.

Border Guard authorities have the right to prevent an aircraft from departing if there is reason to suspect that a person who has violated the provisions on entry to or departure from the country is on board.

Section 167 Interception of aircraft

For reasons of public order and safety, the Finnish Transport Safety Agency, and when immediate action is required also the aerodrome air traffic control unit, the area control centre, or the manager of the aerodrome responsible for providing air traffic service or his/her substitute, may prohibit an aircraft from departing, order it to land, require identification, assign a heading or flight altitude or otherwise intercept an aircraft in flight. When necessary to maintain public order and safety, to perform rescue services, or to secure an important state event, these actions may be taken by a military authority or by the police, or when necessary to maintain safety at the state border or to perform maritime rescue duties, by a Border Guard official. If an aircraft is ordered to land, the aerodrome designated for landing shall be suitable for safe landing of the aircraft type concerned.

Separate provisions shall be issued on aircraft interception for reasons of customs control and for the surveillance or safeguarding of territorial integrity.

Section 168 Interception of aircraft to prevent a communicable disease from spreading

To prevent the spreading of a generally hazardous communicable disease referred to in section 4, subsection 2 of the Communicable Diseases Act (1227/2016), the Finnish Transport Safety Agency may, with the assistance of the air traffic service provider, order an aircraft to land at an airport (*medical examination airport*) which has the capacity to carry out the measures in accordance with Article 20 and Annex I to the International Health Regulations issued by the World Health Organization (2005) (Treaty Series of the Statutes of Finland, 51/2007). (1242/2016)

Where immediate action is required, the decision referred to in subsection 1 above may, in individual cases, be made by the Ministry of Social Affairs and Health instead of the Finnish Transport Safety Agency.

Unless otherwise required by flight safety considerations, the aircraft must land at the medical examination airport in accordance with the order issued by the Finnish Transport Safety Agency or the decision made by Ministry of Social Affairs and Health as referred to in subsection 1 and 2.

Provisions on medical examination airports shall be issued by government decree.

Section 169

Air traffic service provider's and airport operator's duty to assist

The air traffic service provider, airport operator and anyone performing duties in a maintenance organisation or ground handling organisation shall provide assistance in the practical arrangements related to cases referred to in section 168 and in the implementation of decisions made by the authorities, when the measures are directed at air traffic or aircraft, or at air passengers and aircraft crew at the airport.

Section 170

Decrease in functional capacity

No person shall perform duties on board an aircraft or in a glider or other device used for aviation or perform flight safety-related duties in a ground organisation while his/her blood alcohol level is raised due to the consumption of alcohol, or when he/she has used some intoxicating substance other than alcohol so that detectable amounts remain within his/her system.

Furthermore, duties referred to in subsection 1 above shall not be performed by a person who, due to illness, fatigue or other similar reason, is not able to perform those duties without compromising flight safety.

The provisions of subsection 1 and 2 above shall also apply to actions directly related to flight preparation.

Where necessary, the Defence Forces may impose more stringent requirements than those laid down in subsection 1–3 to be applied in military aviation, as required by the nature of the operations.

The Finnish Transport Safety Agency may issue regulations on sensory requirements, on diseases, disabilities or other factors that decrease functional capacities, or on other similar properties that impede the performance of duties referred to in subsection 1–3 above, and on the procedures used for assessing them.

Section 171

Aircraft mortgages

Provisions on mortgages on aircraft are given in the Act on Aircraft Mortgages (211/1928).

Section 172

Aviation statistics

The Finnish Transport Safety Agency shall be responsible for statistics on aviation. While attending to duties related to statistics, the Finnish Transport Safety Agency shall comply with the provisions of the Statistics Act (280/2004).

The entities and persons listed in section 153, subsection 1 shall, notwithstanding secrecy provisions, provide statistical data concerning their operations to the Finnish Transport Safety Agency on request.

Section 173 **International agreements**

The Finnish Transport Safety Agency shall, in the capacity of the civil aviation authority of Finland, participate in the drafting of international technical agreements on air services, flight safety and co-operation.

Section 174 (320/2018) **Liability for acts in office**

Provisions on criminal liability for acts in office shall be applicable to persons who perform public administrative duties as referred to in sections 40, 46, 60, 97, 99, 102, 103, 163 and 164 above. Provisions on liability for damages are contained in the Tort Liability Act.

Chapter 16

Penalties

Section 175

Causing a traffic hazard

Penalties for causing a traffic hazard and causing a serious traffic hazard are laid down in Chapter 23, section 1 and 2 of the Penal Code.

Section 176

Air traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a licence

Penalties for air traffic intoxication, relinquishing a vehicle to an intoxicated person and operation of a vehicle without a licence are laid down in Chapter 23, section 6, 8 and 10 of the Penal Code.

Section 177

Use of intoxicating substances in aviation

If a person is performing duties on board an aircraft or flight safety-related tasks in a ground organisation, although his/her blood alcohol level is raised due to the consumption of alcohol, or if he/she has used alcohol or other intoxicating substance so that detectable amounts remain within his/her system, or if a person referred to in this section violates against requirements concerning the use of alcohol or other intoxicating substances issued by military aviation authorities by virtue of section 170, subsection 4, he/she shall be sentenced for the *use of an intoxicating substance in aviation* to a fine, unless a more severe punishment is prescribed elsewhere in law.

Section 178

Aviation violation

Anyone who, by intent or gross negligence:

- 1) breaches a regulation concerning aircraft or devices, sporting parachutes, parasails, model aircraft or their pilots, issued on the basis of section 9, subsection 5; (61/2016)
- 2) operates an aircraft or hands an aircraft over to another to be used for aviation contrary to section 10;
- 3) violates a prohibition concerning restricted areas for air traffic or a restriction concerning danger areas referred to in section 11;
- 4) uses an aircraft for aviation while it has no appropriate markings as required by section 7, subsection 1, paragraph 2 or section 16, subsection 2 or equivalent foreign markings, or while it carries wrong markings;
- 5) neglects the duty to notify as referred to in section 20 or section 36, subsection 2;
- 6) uses or hands over an aircraft to another to be used for aviation contrary to section 34, subsection 2, or equivalent provisions on airworthiness management contained in European Union regulations;
- 7) performs without approval a task for which an approval is required under section 42 or under the provisions on design, manufacture and maintenance contained in the EASA Regulation or in Commission regulations issued by virtue of it;
- 8) uses an aircraft that does not comply with the regulations issued on the basis of section 44;
- 9) violates a duty imposed by section 49 on an applicant for or holder of a permit to notify of any issues affecting his/her qualifications or medical fitness;
- 10) violates a duty imposed by section 57 on the commander of an aircraft or a device, or on a crew member or observer, concerning flight preparation and performance;
- 11) violates a duty imposed on passengers by section 59;

[Section 178, subsection 1, paragraph 12 was repealed by Act 320/2018.]

- 13) engages in operations referred to in section 70 or 72 without the required approval or declaration, or violates the conditions of such an approval or the provisions and regulations applicable to the declared operations; (320/2018)
- 14) uses an area other than those aerodromes and areas permitted by section 76 for take-off or landing;
- 15) operates an aerodrome without an airport certificate referred to in section 82 or an aerodrome operating permit referred to in section 84, or violates the conditions of such a certificate or permit;
- 16) neglects a duty prescribed in section 88 or violates a prohibition or restriction of aerodrome use imposed by the aerodrome operator or the Finnish Transport Safety Agency;
- 17) violates a prohibition of movement or presence in certain areas of an airport as laid down in section 100, subsection 1;

18) flies across the state border elsewhere than at a border crossing point referred to in section 12 of the Border Guard Act (578/2005);

19) moves an aircraft, part thereof or other object referred to in section 123, subsection 1 without permission required in that provision;

20) acts contrary to the provisions in Article 16(9) of the Occurrence Regulation; (61/2016)

21) violates the provisions concerning environmental impacts of aviation referred to in section 157;

22) violates a prohibition laid down in section 158 concerning a facility, building, structure or sign, or neglects an obligation to obtain permission to set up an obstacle to air navigation, to mark an obstacle to air navigation, or to notify any changes thereto;

23) violates a restriction referred to in section 159, which is further specified in regulations or prohibition decisions issued by the Finnish Transport Safety Agency;

24) violates a prohibition or order referred to in section 167, subsection 1, concerning interception of aircraft;

shall be sentenced to a fine for an *aviation violation*, unless a more severe punishment is prescribed elsewhere.

Section 179 Waiver of measures

If the violation referred to in section 178 above is minor or if the administrative sanctions imposed on the offender can be considered sufficient with regard to the seriousness of the violation, prosecution of or punishment for the violation may be waived.

Where the violation obviously is of the nature intended in subsection 1 above, the Finnish Transport Safety Agency may, without taking any other action, issue an admonition to the offender.

Section 180 Consultation of the Finnish Transport Safety Agency and the Defence Forces

Before deciding on whether to prosecute for an act referred to in this chapter, the prosecutor shall reserve the Finnish Transport Safety Agency an opportunity to give a statement on the case.

When trying a case referred to in this chapter, the court shall give the Finnish Transport Safety Agency an opportunity be heard.

If the case is related to military aviation, the prosecutor and the court shall hear the Defence Forces.

Chapter 17
Appeals
Section 181
Appeals

Decisions concerning the revocation, suspension or limitation of a permit, certificate, approval, designation or medical certification, and any orders and prohibitions issued by the Finnish Transport Safety Agency pursuant to European Union regulations, may be appealed to an administrative court as provided for in the Administrative Judicial Procedure Act (586/1996).

Revision of the following decisions made by entities other than authorities can be claimed from the Finnish Transport Safety:

- 1) decision on an airworthiness review certificate made by a continuing airworthiness management organisation as referred to in section 40;
- 2) decisions on medical certificates and air marshaller approvals as referred to in section 47; (320/2018)
- 3) airport operator's decision on granting an access permit to the airside and to the security restricted area of an airport as referred to in section 102, subsection 1;
- 4) airport operator's decision on granting an identification card or vehicle pass as referred to in section 103, subsection 1;
- 5) decision on charges for air navigation services as referred to in section 111;
- 6) decisions made by qualified entities and sport aviation organisations as referred to in section 163;
- 7) decisions made by external experts as referred to in section 164. (61/2016)

Revision of a decision other than those referred to in subsection 1, made by the Finnish Transport Safety Agency, the Defence Forces or the military aviation authority, can be claimed from the authority that made the decision as provided for in the Administrative Procedure Act.

Decisions issued as a result of a claim for a revised decision as referred to in subsection 2, paragraph 1–4 and 6–7, and in subsection 3, may be appealed to an administrative court as provided for in the Administrative Judicial Procedure Act. Any decision issued by the Finnish Transport Safety Agency as a result of the claim for a revised decision as referred to in subsection 2, paragraph 5 may be appealed to the Market Court as provided for in the Administrative Judicial Procedure Act. (61/2016)

Decisions issued by an administrative court concerning the revocation, suspension or limitation of a permit, certificate, approval, designation or medical certification, or concerning any order or prohibition issued by the Finnish Transport Safety Agency, may be appealed as provided for in the Administrative Judicial Procedure Act.

Other administrative court decisions are subject to appeal only if the Supreme Administrative Court grants a leave to appeal.

With the exception of decisions on construction permits, the decision shall be observed irrespective of appeal, unless ruled otherwise by the appellate authority.

Chapter 18
Transitional provisions and entry into force
Section 182
Entry into force

This Act enters into force on 13 November 2014. The provisions in sections 37, 38, 47, 53, 55, 62, 73, 79 and 87 of the Act shall, however, be applicable to operations using remotely piloted aircraft only from a date to be specified by government decree.

Section 183
Repealed provisions

This Act repeals the previous Aviation Act (1194/2009), with the exception of sections 68 and 69 on air operator certificates to the extent that they concern commercial air transport operations using balloons.

Section 184
Transitional provisions

Any permits, approvals, prohibitions and decisions in force at the time of the entry into force of this Act shall remain valid as they were at the time of the entry into force of this Act. Agreements concluded with a foreign state prior to the Act's entry into force shall remain valid as they were at the time of the entry into force of this Act.

Matters pending at the time of the entry into force of this Act shall be handled and resolved pursuant to the provisions that were in force at the time of the entry into force of this Act. Any decrees and regulations issued by virtue of the Aviation Act repealed in accordance with section 183 above shall be complied with until they are separately repealed by new decrees and regulations.