

Decree
on the Safety of Certain Passenger Vessels Engaged on Domestic Voyages
(1307/1999; amendments up to 1028/2005 included)

Chapter 1 — General provisions

Section 1 — Purpose of the Decree

The purpose of this Decree is to enhance the safety of certain passenger vessels engaged on domestic voyages and to lower barriers to trade with respect to these vessels.

Section 2 — Definitions

For the purpose of this Decree,

- 1) *the Non-SOLAS Directive* means Council Directive 98/18/EC on safety rules and standards for passenger ships, as amended by Commission Directive 2002/25/EC, European Parliament and Council Directives 2002/84/EC and 2003/24/EC and Commission Directive 2003/75/EC; (1028/2005)
- 2) *the SOLAS 1974 Convention* means the International Convention for the Safety of Life at Sea, 1974, (Treaty Series 11/1981), and subsequent amendments; (527/2004)
- 3) *the Load Line Convention* means the International Convention on Load Lines, 1966, (Treaty Series 52/1968), and subsequent amendments; (527/2004)
- 4) *the High Speed Craft Code* means the International Code for the Safety of High Speed Craft contained in IMO Maritime Safety Committee Resolution MSC 36(63) of May 20, 1994, and subsequent amendments; (527/2004)
- 5) *the DSC Code* means the Code for the Safety of Dynamically Supported Craft contained in IMO Assembly Resolution A.373(X) of November 14, 1977, as amended by IMO Maritime Safety Committee Resolution MSC 37(63) of May 19, 1994;
- 6) *a passenger ship* means a ship which carries more than 12 passengers;
- 7) *a high speed passenger craft* means a high speed craft as defined in regulation 1 of chapter X of the SOLAS 1974 Convention, which carries more than 12 passengers; passenger ships of classes B, C or D engaged on domestic voyages in sea areas are not considered high speed passenger craft if their displacement corresponding to the design waterline is less than 500 cubic metres and their maximum speed, as defined under 1.4.30 of the High Speed Craft Code, is less than 20 knots;
- 8) *a new ship* means a ship the keel of which has been laid or which has been at a similar stage of construction on or after July 1, 1998; a similar stage of construction means the stage when construction identifiable with a specific ship begins or assembly has commenced comprising at least 50 tonnes or 1% of the estimated mass of all structural material;
- 9) *an existing ship* means a vessel which is not a new ship;
- 10) *passenger* means every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board the ship on the business of that ship or children less than one year of age;
- 11) *ship's length* unless expressly provided otherwise, means 96% of the total length on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater. In ships designed with a rake of keel, the waterline on which this length is measured shall be parallel to the designed waterline;
- 12) *bow height* means the bow height defined in regulation 39 of the International Convention on Load Lines as the vertical distance at the forward perpendicular between the waterline corresponding to the assigned summer freeboard and the designed trim and the top of the exposed deck at the side;
- 13) *ship with a full deck* means a ship that is provided with a complete deck, exposed to weather and sea, which has permanent means of closing all openings in the weatherpart

thereof and below which all openings in the sides of the ship are fitted with permanent means of at least weathertight closing. The complete deck may be a watertight deck or equivalent structure consisting of a non-watertight deck completely covered by a weathertight structure of adequate strength to maintain the weathertight integrity and fitted with weathertight closing appliances;

- 14) *domestic voyage* means a voyage in Finnish sea areas from a Finnish port to the same or another port within Finland;
- 15) *place of refuge* means any naturally or artificially sheltered area which may be used as shelter by a ship or craft under conditions likely to endanger its safety;
- 16) *Administration of the flag State* means the competent authorities of the State whose flag the ship is entitled to fly;
- 17) *the Directive on Classification Societies* means Council Directive 94/57/EC on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations, as amended and as implemented in Finland; (527/2004)
- 18) *recognized organization* means an organization recognized in conformity with article 4 of the Directive on Classification Societies;
- 19) *Marine Equipment Directive* means Council Directive 96/98/EC on marine equipment, as amended and as implemented in Finland; (1028/2005)
- 20) *significant wave height* means the average height of the one third highest observed wave heights over a given period; (1028/2005)
- 21) *ro-ro passenger ship* means a ship which carries more than 12 persons and is fitted with ro-ro cargo spaces or special category spaces, as defined in Annex I regulation II-2/A/2 of the Non-SOLAS Directive; (1028/2005)
- 22) *the Directive on Stability Requirements of Ro-Ro Passenger Ships* means Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships; and (1028/2005)
- 23) *persons with reduced mobility* means anyone who has a particular difficulty when using public transport, including elderly persons, disabled persons, persons with sensory impairments and wheelchair users, pregnant women and persons accompanying small children. (1028/2005)

Section 3 — *Scope of application*

This Decree applies to:

- a) new passenger ships;
- b) existing passenger ships of 24 metres in length or over; and
- c) high speed passenger craft, regardless of their flag, when engaged on domestic voyages.

Section 4 — *Exceptions*

This Decree does not apply to:

- 1) ships belonging to the Defence Forces or the Border Guard, unless they are used for public-service transport of passengers;
- 2) ships not propelled by mechanical means;
- 3) vessels constructed in material other than steel or the equivalent, to which neither the High Speed Craft Code nor the DSC Code applies;
- 4) wooden ships of primitive build;
- 5) original, and individual replicas of, historical passenger ships designed before 1965, built predominantly with the original materials;
- 6) pleasure yachts and craft unless they are or will be crewed and carrying more than 12 passengers for commercial purposes; and
- 7) boats referred to in the Decree on the Safety of Charter Boats (438/1983).

Section 5 — *Classes of passenger ships*

Passenger ships are divided into the following classes according to the sea area in which they operate:

- 1) *Class A*: a passenger ship engaged on domestic voyages which may also operate beyond the areas covered by classes B, C and D;

- 2) *Class B*: a passenger ship engaged on domestic voyages in the areas covered by classes C and D in the course of which it is at no time more than 20 nautical miles from a shoreline where shipwrecked persons could land, measured according to the medium tide height;
- 3) *Class C*: a passenger ship engaged, except in areas covered by class D, on domestic voyages in sea areas where the probability of exceeding a significant wave height of 2.5 metres is smaller than 10% over a one-year period for all-year-round operation, or over a restricted period of the year for operation exclusively in such a period, in the course of which it is at no time more than 15 nautical miles from a place of refuge, nor more than 5 nautical miles from a shoreline where shipwrecked persons could land, measured according to the medium tide height;
- 4) *Class D*: a passenger ship engaged on domestic voyages in sea areas where the probability of exceeding a significant wave height of 1.5 metres is smaller than 10% over a one-year period for all-year-round operation, or over a restricted period of the year for operation exclusively in such a period, in the course of which it is at no time more than 6 nautical miles from a place of refuge, nor more than 3 nautical miles from the shoreline where shipwrecked persons could land, measured according to the medium tide height.

The Finnish Maritime Administration shall establish the limits of the sea areas in which ships belonging to the specified classes may operate.

In applying the provisions and regulations on radiocommunications, sea areas are defined according to chapter IV, regulation 2, of the 1974 SOLAS Convention.

Chapter 2 — **Safety requirements**

Section 6 — *New and existing passenger ships of classes A, B, C and D*

Construction and maintenance of the hull, main and auxiliary machinery, and electrical and automatic equipment shall comply with the standards specified for classification by the rules of a recognized organization, or equivalent rules used by an Administration in accordance with article 14, paragraph 2, of the Directive on Classification Societies.

The provisions of chapters IV, V and VI of the 1974 SOLAS Convention shall apply to ships referred to in the preceding paragraph.

Shipborne navigational equipment, as listed in Annex A.1 to the Marine Equipment Directive and complying with the provisions of the latter, is considered to be in conformity with the type approval requirements of SOLAS regulation V/12(r).

Occupational safety requirements are laid down in the legislation on labour protection.

Section 7 — *General requirements for new passenger ships*

New passenger ships of class A shall fully comply with the requirements of SOLAS 1974 and with the relevant specific requirements of Annex I of the Non-SOLAS Directive.

New passenger ships of classes B, C and D shall comply with the relevant specific requirements of Annex I of the Non-SOLAS Directive.

Section 8 — *Load line requirements of new passenger ships*

All new passenger ships of a length of 24 metres or more shall comply with the Load Line Convention.

Criteria with an equivalent level of safety to those of the Load Line Convention shall apply in respect of length and class to new passenger ships smaller than 24 metres in length.

New passenger ships of class D are, however, exempted from the minimum bow height requirement laid down in the Load Line Convention.

New passenger ships of classes A, B, C and D shall have a full deck.

Section 9 — Existing passenger ships

Existing passenger ships of class A shall comply with the regulations for existing passenger ships defined in the 1974 SOLAS Convention and with the relevant specific requirements of Annex I of the Non-SOLAS Directive.

Existing passenger ships of class B shall comply with the relevant specific requirements of Annex I of the Non-SOLAS Directive.

Existing passenger ships of classes C and D shall comply with the relevant specific requirements of the Non-SOLAS Directive and chapter III of Annex I. The rules of the Administration of the flag State shall also provide an equivalent level of safety to that specified in chapters II-1 and II-2 of Annex I.

Before a foreign ship referred to in paragraph 3 above may operate in regular service on domestic voyages, the Administration of the flag State shall concur with the Finnish Maritime Administration on the applicable safety rules.

Repairs, alterations and modifications of a major character and outfitting related thereto shall respect the requirements for new ships as prescribed in section 7 above. Alterations made to existing ships which are intended solely to achieve a higher survivability standard shall not be regarded as modifications of a major character.

Section 10 — High speed passenger craft

A high speed passenger craft which has been constructed or repaired, altered or modified significantly on January 1, 1996 or thereafter, shall comply with chapter X, regulation 3, of the 1974 SOLAS Convention, unless:

- 1) the keel has been laid or the ship has been at a similar stage of construction no later than June 4, 1998;
- 2) the craft has been delivered and put into service no later than December 4, 1998; and
- 3) the craft complies with the requirements of the DSC Code.

A high speed passenger craft constructed before January 1, 1996 and complying with the requirements of the High Speed Craft Code may continue to operate if it has been surveyed in accordance with the High Speed Craft Code.

The construction and maintenance of high speed passenger craft and their equipment must comply with the standards specified for classification by the rules of a recognized organization, or equivalent rules used by an Administration in accordance with article 14, paragraph 2, of the Directive on Classification Societies.

Section 10 a — Specific stability requirements (1028/2005)

A ro-ro passenger ship of classes A, B, and C, the keel of which has been laid or which has been at a similar stage of construction on or after 1 October 2004 shall comply with Articles 6, 8 and 9 of the Directive on Specific Stability Requirements for Ro-Ro Passenger Ships.

Section 10 b — Safety requirements for persons with reduced mobility (1028/2005)

Passenger ships of classes A, B, C and D and high-speed passenger craft, used for public transport, the keel of which has been laid or which has been at a similar stage of construction on or after 1 October 2004 shall be such as to enable persons with reduced mobility to have safe access to them, based on the guidelines in Annex III of the Non-SOLAS Directive.

Chapter 3 — Surveys

Section 11 — *New passenger ships*

Each new passenger ship shall be subjected to the following surveys:

- 1) an initial survey before the ship is put into service;
- 2) a renewal survey once every twelve months;
- 3) additional surveys, as the occasion arises.

Section 12 — *Existing passenger ships*

Each existing passenger ship shall be subjected to the following surveys:

- 1) an initial survey before the ship is put into service on domestic voyages;
- 2) a renewal survey once every twelve months; and
- 3) additional surveys, as the occasion arises.

Section 13 — *High speed passenger craft*

Each high speed passenger craft that, according to section 10, is required to comply with the High Speed Craft Code, shall be subject to the surveys required in the High Speed Craft Code.

Each high speed passenger craft that is required to comply with the DSC Code, shall be subject to the surveys required in the DSC Code.

Section 14 — *Carrying out surveys*

The Decree on Ship Surveys (1123/1999) shall apply to the survey of Finnish passenger ships and high speed passenger craft, unless otherwise provided in this Decree.

With regard to foreign passenger ships and high speed passenger craft, the surveys referred to in this Decree shall be carried out by surveyors duly authorized by the Administration of the flag State or the recognized organization or surveyors of a member state of the European Union duly authorized by the flag State in order to ensure that the relevant requirements of this Decree are fulfilled.

Chapter 4 — Certificates

Section 15 — *New and existing passenger ships*

All new and existing passenger ships shall be provided with a Passenger Ship Safety Certificate on the basis of an initial survey. The certificate shall have a format as laid down in Annex II of the Non-SOLAS Directive.

The Passenger Ship Safety Certificate shall be issued for a period not exceeding 12 months. The period of validity of the certificate may be extended for a period of grace of up to one month from the date of expiry stated on it. When an extension has been granted, the new period of validity of the certificate starts from the expiry date of the existing certificate before its extension.

Renewal of the Passenger Ship Safety Certificate shall be issued after a renewal survey has been carried out, as specified in sections 11 and 12.

Section 16 — *High speed passenger craft*

For high speed passenger craft complying with the requirements of the High Speed Craft Code, a High Speed Craft Safety Certificate and a Permit to Operate High Speed Craft shall be issued in accordance with the provisions of the High Speed Craft Code.

For high speed passenger craft complying with the requirements of the DSC Code, a DSC Construction and Equipment Certificate and a DSC Permit to Operate shall be issued in accordance with the provisions of the DSC Code.

Before issuing the Permit to Operate for high speed passenger craft engaged on domestic voyages, the Administration of the flag State shall concur with the Finnish Maritime Administration on any operational conditions associated with operation of the craft. Any such conditions shall be shown on the Permit to Operate.

Chapter 5 — Miscellaneous provisions

Section 17 — *Other legislation*

If any other legislation contains provisions or regulations on the safety of passenger ships within the scope of this Decree which differ from the provisions of this Decree, the latter provisions shall apply.

Section 18 — *Exemptions*

On condition that the safety level is not jeopardized, passenger ships within the scope of this Decree may be exempted from certain requirements of the Non-SOLAS Directive when they operate on domestic voyages in archipelago areas sheltered from the impact of the high sea, provided that an exemption can be granted on the grounds of a lower significant wave height, a restricted operating season, the fact that the voyages are being carried out only in daytime or in suitable atmospheric or weather conditions, the limited duration of the voyage, the proximity of rescue services or some other similar reason.

Relevant provisions set out elsewhere on the safety of ships shall apply to the ships exempted under paragraph 1 above. The provisions applied shall be detailed in the decisions on exemption issued by the Finnish Maritime Administration.

The Finnish Maritime Administration shall immediately notify the Commission of the European Communities about actions taken in accordance with paragraph 1.

Section 19 — *Ship-specific exemptions*

The Finnish Maritime Administration may, on a case-by-case basis, grant exemptions from the requirements of this Decree, if application of these provisions is unreasonable. The exemptions granted must not, however, be in contradiction with international treaties binding on Finland.

Section 20 — *Supervision*

Provisions on the application of this Decree are contained in the Ship Safety Control Act (370/1995) and the provisions and regulations issued thereunder.

Section 21 — *Entry into force*

This Decree enters into force on January 1, 2000.

Section 9, paragraph 1, of the Decree shall apply, unless more recent dates are given in the 1974 SOLAS Convention, and section, 9 paragraphs 2 and 3, unless more recent dates are given in Annex I of the Non-SOLAS Directive, to ships the keels of which have been laid or which have been in a similar stage of construction:

- 1) *before January 1, 1940:*
as from July 1, 2006;
- 2) *on or after January 1, 1940 but not later than December 31, 1962:* as from July 1, 2007;
- 3) *on or after January 1, 1963 but not later than December 31, 1974:* as from July 1, 2008;
- 4) *on or after January 1, 1975 but not later than December 31, 1984:* as from July 1, 2009;
and
- 5) *on or after January 1, 1985 but not later than July 1, 1998:* as from July 1, 2010.

Existing passenger ships which are engaged on domestic voyages when this Decree enters into force shall be subjected to an initial survey, as referred to in section 12, not later than five months after the entry into force of this Decree. It is not necessary to carry out an inspection of the outside of the ship's bottom during the initial survey.

Government Decree 527/2004 entered into force on July 1, 2004.

Transitional provisions and entry into force of Government Decree 1028/2005:

This Decree enters into force on January 1, 2006.

A ro-ro passenger ship of class A or B, the keel of which has been laid or which has been at a similar stage of construction before 1 October 2004, shall comply with Articles 6, 8 and 9 of the Directive on the Stability Requirements of Ro-Ro Passenger Ships not later than October 1, 2010. The ship need not however meet the said requirements, if it will be taken permanently out of service before October 1, 2010 or on the date on which it will reach the age of 30 years, however not later than 1 October, 2015.