

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Transport and Communications, Finland

Act on Environmental Protection in Maritime Transport

(1672/2009, amendments up to 1116/2024 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1 (1116/2024)

Purpose of the Act

The purpose of this Act is to prevent environmental pollution resulting from the normal operation of ships, by prohibiting discharges and emissions of noxious substances into water and air, or by setting limits on discharges and emissions into water and air. Furthermore, the purpose of this Act is to organise the port reception of waste resulting from the normal operation of ships.

This Act lays down the provisions for the national implementation of international commitments binding on Finland and European Community legal instruments pertaining to the prevention of environmental pollution resulting from the normal operation of ships, as well as other provisions pertaining to the prevention of environmental pollution resulting from the normal operation of ships.

With regard to ships, this Act lays down the national provisions for specifying and supplementing Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, as well as the provisions for the national implementation of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships adopted in Hong Kong on 15 May 2009, hereinafter referred to as the *Hong Kong Convention*. Furthermore, this Act lays down the national provisions for specifying and supplementing the provisions on waterborne transport laid down in Regulation (EU) 2023/1804 of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU.

Section 2 (669/2021)

Definitions

For the purposes of this Act:

- 1) *MARPOL Convention* means the International Convention for the Prevention of Pollution from Ships of 1973 and the related Protocol of 1978 (Treaty Series 51/1983), as amended;
- 2) *AFS Convention* means the International Convention on the Control of Harmful Anti-fouling Systems on Ships, concluded in London on 5 October 2001, as amended;
- 3) *substance* means chemical elements and their compounds in the natural state or obtained by any production process;

- 4) *territorial sea* means the zone referred to in section 5 of the Act on the Delimitation of the Territorial Waters of Finland (463/1956);
- 5) *territorial waters* means the zones referred to in section 1 of the Act on the Delimitation of the Territorial Waters of Finland;
- 6) *ship* means seagoing vessels of all types, including hydrofoil boats, air-cushion vehicles, submersibles and floating craft, as well as fixed or floating platforms;
- 7) *waste from ships* means all waste, including cargo residues, which is generated during the service of a ship or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to the MARPOL Convention, as well as waste collected in fishing gear during fishing operations and other waste from ships referred to in section 5 of the Waste Act (646/2011);
- 8) *Port Reception Facilities Directive* means Directive (EU) 2019/883 of the European Parliament and of the Council on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC;
- 9) *Ship-Source Pollution Directive* means Directive 2005/35/EC of the European Parliament and of the Council on ship-source pollution and on the introduction of penalties for infringements, as amended;
- 10) *Ship Recycling Regulation* means Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC;
- 11) *vessel traffic service provider* means a VTS service provider referred to in the Vessel Traffic Service Act (623/2005) that maintains vessel traffic service;
- 11a) *Regulation on the use of renewable and low-carbon fuels in maritime transport* means Regulation (EU) 2023/1805 of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC; (1116/2024)
- 12) *biofuel* means the following substances: biofuels as referred to in the guidelines for the carriage of biofuel blends published by the International Maritime Organization; biofuels as referred to in the cargo carriage guidelines set out in Annex I to the MARPOL Convention; and energy-rich fuels and their blends, as referred to in the guidelines for the carriage of energy-rich fuels and their blends published by the International Maritime Organization, that contain any of the biofuels and fuels referred to above.
- 13) *gross tonnage* means tonnage as determined by using the formula set out in Annex I to the International Convention on Tonnage Measurement of Ships, 1969 (Treaty Series 31/1982);
- 14) *noxious substance* means oil; any substance classified into Category X, Y or Z in the list of chemicals provided in the MARPOL Convention; sewage; garbage; or any mixture of substances mixing a non-noxious substance with a noxious substance;
- 14 a) *grey water* means a ship's treated or untreated drainage from washing, washing-up and laundry, with the exception of drainage from any form of toilets, medical premises, spaces containing living animals and cargo spaces as defined in Rule 1.3 of Annex IV to the MARPOL Convention; (1116/2024)
- 15) *Helsinki Convention* means the Convention on the Protection of the Marine Environment of the Baltic Sea Area, 1992 (Treaty Series 2/2000), as amended;
- 16) *recreational yacht* means a ship with a hull length of 24 metres or more and of less than 500 gross tonnage, regardless of its type and means of propulsion, intended for sports or leisure purposes, and not engaged in trade;
- 17) *recreational craft* means a ship with a hull length of at least 2.5 metres and not more than 24 metres, regardless of its type and means of propulsion, intended for sports or leisure purposes, and not engaged in trade;
- 18) *marina* means a port serving mainly recreational yachts and recreational craft;

- 19) *recognised classification society* means an organisation referred to in section 2, paragraph 42 of the Act on the Technical Safety and Safe Operation of Ships (1686/2009);
- 20) *air pollutant* means substances regulated in Annex VI to the MARPOL Convention in order to prevent air pollution and which have a harmful effect on air, water and other environments;
- 21) *Baltic Sea area* means the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8' N, together with the internal territorial waters declared by each state of the area;
- 22) *fishing vessel* means a ship equipped or used commercially for catching fish or other living resources of the sea;
- 23) *international voyages* means voyages between Finnish and foreign ports or voyages between foreign ports, as well as voyages between a Finnish port and any area outside Finnish territorial waters, excluding the voyages defined in paragraph 27;
- 24) *chemical tanker* means a ship constructed or adapted primarily to carry a cargo of noxious liquid substances in bulk in its cargo spaces and includes oil tankers when carrying a cargo or part cargo of noxious liquid substances in bulk;
- 25) *anti-fouling system* means a coating, paint, surface treatment, surface or equipment that is used on ships to reduce or prevent undesired organisms from attaching themselves to the surface of the ship;
- 26) *garbage* means all kinds of food waste, domestic waste and operational waste; all kinds of plastic, cargo residues, incinerator ash, cooking oil, fishing gear and animal carcasses generated from the normal operation of ships and liable to be continuously or periodically disposed of from the ship, except those substances which are defined or listed in Annexes to the MARPOL Convention other than Annex V; garbage does not include fresh fish and parts thereof caught as a result of fishing carried on during voyages or as a result of any fish farming that includes the transport of fish or shellfish to a farming facility and the transport of taken fish or shellfish from such facilities to the coast for processing;
- 27) *domestic voyages* means voyages between Finnish ports, voyages to Vyborg via the Saimaa Canal and its connecting Russian territorial waters, and voyages between Vichrevoy and Vyborg;
- 28) *treated sewage* means sewage processed through a properly approved treatment facility;
- 29) *sewage* means:
- a) drainage and other wastes from any form of toilets, urinals and WC scuppers;
 - b) drainage from medical premises via washbasins, wash tubs and scuppers;
 - c) drainage from spaces containing living animals; and
 - d) other wastewaters when mixed with any of the wastes and drainage defined in subparagraphs a–c;
- 30) *ship at berth* means a ship duly moored or anchored in a Finnish port while being loaded or unloaded, or which is waiting at a port;
- 31) *cargo residues* means the remnants of any cargo material on board which remain on the deck or in holds or tanks following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash water, excluding, however, cargo dust remaining on the deck after sweeping or dust on the external surfaces of the ship;
- 32) *nearest land* means the outer limit of the internal territorial waters and the areas defined in the MARPOL Convention;
- 33) *placing on the market* means supplying marine fuels for distribution or to fuel users, or making them available to fuel users, for a consideration or free of charge, for use as fuel for ships in areas under Finland's jurisdiction, excluding, however, marine fuels supplied or made available for export in cargo

tanks of ships;

34) *passenger ship* means a ship certified to carry more than 12 passengers, where *passenger* means every person other than the master of the ship and the members of the crew or other persons employed or engaged in any capacity on board the ship in the business of that ship, and children under one year of age;

35) *marine diesel oil* means any marine fuel as defined for DMB grade in Table I of ISO 8217 with the exception of the reference to the sulphur content;

36) *marine gas oil* means any marine fuel as defined for DMX, DMA and DMZ grades in Table I of ISO 8217 with the exception of the reference to the sulphur content;

37) *marine fuel* means the liquid fuel produced from crude oil and intended for use, or currently in use, in a ship, including fuels defined in the ISO 8217 standard;

37 a) *MRV Regulation* means Regulation (EU) 2015/757 of the European Parliament and of the Council on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC; (1116/2024)

38) *liquid substance* means any substance having a vapour pressure not exceeding 0.28 MPa at a temperature of 37.8°C;

39) *ballast water* means water and the solids contained in it transported on a ship in order to control the ship's trim, heel, draught, stability or stress loads;

40) *ballast water management* means mechanical, physical, chemical and biological processes used – either singularly or in combination – to remove, render harmless or avoid the uptake or discharge of harmful aquatic organisms and pathogens within ballast water and sediments;

41) *Ballast Water Management Convention* means the International Convention for the Control and Management of Ships' Ballast Water and Sediments (Treaty Series 38/2017), as amended;

41 a) *exhaust gas cleaning system* means a system which removes sulphur dioxide emissions from the exhaust gases of a ship in such a way that the sulphur dioxide emissions in the exhaust gas are, on the whole and continuously, reduced at least to a level corresponding to what they would be were a fuel satisfying the requirements laid down in chapter 7, section 7, subsection 1 used on the ship; (1116/2024)

42) *ship of the Finnish Defence Forces or the Border Guard* means a ship with clear national insignia and under the command of a person who has been duly appointed by the Finnish Defence Forces or the Border Guard and entered into the relevant record of services or the like;

43) *discharge*, as defined in Article 2 of the MARPOL Convention, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying, but excludes dumping at sea of waste generated on land, harmful substances directly arising from the exploitation of sea-bed mineral resources, or the release of harmful substances for purposes of legitimate scientific research into pollution abatement or control;

44) *emission abatement method* means any fitting, material, appliance or apparatus to be fitted in a ship or other procedure, alternative fuel, or compliance method, used as an alternative to low sulphur marine fuel meeting the requirements set out in Annex VI to the MARPOL Convention or in Directive (EU) 2016/802 of the European Parliament and of the Council relating to a reduction in the sulphur content of certain liquid fuels, that is verifiable, quantifiable and enforceable;

45) *SOx emission control area* means sea areas defined as such by the International Maritime Organization (IMO) under Annex VI to the MARPOL Convention;

46) *port* means any place or geographical area where the facilities and equipment are designed to permit the reception of ships, including recreational yachts, recreational craft or fishing vessels, including the mooring area within the jurisdiction of the port but excluding any place or area where the facilities and

services available for ships are limited and the volume of users and waste is low;

47) *port authority* means a legal person responsible for the management of the separate operational entities that make up the port, or who collects the port charge or a similar public fee for using the port;

48) *Port Services Regulation* means Regulation (EU) 2017/352 of the European Parliament and of the Council establishing a framework for the provision of port services and common rules on the financial transparency of ports;

49) *port reception facility* means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from ships;

50) *sediment* means the matter settled out of ballast water within a ship;

51) *Vessel Monitoring Directive* means Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, as amended;

52) *internal waters* means the zones defined in section 3 of the Act on the Delimitation of the Territorial Waters of Finland;

53) *inland waters* means lakes, rivers and canals;

54) *inland waterway vessel* means an inland waterway vessel referred to in Article 3(c) of Directive (EU) 2016/1629 of the European Parliament and of the Council laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC, as well as any vessel which has been granted a Union inland navigation certificate referred to in Article 6 of said Directive;

55) *SOLAS Convention* means the International Convention for the Safety of Life at Sea, 1974 (Treaty Series 11/1981), as amended;

56) *Finnish waters* means the territorial waters and inland waters;

57) *exclusive economic zone* means the exclusive economic zone defined in the Act on the Exclusive Economic Zone of Finland (1058/2004);

58) *TBT Regulation* means Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships;

59) *NOx emission control area* means sea areas defined as such by the International Maritime Organization under Annex VI to the MARPOL Convention;

60) *preparation* means mixtures or solutions composed of two or more substances;

61) *environmental pollution* means, with regard to the state of water areas, any hazards to human health, harm to living resources and to life in water areas, hindrances to fishing or to other legitimate use of water areas, impairment of water quality with respect to the use of said water, reduction of amenities, or any similar inconvenience, or harm related to air quality or to the climate, caused by the normal operation of ships, such as harm caused by nitrogen and sulphur in engine exhaust gases, or harm caused by ozone-depleting substances;

62) *oil* means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products;

63) *oily mixture* means a mixture with oil content;

64) *oil tanker* means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers and chemical tanker when carrying a cargo of oil in bulk.

Section 3 (669/2021)

Scope of application

This Act applies to ships sailing in Finnish waters or within Finland's exclusive economic zone. Exceptions to the application of this Act concerning inland waters and domestic voyages are set out below.

This Act also applies to Finnish ships outside Finnish waters and outside Finland's exclusive economic zone.

The provisions laid down in chapters 9 and 10 of the Act apply to the port reception of waste resulting from the normal operation of ships. The Waste Act becomes applicable to waste resulting from the normal operation of ships once such waste has been delivered ashore from a ship.

Chapters 9 and 10 of this Act do not apply to:

- 1) ships or ports of the Finnish Defence Forces and the Border Guard; or
- 2) ports which serve passenger ships of less than 1,350 tons deadweight engaged solely on domestic voyages and to which the ships concerned do not deliver waste, provided that the ships calling at the port in question have in place a waste management agreement at another port.

This Act does not apply to releases of harmful substances referred to in Article 2(3)(b)(ii) of the MARPOL Convention, directly arising from the exploration, exploitation and associated off-shore processing of sea-bed mineral resources.

Section 4 (1116/2024)

Application of the Act to ships of the police, the Finnish Defence Forces and the Border Guard

This Act applies to ships of the police, the Finnish Defence Forces and the Border Guard, unless the special nature of their construction or operation requires otherwise.

However, this Act applies without exception to any ships of the police, the Finnish Defence Forces and the Border Guard that are regularly used in general transport to carry passengers or cargo.

Section 5

Application of the Act to ships of foreign states

Notwithstanding what is provided in this Act, the provisions laid down in international treaties and agreements regarding the legal status of a ship or warship flying the flag of a foreign state shall be followed.

Section 6

Prohibition to discharge noxious substances and air pollutants

It is prohibited to discharge noxious substances and air pollutants into water or air, as provided in, or by virtue of, this Act or as provided in European Community legal instruments.

If noxious substances subject to different discharge standards are mixed with each other, the most stringent discharge standards shall apply.

Section 7

Floating platforms equipped with a permanent fixed shore connection

The Environmental Protection Act (527/2014) and the Waste Act apply to the prevention of environmental pollution caused by floating platforms equipped with a permanent fixed shore connection. (535/2014)

A 'floating platform equipped with a permanent fixed shore connection' means any ship intended for accommodation, restaurant or recreational purposes, or work activities, having a permanent fixed shore connection, such as a water pipe, sewer, electric cable or a fixed gangway, as well as a firmly anchored floating ship intended for recreational purposes.

Section 8 (669/2021)

Places or areas with limited facilities and services and a low volume of users and waste

The following places or areas are considered to have limited facilities and services and a low volume of users and waste within the meaning of section 2, paragraph 46 of this chapter:

- 1) any place or area, designed for the reception of recreational craft, having fewer than 25 moorings or with fewer than 25 spots for winter docking of recreational craft;
- 2) any pier or quay of a retail outlet or a food service outlet that is used solely for or during visiting that outlet;
- 3) any place or area designed solely for the reception of seagoing vessels that, under section 110 of the Water Traffic Act, are not subject to a registration obligation;
- 4) any facility which enables the mooring of recreational craft, and is situated in a joint-use area that is identified in the detailed shore plan and that conforms to section 75 of the Land Use and Building Act, when used solely by members of the shore maintenance association;
- 5) any place or area designed for the mooring of seagoing vessels which are principally intended for operating to residential or leisure properties, when the waste management of said properties is organised by local authorities;
- 6) any place or area designed for the reception of fishing vessels and which is used solely by a single self-employed professional; or
- 7) other comparable places or areas.

Further provisions may be issued by government decree on the instances where a place or an area referred to in subsection 1, paragraph 7 is regarded as having limited facilities and services and a low volume of users and waste.

Chapter 2

Prevention of oil discharges and spills from ships

Section 1 (669/2021)

Oil discharge prohibition and discharge restrictions

It is prohibited to discharge oil or oily mixtures from ships in Finnish waters or within Finland's exclusive economic zone, and from Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone, as set out in Annex I to the MARPOL Convention, the Helsinki Convention, other international commitments binding on Finland or European Union legal instruments.

In addition to the provisions of subsection 1, it is prohibited to discharge oily mixtures from machinery spaces of ships through the bilge water filtration system into water in inland waters and in Finnish territorial waters

within an area of four nautical miles from the nearest land.

The discharge prohibition and the discharge restriction referred to in subsections 1 and 2 also apply to the discharge into water, in Finnish waters and within Finland's exclusive economic zone, of hydrocarbons having characteristics comparable to oil or oily mixture, and other noxious substances used on ships in the manner of oil or oily mixture. However, the discharge prohibition and the discharge restriction do not apply to foreign ships discharging into water, within Finland's exclusive economic zone, a hydrocarbon having characteristics comparable to oil or oily mixture or another noxious substance used on ships in the manner of oil or oily mixture.

It is prohibited to add water, chemicals or other substances to oil discharges in order to circumvent the discharge restrictions.

Section 2

Discharging oil in exceptional circumstances

The provisions of section 1 do not apply to the discharge of oil or oily mixtures into water, if:

- 1) the discharge is necessary for the purpose of securing the safety of a ship or saving life at sea;
- 2) the discharge of oil into water results from damage to the ship or its equipment and all reasonable precautions have been taken after the occurrence of the damage; or
- 3) the discharge into water consists of an oily substance that is used to mitigate damage from pollution, and the competent accident response authority has in each individual case decided on the use of the substance.

The provisions of subsection 1, paragraph 2 do not apply to incidents where the manager or master of a ship acts either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Section 3 (669/2021)

Structural and equipment requirements for the machinery spaces of ships

On ships of 400 gross tonnage and above, the machinery-space equipment, structures and arrangements necessary to ensure the prevention of oil discharges shall be in accordance with the requirements set out in Annex I to the MARPOL Convention. By written application, the Finnish Transport and Communications Agency may grant exceptions to the requirements laid down in this subsection, as provided for in Annex I to the MARPOL Convention.

Finnish ships of 24 metres or more in length and less than 400 gross tonnage shall have either a bilge water holding tank, or equipment of a design approved by the Finnish Transport and Communications Agency that will ensure that the oil content of the effluent without dilution does not exceed 15 parts per million.

Subject to the conditions set out in Annex I to the MARPOL Convention, the Finnish Transport and Communications Agency may decide on the equivalence of equipment, structures or arrangements other than those defined in subsection 1 or 2 with the equipment referred to in subsection 1 or 2, if they are as effective as the equipment, structures or arrangements referred to in subsection 1 or 2.

In Finnish ships, oil shall not be carried in tanks located forward of the collision bulkhead.

Section 4 (669/2021)

Structural and equipment requirements for oil tanker cargo spaces

The structure and equipment of an oil tanker shall be in accordance with the requirements set out in Annex I to the MARPOL Convention and Regulation (EC) No 417/2002 of the European Parliament and of the Council on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94, as amended.

The Finnish Transport and Communications Agency may issue orders on equivalents and, in accordance with the provisions of Annex I to the MARPOL Convention and upon written application, may grant exceptions to the requirements set out in subsection 1.

Section 5 (669/2021)

Shipboard Oil Pollution Emergency Plan

Oil tankers of 150 gross tonnage and above, and other ships of 400 gross tonnage and above, shall have a Shipboard Oil Pollution Emergency Plan pursuant to Annex I to the MARPOL Convention.

With regard to Finnish ships, the Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, approve the Emergency Plan referred to subsection 1.

Section 6 (669/2021)

Oil Record Book

On oil tankers of 150 gross tonnage and above, the master or, under his direction, another officer of the ship shall keep an Oil Record Book.

In addition to the provision laid down in subsection 1, on oil tankers of 150 gross tonnage and above and on other ships of 400 gross tonnage and above, the master or, under his direction, another officer of the ship shall keep an Oil Record Book to record relevant machinery space operations.

The Finnish Transport and Communications Agency shall confirm the form of the Oil Record Book in accordance with Annex I to the MARPOL Convention. In accordance with Annex I to the MARPOL Convention, the Finnish Transport and Communications Agency shall draw up the form of the Oil Record Book for oil tankers of less than 150 gross tonnage.

The Finnish Transport and Communications Agency and, when a Finnish ship is in a foreign port, the competent foreign authority has the right to inspect the Oil Record Book and, upon request, to receive a copy thereof which shall be certified by the master of the ship. Measures undertaken by the Finnish Transport and Communications Agency under this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

The Oil Record Book shall be kept in such a place as to be readily available for inspection, and it shall be preserved for a period of three years from the date of the last entry.

Section 7 (1116/2024)

IOPP Certificate

The structures and equipment of oil tankers of 150 gross tonnage and above engaged on international voyages, and the structures and equipment of other ships of 400 gross tonnage and above engaged on international voyages, shall satisfy the regulations governing them laid down in Annex I to the MARPOL Convention. As an indication of this, ships shall have an International Oil Pollution Prevention Certificate (*IOPP Certificate*).

In accordance with the MARPOL Convention, instead of an IOPP Certificate, unmanned non-self-propelled barges may be issued an Exemption Certificate for barges of this type.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue an IOPP Certificate or an unmanned non-self-propelled barge Exemption Certificate for a Finnish ship in accordance with the forms provided in Annex I to the MARPOL Convention. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may issue the IOPP Certificate of a foreign ship. IOPP Certificates and unmanned non-self-propelled barge Exemption Certificates are issued for a fixed period of time and for not longer than five years at a time.

Section 8

Transport of oil in inland waters

Oil tankers operating in inland waters are prohibited from carrying:

- 1) heavy fuel oil in the cargo tanks; and
- 2) oil of any type whatsoever in cargo tanks located along the bottom shell area or along the outer surface of the hull.

Section 9 (669/2021)

Drilling rigs and other platforms

The following provisions apply to the fixed and floating drilling rigs referred to in Annex I to the MARPOL Convention engaged in the exploration, exploitation and associated off-shore processing of sea-bed mineral resources, as well as to other platforms:

- 1) provision of chapter 1, section 6, subsection 2 on the mixing of noxious substances;
- 2) provisions of sections 1–4 of this chapter on discharges of oil and the prevention thereof; and
- 3) provisions of section 6, subsections 2–4 of this chapter on the Oil Record Book concerning machinery space operations.

Section 10 (669/2021)

Further provisions

Further provisions on the handling, properties and origin of oily mixtures, as well as on discharge restrictions relating to the operation of ships, drilling rigs or other type of platforms, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone, may be issued by government decree for implementing Annex I to the MARPOL Convention, the Helsinki Convention, Finland's other international commitments and European Union legal instruments.

Technical regulations on the following subjects may be issued by the Finnish Transport and Communications Agency for implementing Annex I to the MARPOL Convention, the Helsinki Convention and European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) exceptions and equivalents concerning requirements laid down for ships, drilling rigs and other platforms, as well as the design of oil filtering equipment, and models for the transfer of liquids for such ships and platforms, as referred to in sections 3 and 4;
- 2) the content and outline of the Emergency Plan referred to in section 5;

3) the form of the Oil Record Book referred to in section 6; and

4) the form of the IOPP Certificate referred to in section 7.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 2a (669/2021)

Ship-to-ship (STS) transfer of noxious and dangerous cargoes and STS delivery of fuel

Section 1 (669/2021)

Scope of application

The provisions of this chapter apply to transfers of the following substances and cargoes: noxious substances carried as cargo; the solid bulk cargoes harmful to the marine environment defined in Appendix I of Annex V to the MARPOL Convention; and the dangerous goods in solid form in bulk defined in Regulation 7 of Part A-1 of Chapter VII of the Annex to the SOLAS Convention. The provisions of this chapter also apply to ship-to-ship (STS) delivery of gases and other low-flashpoint fuels and biofuels used as fuel referred to in the International Code of Safety for Ships Using Gases or Other Low-flashpoint Fuel.

The provisions of this chapter do not apply to the transfers and deliveries referred to in subsection 1 if they are necessary for the purpose of securing the safety of a ship or saving life at sea, or they are carried out to prevent certain pollution incidents with the purpose of mitigating the damage caused by environmental pollution.

The provisions of this chapter do not apply to transfers or deliveries carried out by ships of the Finnish Defence Forces or the Border Guard.

Section 2 (669/2021)

Areas designated for carrying out transfers and delivering fuel

The cargo transfers and fuel deliveries referred to in section 1 shall be carried out only in port areas, and in specifically designated areas in Finnish waters and within Finland's exclusive economic zone.

After consulting the Finnish Defence Forces, the Border Guard, the Finnish Environment Institute, Metsähallitus, the Customs, the Finnish Transport Infrastructure Agency, the rescue authority of the rescue services of the area and the vessel traffic service provider, for maintaining the protection of the marine environment, the Finnish Transport and Communications Agency shall name the areas referred to in subsection 1, and shall maintain and publish a list of them. Before naming the areas, the relevant stakeholders shall be consulted.

For special reasons, and after consulting the authorities referred to in subsection 2, the Finnish Transport and Communications Agency may grant exceptions to the provisions of subsection 1.

Section 3 (669/2021)

STS Operations Plan and Code of Conduct

Oil tankers of 150 gross tonnage and above used for ship-to-ship oil cargo transfers between oil tankers (*STS transfers*) at sea shall have an STS Operations Plan for oil cargoes (*STS Operations Plan*), which shall meet the requirements of Annex I to the MARPOL Convention.

The Finnish Transport and Communications Agency or a recognised classification society shall approve STS Operations Plans with regard to Finnish ships.

A ship participating in a transfer or delivery referred to in subsection 1, with the exception of STS transfers, shall describe the Code of Conduct for the transfer or delivery concerned.

Section 4 (669/2021)

Obligation to give notification of STS transfers and deliveries

The operator, owner, agent or master of a ship shall give notification:

1) to the Customs of its plan to carry out a transfer or delivery referred to in section 1 in Finnish waters, using the electronic maritime information management system referred to in section 20a of the Vessel Traffic Service Act;

2) to the vessel traffic service provider of its plan to carry out a transfer or delivery referred to in section 1 within Finland's exclusive economic zone, in the manner set out in paragraph 1 or by using another electronic means of communication.

The notification referred to in subsection 1 shall be given in a timely manner and at least 48 hours before the planned transfer or delivery.

A notification referred to in subsection 1 concerning transfers of cargoes and wastes and fuel deliveries referred to in section 1 shall include the particulars to be laid down more specifically by government decree pursuant to section 7.

If, exceptionally, not all the particulars referred to in subsection 3 are available at least 48 hours before the planned transfer or delivery, the emptying ship shall notify the parties set out in subsection 1, by following the procedure referred to in subsection 1, at least 48 hours before the planned transfer or delivery that it will be carried out. The particulars referred to in subsection 3 shall be delivered to the above parties as soon as possible. If any particulars pertaining to a transfer or a delivery change before the planned transfer or delivery is carried out, this shall immediately be notified in the manner set out in subsection 1, and the updated particulars shall be included in the notification.

The Customs and the vessel traffic service provider shall without delay inform the Finnish Transport and Communications Agency and the other authorities set out in section 1, subsection 2 of the notification referred to in subsection 1. Furthermore, section 22a of the Vessel Traffic Service Act applies to notifications that concern transfers and deliveries taking place in Finnish waters, and the provisions laid down in that Act on vessel traffic service providers apply to STS transfers taking place within Finland's exclusive economic zone.

For specific reasons related vessel traffic safety and protection of the marine environment, the Finnish Transport and Communications Agency may prohibit a planned individual transfer or delivery referred to in section 1.

Section 5 (669/2021)

Person having overall responsibility for controlling a transfer or delivery

On board a ship used in a transfer or delivery referred to in section 1, there shall be a person who has overall responsibility for controlling the transfer or delivery.

A person having overall responsibility for controlling an STS transfer shall have the qualifications prescribed in Annex I to the MARPOL Convention for carrying out all STS transfer tasks.

Section 6 (669/2021)

Responsibility for costs of preparedness measures

The operator or owner of a ship receiving transfers and deliveries referred to in subsection 1 shall assume responsibility for the costs incurred to the Border Guard and the rescue authority of the rescue services of the area from the preparedness measures performed in connection with the transfer or delivery.

Section 7 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree relating to the application of this chapter, Annex I to the MARPOL Convention, the Helsinki Convention and Finland's other international commitments, and European Union legal instruments:

1) arrangements and restrictions, including preparedness measures and costs resulting from them, related to the carrying out of transfers and deliveries referred to in section 1 of this chapter in Finnish waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish waters and outside Finland's exclusive economic zone; and

2) particulars to be included in the notification referred to in section 4, subsection 3 of this chapter.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects relating to the application of this chapter, Annex I to the MARPOL Convention, the Helsinki Convention or European Union legal instruments:

1) the areas in Finnish territorial waters and within Finland's exclusive economic zone, as referred to in section 2 of this chapter;

2) the practical arrangement of transfers and deliveries taking place in Finnish waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish waters and outside Finland's exclusive economic zone; and

3) the content of the STS Operations Plan.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 3

Oil discharge fee

Section 1 (669/2021)

Obligation to pay an oil discharge fee

For violating the prohibition laid down in chapter 2, section 1 to discharge, in Finnish waters or within Finland's exclusive economic zone, oil or oily mixtures, or hydrocarbons having characteristics comparable to them, and other noxious substances used on ships in the manner of oil or oily mixture, a monetary penalty (*oil discharge fee*) shall be imposed, except where the amount and impacts of the discharge are deemed minor. However, for violating the discharge prohibition within Finland's exclusive economic zone, an oil discharge fee shall be imposed on a foreign ship in transit only if the discharge causes considerable damage or threat of damage to Finland's shoreline or related interests, or to natural resources in Finland's territorial sea or within Finland's exclusive economic zone.

An oil discharge fee shall be imposed on the natural person or legal person that is the owner or manager of the ship at the time of the offence. An oil discharge fee shall not be imposed on the owner of a ship if the owner can prove that a manager of the ship was operating the ship in the owner's stead at the time of the

offence.

At a shipping company, the managers of a ship shall be jointly and severally liable for the oil discharge fee.

The provisions of this chapter do not apply to ships of the police, the Customs, the Finnish Defence Forces or the Border Guard.

Section 2 (1116/2024)

Amount of an oil discharge fee

An oil discharge fee shall be imposed on the basis of the amount discharged and the gross tonnage of the ship, according to the rates specified in Appendix 1 to the Act.

Section 3

Exemption from an oil discharge fee

The imposition of an oil discharge fee may be waived or the fee may be reduced if the party liable to make payment shows that the imposition of a fee would be manifestly unreasonable due to an emergency or an accident to which the derogation provisions of chapter 2, section 2 cannot be applied, or for some other comparable reason.

Section 4

Subsidiarity of an oil discharge fee

An oil discharge fee shall not be imposed on anyone who has been convicted by final judgment of the oil discharge in question.

The authority that has imposed an oil discharge fee shall, upon application, remove the fee if the party on whom the oil discharge fee has been imposed is later convicted of the same oil discharge.

Section 5

Imposing an oil discharge fee

Oil discharge fees shall be imposed by the Border Guard. Within the Border Guard, a decision on the matter shall be made by the Commander or the Deputy Commander of the Coast Guard, or the Head of the Operational Office.

Oil discharge fees shall be paid to the State.

Section 6

Actions to secure the imposition of an oil discharge fee

In order to impose an oil discharge fee, such measures laid down in this chapter and in sections 11–13 of chapter 12 may be taken as are necessary to resolve the matter. (1005/2010)

On the conditions set out in sections 11 and 12 of chapter 12, the Border Guard may also detain a ship if this is justifiable in order to secure a sum which is due. For a justified reason, a detention decision may be taken before issuing a decision on the fee. It may be ordered that a condition for the continuation of a ship's

voyage is that a sufficient cash security be posted to the Border Guard for fulfilling the potential payment obligation. The provisions of the act on the deposit of cash, book entries, securities or instruments in payment of debts or for release from other liabilities (281/1931) apply to the depositing of a security. The security shall be returned to the depositor once the grounds for holding it cease to exist. (1005/2010)

A detention decision and a decision to post a security shall be recognised notwithstanding any request for a review. If a security has been posted for the payment of an oil discharge fee, or if the grounds for detaining a ship have otherwise ceased to exist, the detention order shall be revoked immediately. A decision to detain a ship remains valid for not longer than 14 days from the date on which the decision is issued.

Any conditions imposed on the continuation of a foreign ship's voyage shall without delay be notified to the flag state of the ship.

Section 7

Opportunity to be heard

Before issuing a decision on the fee, the owner or manager of the ship shall be given an opportunity to present an explanation within a time period considered sufficient having regard to the nature of the matter.

If the achievement of the purpose of the decision referred to in section 6, subsection 2 may otherwise be at risk, the matter may be resolved without consulting the party concerned.

In matters relating to an oil discharge fee, the master of the ship represents the party liable to make payment.

Section 8

Executive assistance in matters concerning an oil discharge fee

In order to carry out a task which concerns an oil discharge fee, authorities shall give the Border Guard any necessary executive assistance which they are authorised to provide.

Section 9

Right to access information

If the disclosure of information does not hinder the resolution of the matter, notwithstanding the provisions of the Act on the Openness of Government Activities (621/1999), the authority conducting a preliminary investigation has the right to disclose to the Border Guard such information arising during the preliminary investigation of an illegal oil discharge as may be relevant for deciding on the imposition of an oil discharge fee for the same oil discharge.

Section 10

Right to request a review

The party liable to make payment has the right to request a review of an oil discharge fee decision and a decision referred to in section 6, subsection 2 by lodging an appeal to the maritime court operating at the District Court of Helsinki.

The composition referred to in chapter 21, section 1, subsection 3 of the Maritime Act (674/1994) shall constitute a quorum at the maritime court.

Section 11

Appeal procedure

An appeal shall be submitted in writing within 30 days of the date on which the decision and the appeal instructions are submitted for information to the party liable to make payment. The appeal letter shall be submitted to the Border Guard.

The Border Guard shall without delay deliver the appeal letter to the registry of the District Court of Helsinki, and shall attach to it its own statement and copies of the accumulated documentation. When submitting documents to the District Court, the date of arrival of the appeal letter shall be indicated.

An appeal is instituted at the maritime court when the documents referred to in subsection 2 arrive at the registry of the court. The court shall without delay notify the appellant and the Border Guard of the time and place of the hearing and of the consequences of the appellant's non-attendance.

If the appellant has submitted the appeal letter within the time limit directly to the competent court, the appellant shall not lose its right to plead.

Section 12

Procedure at the maritime court

Relying on the appeal and the other evidence obtained in the matter, the maritime court shall examine whether the conditions for imposing an oil discharge fee are satisfied. The provisions on criminal procedure, as applicable, apply to the hearing of the case at court.

During the course of the proceedings at the maritime court, the Border Guard shall show justification for the necessary facts on which the imposition of the oil discharge fee was based. The maritime court shall ensure the completeness of the examination of the case.

The decision-maker or a public official representing the decision-maker shall be present at the maritime court when the appeal is being heard. The appellant has the right to be present at the maritime court. A case can be heard and decided despite the absence of the appellant, if:

- 1) the maritime court does not deem it necessary to hear the appellant in person; and
- 2) the appellant has been summoned to the maritime court on pain of the case being heard and decided despite the appellant's absence.

Section 13

Continued appeal

A judgment by the maritime court may be appealed to the Court of Appeal by lodging an appeal as provided for in the Code of Judicial Procedure. Judgments by the maritime court on cases concerning detention of a ship and posting of a security are not subject to appeal.

The provisions of chapters 26 and 30 of the Code of Judicial Procedure, as applicable, apply to legal proceedings at the Court of Appeal and to requests for judicial reviews to the Supreme Court. When considering an appeal, the Court of Appeal shall afford the Border Guard an opportunity to be heard following the appeal and, where necessary, to present evidence.

Where necessary for upholding the uniformity of legal practice, the Border Guard has the right to request for a review of a decision issued by the maritime court or the Court of Appeal by virtue of this Act if the maritime court or the Court of Appeal has revised or repealed a Border Guard's decision.

Section 14

Time limit for imposing an oil discharge fee

An oil discharge fee cannot be imposed after three years from the date of discharge.

Section 15 (1116/2024)

Section 15 was repealed by Act 1116/2024.

Section 16

Time limit for paying and interest on an oil discharge fee

An oil discharge fee shall be paid within 30 days of being informed of the decision.

Interest for late payment at the rate of interest specified in section 4, subsection 1 of the Interest Act (633/1982) is charged on an oil discharge fee which has fallen due for payment and has not been paid on or before the due date.

Section 17

Authority responsible for enforcing oil discharge fees

The Legal Register Centre is responsible for enforcing decisions that concern an oil discharge fee.

The Border Guard and the relevant court shall notify the Legal Register Centre of their decision. The Legal Register Centre shall also be informed of decisions to reduce or revoke an oil discharge fee.

Chapter 4

Prevention of discharges of noxious liquid substances from ships

Section 1 (990/2018)

Categorisation of noxious liquid substances

The carriage of noxious liquid substances that fall into Categories X, Y or Z referred to in Regulation 6 of Annex II to the MARPOL Convention is subject to the regulations laid down in said Annex. (669/2021)

If a liquid substance does not fall into Category X, Y or Z, the substance shall be assessed in accordance with Annex II in order to determine the procedures applicable to its carriage.

In an individual case and upon written application, the Finnish Transport and Communications Agency may grant an exception to the categorisation of a noxious liquid substance, when the substance in question is carried on a domestic voyage, provided that compliance with the categorisation provisions would cause unreasonable inconvenience or unreasonable expenses and would be inappropriate in view of the minor threat of damage posed to the environment.

Section 2

Prohibition and restrictions on discharges of noxious liquid substances

It is prohibited to discharge a noxious liquid substance from a ship into water in Finnish waters and within Finland's exclusive economic zone and, from a Finnish ship, also outside Finnish territorial waters and outside Finland's exclusive economic zone, as laid down in Annex II to the MARPOL 73/78 Convention, the Helsinki Convention, or other international commitments binding on Finland, or European Community legal instruments.

Subsection 2 was repealed by Act 275/2019.

Section 3

Discharging a noxious liquid substance in exceptional circumstances

The provisions of section 2 do not apply to the discharging of a noxious liquid substance into water, if:

- 1) discharging is necessary for the purpose of securing the safety of a ship or saving life at sea;
- 2) discharging of a noxious liquid substance into water results from damage to a ship or its equipment and all reasonable precautions have been taken after the occurrence of the damage; or
- 3) the noxious liquid substance discharged into water is one used to mitigate damage from pollution, and the competent accident response authority has decided on the use of the substance in each individual case.

The provisions of subsection 1, paragraph 2 do not apply to incidents where the manager or master of a ship acts either with intent to cause damage, or recklessly and with knowledge that damage would probably result.

Section 4 (669/2021)

Structural and equipment requirements for chemical tankers

Chemical tankers carrying noxious liquid substances falling into Categories X, Y or Z referred to in section 1 shall meet the requirements set out for chemical tankers in Annex II to the MARPOL Convention.

The Finnish Transport and Communications Agency or a recognised classification society shall approve ship-specific performance tests of the pump and piping systems of Finnish chemical tankers in accordance with Annex II to the MARPOL Convention.

As provided for in Annex II to the MARPOL Convention, the Finnish Transport and Communications Agency may grant exemptions from and, upon written application, exceptions to the requirements set out in subsection 1, and may issue regulations on equivalents.

Section 5 (990/2018)

Shipboard Marine Pollution Emergency Plan

Chemical tankers of 150 gross tonnage and above shall have a Shipboard Marine Pollution Emergency Plan for Noxious Liquid Substances which complies with the regulations laid down in Annex II to the MARPOL Convention. (669/2021)

The plan referred to in subsection 1 may be combined with the Shipboard Oil Pollution Emergency Plan referred to in chapter 2, section 5. The title of the combined plan shall be 'Shipboard Marine Pollution Emergency Plan'.

With regard to Finnish ships, the Finnish Transport and Communications Agency or a recognised classification society shall approve the Emergency Plans referred to in subsection 1 and 2.

Section 6 (669/2021)

Procedures and Arrangements Manual

The master of a chemical tanker or, under his direction, another officer of the ship shall keep a Procedures and Arrangements Manual concerning the emptying and washing of the ship, as laid down in Annex II to the MARPOL Convention.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, approve a Finnish ship's Procedures and Arrangements Manual, provided that it satisfies the requirements laid down in Annex II to the MARPOL Convention.

Section 7 (990/2018)

Cargo Record Book

The master of a chemical tanker or, under his direction, another officer of the ship shall keep a Cargo Record Book concerning cargo operations and damage caused in the course of unloading cargo, as laid down in Annex II to the MARPOL Convention. (669/2021)

The Finnish Transport and Communications Agency and, when a ship is in a foreign port, the competent foreign authority has the right to inspect the Cargo Record Book and, upon request, to receive a copy thereof certified by the master of the ship. Measures undertaken by the Finnish Transport and Communications Agency under this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

The Cargo Record Book shall be kept in such a place as to be readily available for inspection, and it shall be preserved for a period of three years from the date of the last entry.

The Finnish Transport and Communications Agency shall confirm the form of the Cargo Record Book.

Section 8 (669/2021)

Other certificates for the carriage of noxious liquid substances

Chemical tankers shall have a Certificate of Conformity establishing that the ship meets the standard for the safe carriage by sea of liquid dangerous chemicals or the standard for the safe carriage of chemicals in bulk, published by the International Maritime Organization.

As prescribed in Annex II to the MARPOL Convention, chemical tankers shall have a Certificate establishing that the ship meets the requirements laid down in the International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk (IBC Code) of the International Maritime Organization for type 3 ships, with the exception of the requirement concerning the location of the cargo tank.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue the Certificate referred to in subsection 1 or 2 to a Finnish ship, provided that the ship satisfies the requirements laid down in Annex II to the MARPOL Convention. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may issue the Certificate to a foreign ship. The Certificate remains valid for a fixed period of time and for not longer than five years at a time.

Section 9 (669/2021)

Unloading cargo and supervising tank cleaning

The master of a chemical tanker is liable to ensure that noxious liquid substances are unloaded, tanks and piping cleaned, tank washings discharged and entries made in the Cargo Record Book in accordance with the

regulations laid down in Annex II to the MARPOL Convention and the Helsinki Convention.

In ports where noxious liquid substances are loaded or unloaded, inspectors authorised by the Finnish Transport and Communications Agency shall check that the loading and unloading of cargoes belonging to different categories, the washing of tanks and piping of ships, the entries in the Cargo Record Book and other comparable measures are carried out in accordance with the provisions and regulations laid down in and pursuant to this Act and in compliance with Annex II to the MARPOL Convention and the Helsinki Convention. The operator or owner of a ship is responsible for the costs of an inspection.

The ship's agent shall communicate to the Finnish Transport and Communications Agency any port unloading of a noxious liquid substance falling into Category X or Y set out in the list of chemicals provided in the MARPOL Convention. This notification shall be made in a timely manner and, where possible, at least 48 hours before the planned unloading.

The regulations of Annex II to the MARPOL Convention apply to the prewash and ventilation of cargo spaces of ships. The Finnish Transport and Communications Agency may issue exemptions from prewash, and regulations on the ventilation of cargo residues, in accordance with said Annex.

Section 10 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing Annex II to the MARPOL Convention, the Helsinki Convention, Finland's other international commitments and European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) categorisation of noxious liquid substances, as referred to in section 1;
- 2) discharge limitations, as referred to in section 2 and 9, concerning cargo unloading, prewash requirements, effluent concentrations, controlling the cleaning of tanks, ventilation of cargo spaces, and effluent discharge conditions; and
- 3) structural requirements to be set for chemical tankers, as referred to in section 4.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects for implementing Annex II to the MARPOL Convention, the Helsinki Convention or European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) the exceptions, exemptions and equivalents referred to in section 4;
- 2) the Emergency Plan referred to in section 5;
- 3) the Procedures and Arrangements Manual referred to in section 6;
- 4) the Cargo Record Book referred to in section 7; and
- 5) the Certificates referred to in section 8.

The provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships operating in inland waters or engaged on domestic voyages.

Chapter 5

Prevention of discharges of sewage and grey water from ships (1116/2024)

Section 1 (669/2021)

Prohibition and restriction on discharges of sewage

It is prohibited to discharge untreated and treated sewage from a ship into water in Finnish inland waters and within Finland's exclusive economic zone and, from a Finnish ship, outside Finnish territorial waters and outside Finland's exclusive economic zone, as set out in Annex IV to the MARPOL Convention, the Helsinki Convention, or other international commitments binding on Finland or European Union legal instruments.

In Finnish territorial waters, it is prohibited to discharge untreated and treated wastewater into water from ships of 400 gross tonnage and above or from any ship smaller than this which is certified to carry 15 persons or more. (1116/2024)

Subsection 1 as amended by Act 1116/2024 enters into force on 1 July 2025. Previous wording:

It is prohibited to discharge both untreated and treated sewage from ships in Finnish waters or in Finland's exclusive economic zone, as well as from Finnish ships outside Finnish waters or Finland's exclusive economic zone, as set out in Annex IV to the MARPOL 73/78 Convention, in the Helsinki Convention, or in other international commitments binding on Finland, or in European Community legal instruments.

The Finnish Transport and Communications Agency or a recognised organisation shall approve the individual rates of Finnish ships calculated according to guidelines issued by the International Maritime Organization at which untreated sewage may be released at sea at a distance exceeding 12 nautical miles from the nearest land in accordance with Annex IV to the MARPOL 73/78 Convention.

Section 1a (1116/2024)

Prohibition on discharges of grey water

It is prohibited to discharge grey water into water in Finnish territorial waters from ships of 400 gross tonnage and above, or from any ship smaller than this which is certified to carry 15 persons or more and the hull length of which is more than 24 metres.

The discharge prohibition referred to in subsection 1 does not apply to ships built before the year 1990 which produce icebreaking services for the Finnish Transport Infrastructure Agency on a contractual or treaty basis.

Before entering Finnish territorial waters from the territory of another state, a ship referred to in subsection 1 shall be capable of proving, by means of entries made in the Engine Log Book of the ship or the ship's another log book, that the side valve of the ship was closed upon entering Finnish territorial waters not later than at the external limit of the territorial waters, except where the discharging of grey water was permitted under section 2. The side valve of ships engaged on domestic voyages shall be closed for the entire duration of the sea voyage, when the ship is operating in Finnish waters. Furthermore, in a situation where a ship has drained grey water in a port, details shall be recorded in the Engine Logbook of the ship or the ship's another log book as to when and in which Finnish port grey water was drained, as well as indicating the amount of the grey water drained in the port.

Section 1a as added by Act 1116/2024 enters into force on 1 January 2030.

Section 2 (1116/2024)

Discharging sewage and grey water in exceptional circumstances

The provisions of section 1 and 1a do not apply to the discharging of sewage or grey water into water, if:

1) the discharge is necessary for the purpose of securing the safety of a ship or those on board or saving life at sea; or

2) the discharge results from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage in order to prevent or minimise the discharge.

Section 2 as amended by Act 1116/2024 enters into force on 1 January 2030. Previous wording:

Section 2

Discharge of sewage in exceptional circumstances

The provisions of section 1 shall not apply to the discharge of sewage into the sea, if:

1) the discharge is necessary for the purpose of securing the safety of the ship and those on board or saving life at sea;

2) the discharge of sewage results from damage to the ship or its equipment, and all reasonable precautions have been taken before and after the occurrence of the damage for the purpose of preventing or minimising the discharge.

Section 3 (669/2021)

Requirements for shipboard sewage systems

Ships of 400 gross tonnage and above or certified to carry more than 15 persons, and all passenger ships, shall satisfy the requirements set out in Annex IV to the MARPOL Convention.

Finnish ships fitted with a toilet which are not recreational craft shall also comply with the provisions of Annex IV to the MARPOL Convention, even where they do not satisfy the conditions laid down in subsection 1.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, approve the sewage treatment system of a Finnish ship or the ship's sewage comminution and disinfection system, provided that they meet the requirements of European Union legal instruments and of Annex IV to the MARPOL Convention.

The Finnish Transport and Communications Agency may issue further technical regulations on the structure and other characteristics of the wastewater tank of ships operating in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone.

Section 4 (669/2021)

Requirements for recreational craft

Recreational craft fitted with a toilet shall be equipped with sewage retention systems for sewage in accordance with Regulation 5 of Annex IV to the Helsinki Convention, such that a ship shall have a sewage holding tank or a sewage treatment plant in operation which is in compliance with the MARPOL Convention.

The water closet of a recreational craft shall be connected to a sewage holding tank or a sewage treatment plant.

Section 5 (1116/2024)

ISPP Certificate

Ships of 400 gross tonnage and above or certified to carry more than 15 persons and engaged on international voyages, and all passenger ships engaged on international voyages, shall have an International Sewage Pollution Prevention Certificate (*ISPP Certificate*) compliant with the requirements laid down in Annex IV to the MARPOL Convention.

In accordance with the MARPOL Convention, instead of an ISPP Certificate, unmanned non-self-propelled barges may be granted an Exemption Certificate for barges of this type.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue an ISPP Certificate or an unmanned non-self-propelled barge Exemption Certificate for a Finnish ship in compliance with the forms provided in Annex IV to the MARPOL Convention, provided that the ship satisfies the requirements laid down in said Annex. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may issue an ISPP Certificate to a foreign ship. Certificates and unmanned non-self-propelled barge Exemption Certificates are issued for a fixed period of time and for not longer than five years at a time.

Section 6 (990/2018)

Granting an exception to the sewage discharge prohibition

The Finnish Transport and Communications Agency may, upon written application and on the conditions laid down in Annex IV to the Helsinki Convention, grant an exception to the prohibition or restriction on discharging untreated sewage into water and to compliance with the requirements concerning sewage retention systems in Finnish waters, if the exception is not in contradiction with Finland's international commitments or European Community legal instruments, and the exception has minor relevance for water protection.

In addition to the conditions laid down in subsection 1, the conditions for granting an exception are that:

- 1) the ship is a recreational craft or another type of ship of less than 400 gross tonnage, or a ship certified to carry no more than 15 passengers;
- 2) the ship was built before 1 January 2000; and
- 3) installation of the facilities or equipment needed to comply with the discharge prohibition is technically difficult or the installation costs are unreasonably high considering the ship's value.

The Finnish Transport and Communications Agency shall notify the Baltic Marine Environment Protection Commission of decisions made in accordance with this section.

Section 7

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing Annex IV to the MARPOL Convention, the Helsinki Convention, Finland's other international commitments and European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) the prohibition and restriction on discharges of sewage, as referred to in section 1 of this chapter;
- 2) what type of sewage is deemed to have been treated in the manner referred to in section 1 of this chapter;
- 3) the requirements for ships and recreational craft, as laid down in sections 3 and 4 of this chapter; and
- 4) exceptions to the discharge prohibition, as referred to in section 6 of this chapter.

(669/2021)

The further provisions referred to in subsection 1 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 6

Prevention of discharges of garbage from ships

Section 1 (669/2021)

Prohibition and restriction on the discharge of garbage into water

It is prohibited to dispose of garbage into water from a ship in Finnish waters and within Finland's exclusive economic zone, and from a Finnish ship also outside Finnish territorial waters and outside Finland's exclusive economic zone, as set out in Annex V to the MARPOL Convention, the Helsinki Convention or other international commitments binding on Finland, or European Union legal instruments.

The Finnish Transport and Communications Agency may, in accordance with Annex V to the MARPOL Convention, type approve garbage comminuters and grinders. When using such equipment, the more lenient regulations referred to in Annex V to the MARPOL Convention on the discharge of garbage into water may be applied.

Section 2 (990/2018)

Discharge of garbage in exceptional circumstances

The provisions of section 1 do not apply to:

- 1) the discharge of garbage from a ship when this is necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;
- 2) the escape of garbage resulting from damage to a ship or its equipment provided that all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimising the escape;
- 3) the disposal of fishing gear from a ship for the purpose of protecting the marine environment or securing the safety of a ship or its crew; and
- 4) the accidental loss of fishing gear, provided that all reasonable precautions have been taken to prevent such loss.

The requirements concerning underway ships set out in Regulation 4 and 6 of Annex V to the MARPOL Convention do not apply to the disposal of food waste if it is obvious that storing this food waste on the ship presents an immediate health risk to those on board. (669/2021)

Any discharge or escape referred to in subsection 1 shall be recorded in the Garbage Record Book or the Domestic Voyage Garbage Record Book. (1116/2024)

Subsection 3 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

The discharge or escape referred to in subsection 1 shall be recorded in the Garbage Record Book or, on a ship of less than 400 gross tonnage, in the ship's log.

In Finnish waters or in Finland's exclusive economic zone, as well as on Finnish ships outside Finland's territorial waters or exclusive economic zone, accidental loss or disposal of fishing gear causing a significant threat to the marine environment or shipping shall be reported to the Finnish Transport and Communications

Agency. When the loss or disposal from a Finnish ship takes place in waters falling within the jurisdiction of another coastal state, the report shall also be made to the coastal state in question.

Section 3 (669/2021)

Placard stating the prohibition and restriction on the discharge of garbage into water

Ships of 12 metres and above in length shall have a conspicuously placed placard referred to in Annex V to the MARPOL Convention declaring that the requirements concerning the handling of garbage as required under Regulations 3–6 of Annex V are observed on board the ship. The placard shall be prepared in the working language of the ship, and on international voyages also in either English, French or Spanish.

Section 4 (669/2021)

Garbage Management Plan

Ships of 100 gross tonnage and above, and ships certified to carry 15 persons or more, and fixed or floating platforms, shall have a Garbage Management Plan referred to in Annex V to the MARPOL Convention, prepared in the working language of the ship, for the purpose of reducing and treating garbage.

The crew shall follow the ship's Garbage Management Plan.

Section 5 (990/2018)

Garbage Record Book

On Finnish ships, and on foreign ships engaged on international voyages calling at a Finnish port, of 100 gross tonnage and above or certified to carry 15 persons or more, as well as on fixed or floating platforms, the master of the ship or, under his direction, another officer of the ship shall keep a Garbage Record Book. A ship of 100 gross tonnage and above or certified to carry 15 persons or more and engaged on domestic voyages may, instead of a Garbage Record Book, keep a Domestic Voyage Garbage Record Book, which may be part of the ship's logbook. (1116/2024)

Subsection 1 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

On board Finnish ships and foreign ships of 400 gross tonnage and above engaged on international voyages calling at a Finnish port, or on board ships certified to carry 15 persons or more, as well as on fixed or floating platforms, the master, or under his direction another of the ship's officers, shall keep a Garbage Record Book.

The Garbage Record Book shall be kept in a place where it is easily accessible for inspection and shall be preserved for a period of two years from the date of the last entry. (1116/2024)

The Finnish Transport and Communications Agency has the right to inspect the Garbage Record Book and the Domestic Voyage Garbage Record Book and, upon request, to receive a copy thereof certified by the master of the ship. When a ship is in a foreign port or offshore terminal, the competent foreign authority has the right to inspect the Garbage Record Book and, upon request, to receive a copy thereof certified by the master of the ship. Measures undertaken by the Finnish Transport and Communications Agency under this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship. (1116/2024)

Subsection 3 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

The Finnish Transport and Communications Agency and, when the ship is in a foreign port or at an offshore terminal, the competent foreign authority shall be entitled to inspect the Garbage Record Book and, upon request, to receive a copy thereof certified by the master. This also applies to the ship's logs of ships of less than 400 gross tonnage. The actions of the Finnish Transport and Communications Agency in accordance with this subsection shall be performed as expeditiously as possible without causing the ship to be unduly delayed.

The Finnish Transport and Communications Agency shall confirm the form of the Garbage Record Book in accordance with Annex V to the MARPOL 73/78 Convention. (669/2021)

The Finnish Transport and Communications Agency may, in accordance with Annex V to the MARPOL Convention, upon written application in an individual case, grant an exception to the requirement to keep a Garbage Record Book. (669/2021)

Section 6 (669/2021)

Further provisions

Further provisions on the prohibition and restriction of discharges referred to in section 1 may be issued by government decree for implementing Annex V to the MARPOL Convention, the Helsinki Convention, Finland's other international commitments and European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects for implementing Annex V to the MARPOL Convention, the Helsinki Convention and European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) type approvals for comminuters and grinders needed to comply with the garbage discharge restriction referred to in section 1;
- 2) the form of the Garbage Record Book referred to in section 5; and
- 3) the form of the Domestic Voyage Garbage Record Book referred to in section 5. (1116/2024)

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 7

Prevention of air pollution from ships

Section 1 (669/2021)

Prohibition and restriction on air pollutant emissions

It is prohibited to emit air pollutants from ships in Finnish waters and within Finland's exclusive economic zone, and from Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone, as set out in Annex VI to the MARPOL Convention, the Helsinki Convention, or other international commitments binding on Finland or European Union legal instruments.

Section 2 (669/2021)

Prohibition and restriction on emissions of volatile organic compounds from oil and chemical tankers

Emissions of volatile organic compounds from oil and chemical tankers may be prohibited or restricted in accordance with the provisions of section 15 in ports located within the territory of Finland, in compliance with Annex VI to the MARPOL Convention, or Finland's other international commitments or European Union legal instruments.

Section 3

Restricting and prohibiting the use of ozone-depleting substances

The Environmental Protection Act and the provisions and regulations issued pursuant to it apply to restrictions and prohibitions on ozone-depleting substances used on ships, unless otherwise provided in European Community legal instruments.

Section 4 (669/2021)

Emitting air pollutants in exceptional circumstances

The emission prohibitions and emission restrictions laid down in this chapter do not apply to:

- 1) emissions that are necessary for the purpose of securing the safety of a ship or saving life at sea;
- 2) emissions resulting from damage to a ship or its equipment, provided that all reasonable precautions have been taken after the occurrence or discovery of the damage or emission for the purpose of preventing or minimising the emission, and provided that neither the manager nor the master of the ship has acted either with intent to cause damage, or recklessly and with knowledge that damage would probably result; nor
- 3) in accordance with Regulation 13.5 of Annex VI to the MARPOL Convention and provided that the criteria laid down in the Regulation are satisfied, diesel engines of a ship sailing within a NO_x emission control area which are subject to the emission limits applicable to the NO_x emission control area but which do not satisfy these limits or which are capable of running on both gas and liquid fuel.

Section 5 (669/2021)

Requirements for shipboard equipment

A ship's diesel engine and its exhaust gas cleaning units and cleaning methods shall meet the requirements set out in European Union legal instruments. If the power output of a diesel engine exceeds 130 kilowatts, the cleaning units and cleaning methods shall also meet the requirements set out in Annex VI to the MARPOL Convention.

The Finnish Transport and Communications Agency or a recognised classification society which it has authorised shall, upon written application, approve the diesel engine and exhaust gas cleaning units and cleaning methods of a Finnish ship, provided that they meet the requirements set out in Annex VI to the MARPOL Convention.

The Finnish Transport and Communications Agency may issue regulations on efficiency-based equivalents of a specific fitting, material, appliance or apparatus and, upon written application in an individual case, grant exceptions, as set out in Annex VI to the MARPOL Convention and European Union legal instruments.

Section 6 (1116/2024)

IAPP Certificate

Ships of 400 gross tonnage and above engaged on international voyages shall have an International Air

Pollution Prevention Certificate (*IAPP Certificate*) establishing that the ship satisfies the regulations of Annex VI to the MARPOL Convention.

In accordance with the MARPOL Convention, instead of an IAPP Certificate, unmanned non-self-propelled barges may be granted an Exemption Certificate designed for barges of this type.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue an IAPP Certificate or an unmanned non-self-propelled barge Exemption Certificate for a Finnish ship in compliance with the forms provided in Annex VI to the MARPOL Convention, provided that the ship satisfies the requirements laid down in said Annex. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may issue the IAPP Certificate of a foreign ship. Certificates and unmanned non-self-propelled barge Exemption Certificates are issued for a fixed period of time and for not longer than five years at a time.

Section 6a (669/2021)

Entries to be made in the ship's Engine Logbook

The particulars set out in Regulation 13 of Annex VI to the MARPOL Convention shall be entered in the ship's Engine Logbook for diesel engines with a certificate establishing that the diesel engine satisfies both the Tier II and Tier III nitrogen oxide emission reduction standards laid down in Annex VI, when the ship enters or exits a Tier III NO_x emission control area referred to in Regulation 13 of Annex VI or when the nitrogen oxide emission reduction Tier II or III on/off status of a diesel engine changes in such an area.

Section 7 (990/2018)

Quality requirements for fuels

Marine fuels shall meet the requirements set out in Annex VI to the MARPOL Convention and in European Union legal instruments. (669/2021)

However, the requirements referred to in subsection 1 do not apply to fuels intended for research and testing purposes or fuels used on ships that use an emission abatement method referred to in section 9a which meets the requirements set out in Annex VI to the MARPOL Convention and European Union legal instruments. (669/2021)

If it has not been possible for a ship to obtain a marine fuel meeting the requirements set out in subsection 1, the master of the ship or a person duly authorised by the master shall notify this to the competent authority of the flag state of the ship and the competent authority of the port of destination. The Finnish Transport and Communications Agency is the competent authority for Finnish ships and Finnish ports.

The Finnish Transport and Communications Agency shall notify the European Commission and the International Maritime Organization of cases where a ship calling at a Finnish port has presented proof that a marine fuel meeting the requirements set out in subsection 1 has not been available.

Section 8 (669/2021)

Fuel determination methods

The compliance of marine fuels is determined by using methods which shall meet the requirements set out in Annex VI to the MARPOL Convention, the Helsinki Convention, other international commitments binding on Finland and European Union legal instruments.

Section 9 (669/2021)

Bunker Delivery Note, fuel samples and recording fuel entries in the ship's logbook and the Oil Record Book

Ships of 400 gross tonnage and above engaged on international voyages shall carry a Bunker Delivery Note compliant with Annex VI to the MARPOL Convention, issued by the fuel supplier and accompanied by a representative sample of fuel. The Note and the sample shall be kept on board the ship in accordance with Annex VI to the MARPOL Convention.

Fuel actions shall be recorded in the ship's logbook and the Oil Record Book in compliance with Annex VI to the MARPOL Convention and European Union legal instruments.

Section 9a (998/2014)

Emission abatement methods

Instead of a fuel compliant with the requirements set out in section 7, subsection 1, a ship may use an emission abatement method by which the ship's sulphur dioxide emissions can, on the whole and continuously, be reduced at least to the level as would be achieved if the ship were using a fuel compliant with the requirements set out in section 7, subsection 1.

Emission abatement methods used on Finnish ships are approved by following the provisions of Directive 2016/802/EU of the European Parliament and of the Council relating to a reduction in the sulphur content of certain liquid fuels. (669/2021)

Section 9b (1116/2024)

Prohibition to discharge washwater and residues from exhaust gas cleaning systems

In territorial waters, it is prohibited to discharge into water non-purified washwater used in an exhaust gas cleaning system.

Subsection 1 enters into force on 1 July 2025.

In territorial waters, it is prohibited to discharge into water purified washwater used in an exhaust gas cleaning system and residues separated from washwater.

Subsection 2 enters into force on 1 January 2029.

Section 10 (990/2018)

Trialling of new emission abatement methods

Trialling of a new emission abatement method shall meet the requirements set out in Annex VI to the MARPOL Convention and European Union legal instruments. (669/2021)

The Finnish Transport and Communications Agency shall, upon written application, issue a permit for a trial, provided that the requirements referred to in subsection 1 are satisfied. A permit may be issued for a period not exceeding 18 months.

The results of a trial shall be delivered to the Finnish Transport and Communications Agency, which shall make them publicly available within six months of the date on which the trial was completed.

Section 11 (669/2021)

Shipboard incineration of waste

On board a ship sailing in Finnish waters, it is prohibited to incinerate waste resulting from the normal operation of the ship.

Within Finland's exclusive economic zone, and on Finnish ships also outside Finland's exclusive economic zone, the incineration of waste resulting from the normal operation of a ship is allowed only in shipboard incinerators. Provisions on the substances which it is not permitted to incinerate within Finland's exclusive economic zone, and on Finnish ships also outside Finland's exclusive economic zone, are laid down in Annex VI to the MARPOL Convention and European Union legal instruments.

Shipboard incinerators shall meet the requirements set out in Annex VI to the MARPOL Convention.

Section 11a (669/2021)

Obligations for marine fuel suppliers

Marine fuel suppliers that supply marine fuel in Finland shall notify the Finnish Transport and Communications Agency that they are conducting such an activity.

In accordance with Annex VI to the MARPOL Convention and European Union legal instruments, marine fuel suppliers shall issue ships engaged on international voyages a Bunker Delivery Note, which shall be accompanied by a sealed fuel sample taken in accordance with said Annex and signed by a representative of the receiving ship. Marine fuel suppliers shall keep a copy of the Bunker Delivery Note for a minimum of three years from the date on which the Note is issued.

Section 12 (669/2021)

Control of marine fuels

The Customs controls compliance with the sulphur content requirements for marine fuels delivered to ships from Finland, by taking a representative number of samples from fuel stores and distribution stations. The Customs analyses the samples and reports on the results to the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency controls compliance with the requirements concerning fuels that are on board ships and intended for use or currently in use, in accordance with Annex VI to the MARPOL Convention and European Union legal instruments.

Section 12a (669/2021)

Control of marine fuels delivered to ships

In addition to the provisions laid down in section 12 on the control of marine fuels, the Customs controls compliance with marine fuel sulphur content requirements in connection with the delivery of fuel, with regard to suppliers registered in Finland that have been shown to have supplied, within the past 12 months, at least three times a fuel which is not in compliance with the specifications contained in the Bunker Delivery Note. The Customs analyses the samples and reports on the results to the Finnish Transport and Communications Agency.

A fuel supplier referred to in subsection 1 shall notify the Customs of every fuel delivery to a ship at least 24 hours before the planned delivery.

Section 77 of the Border Guard Act (578/2005) lays down provisions on the executive assistance given to the

Customs by the Border Guard.

A fuel supplier referred to in subsection 1 shall reimburse the sampling and analysis costs incurred to authorities.

Section 13 (669/2021)

Reporting and exchange of information concerning marine fuels

Manufacturers, sellers and importers of marine fuels are obligated to provide the Finnish Transport and Communications Agency with information concerning the availability and quality of marine fuels that have been placed on the Finnish market, as set out in Annex VI to the MARPOL Convention and in European Union legal instruments.

The Finnish Transport and Communications Agency shall maintain a publicly available register of local suppliers of marine fuels.

The Finnish Transport and Communications Agency shall report on marine fuels to the European Commission and the International Maritime Organization, and shall be responsible for the exchange of information concerning marine fuels, as set out in Annex VI to the MARPOL Convention and in European Union legal instruments.

Section 14 (669/2021)

Temporary exception to the fuel quality requirement

The Ministry of the Environment may, upon written application, on the grounds laid down in Annex VI to the MARPOL Convention and in European Union legal instruments, grant a temporary exception to the fuel quality requirement laid down in this chapter. An exception remains valid for not longer than six months at a time.

Sections 14a–14b

Sections 14a–14b were repealed by Act 1116/2024.

Section 15 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing Annex VI to the MARPOL Convention, the Helsinki Convention and Finland's other international commitments, and European Union legal instruments, in Finnish waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) the emission prohibition and emission restriction referred to in section 1;
- 2) the emission prohibition and emission restriction referred to in section 2;
- 3) emission requirements for engines used on ships; exhaust gas cleaning plants and cleaning methods used in engines; and discharges into water resulting from the use of exhaust gas cleaning plants, as referred to in section 5;
- 4) exceptions granted to compliance of ship engine and exhaust gas cleaning plants and cleaning methods, as referred to in section 5;

- 5) the IAPP Certificate referred to in section 6;
- 6) quality requirements for fuels used in ships; fuel quality determination methods; the Bunker Delivery Note and its issuance; and the organisation of related verification and control; as referred to in sections 7–9;
- 7) emission abatement methods referred to in section 9a, and their approval;
- 8) trialling of new emission abatement technology, as referred to in section 10;
- 9) substances referred to in section 11 which must not be incinerated within Finland’s exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland’s exclusive economic zone;
- 10) the obligation of operators to disclose information about the amounts, quality and sulphur content of fuel and about the results of trialling of emission reduction technology, as referred to in section 10 and 13, for fulfilling the obligations laid down in this chapter;
- 11) the sampling and analysis referred to in section 12 and 12a;
- 12) the reporting of information to the Finnish Transport and Communications Agency, as referred to in section 12 and 12a; and
- 13) the more specific grounds for the temporary exception granted to fuel quality requirements, as referred to in section 14.

Provisions on the authority to which the information referred to in subsection 1, paragraph 10 shall be given are also laid down by government decree.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects for implementing Annex VI to the MARPOL Convention, the Helsinki Convention or European Union legal instruments, in Finnish territorial waters and within Finland’s exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland’s exclusive economic zone:

- 1) efficiency-based equivalents of a specific fitting, material, appliance or apparatus granted for compliance of engine and exhaust gas cleaning plants and cleaning methods, as referred to in section 5, subsection 3;
- 2) entries in the ship’s log book and the Oil Record Book, as referred to in section 9, subsection 2.

The further provisions referred to in subsection 1 and the technical regulations referred to in subsection 2 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 7a (1116/2024)

Energy efficiency of ships and reducing greenhouse gas (GHG) emissions from ships

Section 1 (1116/2024)

Energy efficiency requirements for new ships

For new ships, the attained Energy Efficiency Design Index (EEDI) value shall be calculated in accordance with the requirements laid down in Annex VI to the MARPOL Convention.

The attained EEDI value of a new ship shall comply with the requirements laid down in Annex VI to the MARPOL Convention.

Section 1 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 2 (1116/2024)

Energy efficiency requirements for existing ships

The attained Energy Efficiency Existing Ship Index (EEXI) value shall be calculated for ships in accordance with the requirements laid down in Annex VI to the MARPOL Convention.

The attained EEXI value of a ship shall comply with the requirements laid down in Annex VI to the MARPOL Convention.

Section 2 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 3 (1116/2024)

Ship Energy Efficiency Management Plan

Ships of 400 gross tonnage and above shall have a Ship Energy Efficiency Management Plan (*SEEMP*) which complies with Annex VI to the MARPOL Convention. The SEEMP may be part of the ship's Safety Management System.

The ship-specific SEEMP for ships of 5,000 gross tonnage and above shall contain a description, complying with Annex VI to the MARPOL Convention, of the method used for collecting fuel consumption data, as well as a description of the procedures employed for reporting the data to the competent authority or a recognised classification society.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon application, confirm that the SEEMP of a ship as referred to in subsection 2 complies with the requirements of Annex VI to the MARPOL Convention, and shall issue the ship a Confirmation, which shall be kept on board the ship.

The ship-specific SEEMP of ships of 5,000 gross tonnage and above shall be inspected and audited with due consideration to the guidelines published by the International Maritime Organization.

Section 3 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 4 (1116/2024)

Collection and reporting of ship fuel consumption data

Ships of 5,000 gross tonnage and above shall collect the data to be reported to the IMO Ship Fuel Oil Consumption Database, as set out in Annex VI to the MARPOL Convention.

A ship referred to in section 3, subsection 1 shall compile the aggregated fuel consumption data and report it to the Finnish Transport and Communications Agency or a recognised classification society in compliance with Annex VI to the MARPOL Convention. The data referred to above shall be:

- 1) compiled at the end of each calendar year and reported within three months of the end of the calendar year in question; or
- 2) compiled and reported on a ship's date of transfer or as soon thereafter as is reasonably achievable if the ship is transferred during a calendar year from one Administration to another, from one company to another or from one Administration or company to another.

Ships shall report the aggregated data on which the data to be reported to the Ship Fuel Oil Consumption Database is based upon request to the Finnish Transport and Communications Agency or a recognised classification society and, in instances other than those referred to in subsection 2, paragraph 2, shall keep it readily available for at least 12 months from the end of the calendar year in question, as set out in Annex VI to the MARPOL Convention.

The ship fuel consumption data shall be verified.

The Finnish Transport and Communications Agency or a recognised classification society shall report the verified data to the IMO Ship Fuel Oil Consumption Database. The Finnish Transport and Communications Agency shall ensure that the verified ship fuel consumption data is reported to the International Maritime Organization within one month of the date on which the ship is issued a Confirmation of Compliance, as set out in Annex VI to the MARPOL Convention.

Section 4 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 5 (1116/2024)

Operational carbon intensity

For ships of 5,000 gross tonnage and above, the attained operational Carbon Intensity Indicator (CII) referred to in Annex VI to the MARPOL Convention shall be calculated every calendar year, and the ship's operational CII rating shall be determined in accordance with Annex VI to the MARPOL Convention.

The annual CII referred to in subsection 1 shall be reported to the Finnish Transport and Communications Agency or a recognised classification society which it has approved by the end of March the following calendar year.

Ships rated D for three consecutive years or rated as E as referred to in Annex VI to the MARPOL Convention shall develop a plan of corrective actions for achieving the required annual operational CII referred to in said Annex, shall, following the plan, update the ship's SEEMP, and shall, in accordance with the updated SEEMP, carry out the corrective actions in compliance with Annex VI to the MARPOL Convention.

Section 5 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 6 (1116/2024)

IEE Certificate

Ships of 400 gross tonnage and above engaged on international voyages shall have an International Energy Efficiency Certificate (*IEE Certificate*) which complies with Annex VI to the MARPOL Convention establishing that the ship meets the regulations laid down in said Annex.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue the IEE Certificate of a Finnish ship, provided that the ship complies with the requirements set out in Annex VI to the MARPOL Convention. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may issue the IEE Certificate of a foreign ship. The Certificate is issued for a fixed period of time and not for longer than five years at a time.

Section 6 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 7 (1116/2024)

Confirmation of Compliance regarding the fuel consumption report and operational CII rating

After obtaining the fuel consumption data and the ship's attained annual operational CII rating, the Finnish Transport and Communications Agency or a recognised classification society shall, upon application, issue the ship a Confirmation of Compliance which complies with Annex VI to the MARPOL Convention, provided that the ship satisfies the fuel consumption data requirements and operational CII rating requirements laid down in said Annex, and provided that the data has been reported in accordance with said

Annex.

A Confirmation of Compliance shall be issued:

- 1) within five months from the start of the calendar year; or
- 2) without delay in the instance referred to in section 4, subsection 2, paragraph 2.

A Confirmation of Compliance remains valid for the calendar year of its issuance and for the first five months of the following calendar year. A Confirmation of Compliance granted in accordance with paragraph 7 of Regulation 6 of Annex VI to the MARPOL Convention remains valid for the calendar year of its issuance, for the following calendar year and for the first five months of the third calendar year.

The Confirmation of Compliance shall be retained on board the ship for its entire period of validity.

Section 7 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 8 (1116/2024)

Exceptions to energy efficiency requirements for ships

The Finnish Transport and Communications Agency shall decide on exceptions to energy efficiency requirements for ships, as laid down in Regulation 19 of Annex VI to the MARPOL Convention.

Section 8 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Section 9 (1116/2024)

Exemption from the scope of the Regulation on the use of renewable and low-carbon fuels in maritime transport

The Regulation on the use of renewable and low-carbon fuels in maritime transport does not apply to energy used by ships until 31 December 2029 on voyages performed by passenger ships other than cruise passenger ships between a port of call, as referred to in Article 3(10) of said Regulation, that is under the jurisdiction of Finland and another port of call that is under the jurisdiction of Finland and located on an island with fewer than 200,000 permanent residents, or while said ships are in a port of call of such an island.

Section 10 (1116/2024)

Obligations concerning shore-side electricity supply in ports

Port authorities shall ensure that ships are provided with on-shore power supply in ports in compliance with Article 9 and 10 of Regulation (EU) 2023/1804 of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU.

Section 11 (1116/2024)

Port authority functions related to the use of on-shore power by ships

After receiving from a ship the on-shore power supply (OPS) connection information referred to in the first subparagraph of Article 6(8) of the Regulation on the use of renewable and low-carbon fuels in maritime transport, the port authority shall confirm to the ship whether connection to OPS is available.

Without undue delay, port authorities shall determine and record in the database referred to in Article 19 of said Regulation details on:

- 1) whether any of the exceptions set out in Article 6(5) of said Regulation applies to a ship;
- 2) whether the ship satisfies the requirements confirmed in paragraph 1 and 2 of said Article if none of the exceptions set out in Article 6(5) of said Regulation apply.

The provisions on criminal liability for acts in office apply to entities discharging functions laid down in subsection 1 and 2. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 12 (1116/2024)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing Annex VI to the MARPOL Convention, the Helsinki Convention and Finland's other international commitments, and European Union legal instruments, in Finnish waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) arranging the control of compliance with the EEDI referred to in section 1;
- 2) arranging the control of compliance with the EEXI referred to in section 2;
- 3) exceptions to the energy efficiency requirements for ships, as referred to in section 8.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects for implementing Annex VI to the MARPOL Convention, the Helsinki Convention or European Union legal instruments, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) calculation of the EEDI referred to in section 1;
- 2) calculation of the EEXI referred to in section 2;
- 3) preparation of the SEEMP referred to in section 3;
- 4) verification of the fuel consumption data referred to in section 4, subsection 4, and related procedures;
- 5) reporting of the operational carbon intensity referred to in section 5;
- 6) the IEE Certificate referred to in section 6;
- 7) the Confirmation of Compliance regarding the fuel consumption report and operational CII rating, as referred to in section 7.

Section 12 as amended by Act 1116/2024 enters into force on a date to be specified by decree.

Chapter 7a as amended by Act 1116/2024 enters into force on 1 January 2025. Previous wording:

Chapter 7a (998/2014)

Ship energy efficiency

Section 1 (669/2021)

Requirements for ship energy efficiency

An attained Energy Efficiency Design Index (EEDI) value shall be calculated for ships in accordance with the

requirements set out in Annex VI to the MARPOL 73/78 Convention.

The attained EEDI value of a ship shall be compliant with the requirements set out in Annex VI to the MARPOL 73/78 Convention.

Section 2 (669/2021)

SEEM Plan

Ships of 400 gross tonnage and above shall have a Ship Energy Efficiency Management Plan (*SEEM Plan*) compliant with Annex VI to the MARPOL 73/78 Convention. This plan may be part of the ship's safety management system.

Section 2a (669/2021)

Changes in the SEEM Plan due to the data collection system for fuel oil consumption of ships

Every ship of 5 000 gross tonnage and above shall collect data, which is to be reported to the IMO Ship Fuel Oil Consumption Database, as of calendar year 2019 as set out in Annex VI to the MARPOL 73/78 Convention.

SEEM Plans of ships referred to in subsection 1 shall, before the end of 2018, contain a description in accordance with Annex VI to the MARPOL 73/78 Convention of the method used for collecting fuel oil consumption data, and a description of the procedures used for reporting the data to the competent authority or the recognized classification society.

The Finnish Transport and Communications Agency or a recognised organisation verifies that the SEEM Plan of ships referred to in subsection 1 meets the requirements of Annex VI to the MARPOL 73/78 Convention and provides the ships with a statement of compliance, which is to be carried on board.

Section 2b (669/2021)

Data to be reported

Every ship referred to in section 2a, subsection 1 shall collect the aggregated data on fuel oil consumption and submit the data to the Finnish Transport and Communications Agency or a recognized classification society, as specified in Annex VI of the MARPOL 73/78 Convention. Such data shall

- 1) be collected at the end of the calendar year and be submitted not later than three months after the end of the calendar year in question.
- 2) be collected and submitted on the date of transfer of the ship or as soon as practicable, if the ship is transferred during the calendar year from one Administration to another, from one Company to another or from one Administration and Company to another.

The ship shall submit the specific data that forms the basis for the data to be transferred to the Ship Fuel Oil Consumption Database, to the Finnish Transport and Communications Agency or to the recognised organisation, and, in other instances than those referred to in subsection 1, paragraph 2 above, shall keep them readily available for at least 12 months after the end of the calendar year in question, as specified in Annex VI of the MARPOL 73/78 Convention.

The fuel oil consumption data shall be verified.

The Finnish Transport and Communications Agency or the recognised organisation shall report the verified data to the IMO Ship Fuel Oil Consumption Database. The Agency shall ensure that

The verified fuel oil consumption data is submitted to the International Maritime Organization no later than a month after the issue of a Statement of Compliance to the ship, as specified in Annex VI to the MARPOL 73/78 Convention.

Section 2c (669/2021)

Statement of Compliance

Having received the fuel oil consumption data, the Finnish Transport and Communications Agency or the recognised organisation issues a Statement of Compliance to the ship, provided that the data has been reported as specified in Annex VI of the MARPOL 73/78 Convention. The Statement of Compliance shall be issued

- 1) no more than five months after beginning of the calendar year, or
- 2) without delay, if the situation is such as described in section 2b, subsection 1, paragraph 2.

The Statement of Compliance is valid for the calendar year in which it is issued, for the following calendar year, and for the first five months of the subsequent calendar year.

The Statement of Compliance shall be kept on board for at least the period of its validity.

Section 3 (669/2021)

IEE Certificate

Ships of 400 gross tonnage and above engaged on international voyages shall have an International Energy Efficiency Certificate (*IEE Certificate*) proving their compliance with the provisions of Annex VI to the MARPOL 73/78 Convention.

The Finnish Transport and Communications Agency or a recognised organisation shall, upon written application, issue a Finnish ship an IEE Certificate, provided that the ship complies with the requirements set out in Annex VI to the MARPOL 73/78 Convention. The Finnish Transport and Communications Agency may issue IEE Certificates to foreign ships at the request of the flag state.

The certificate shall be issued for a fixed period of validity, not exceeding five years at a time.

Section 4 (669/2021)

Exceptions to the requirements for ship energy efficiency

The Finnish Transport and Communications Agency shall make decisions on exceptions set out in Annex VI, Regulation 19 of the MARPOL 73/78 Convention to ship energy efficiency requirements.

Section 5 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention and Finland's other international commitments, as well as for the implementation of European Union legal instruments, concerning Finnish waters or Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) arrangements for supervising compliance with the requirements of the EEDI referred to in section 1;
- 2) exceptions to the requirements for ship energy efficiency referred to in section 4;

Technical regulations on the following subjects may be issued by the Finnish Transport and Communications Agency for the implementation of Annex VI to the MARPOL 73/78 Convention, the Helsinki Convention, and European Union legal instruments, concerning Finland's territorial waters and Finland's exclusive economic zone, as well as Finnish ships sailing outside Finland's territorial waters or Finland's exclusive economic zone:

- 1) calculation of the EEDI referred to in section 1;
- 2) preparation of the SEEM Plan;
- 3) the IEE Certificate;
- 4) verification of the fuel oil consumption data referred to in section 2b, subsection 3 and procedures therefor.

Chapter 7b (1116/2024)

Penalties under the Regulation on the use of renewable and low-carbon fuels in maritime transport

Section 1 (1116/2024)

GHG intensity fee

A penalty (*GHG intensity fee*) shall be imposed on any company, as referred to in Article 3(13) of the Regulation on the use of renewable and low-carbon fuels in maritime transport, whose ship, on 1 June of the verification period referred to in Article 3(42) of said Regulation, has a compliance balance deficit, that is, a value less than 0, for GHG intensity as referred to in Article 4 of said Regulation or for the Use of Renewable Fuels of Non-Biological Origin (RFNBO) subtarget as referred to in Article 5(3) of said Regulation. The formulas set out in Appendix 2 to this Act apply to the calculation of the compliance balance.

Section 2 (1116/2024)

Fee for failure to fulfil the on-shore power use obligation

A penalty (*fee for failure to fulfil the on-shore power use obligation*) shall be imposed on any company, as referred to in Article 3(13) of the Regulation on the use of renewable and low-carbon fuels in maritime transport, whose ship, during the reporting period, makes at least one port call which is in non-compliance with the requirements set out in Article 6 of said Regulation.

Section 2 enters into force on 1 January 2030.

Section 3 (1116/2024)

Imposition and the monetary amount of penalties

Penalties referred to in section 1 and 2 shall be imposed by the Finnish Transport and Communications Agency.

Penalties shall not be imposed if more than three years have elapsed from the infringement or omission.

The formulas in the table provided as Appendix 2 apply to the monetary amount of a GHG intensity fee. If a ship has a compliance deficit for two consecutive reporting periods or more, that monetary amount shall be multiplied by $1 + (n - 1)/10$, where n is the number of consecutive reporting periods for which the company

is subject to a penalty referred to in section 1 or 2 for that ship. Where a ship does not have any port call in the Union during the reporting period and borrowed an advance compliance surplus in the previous reporting period, the monetary amount of the penalty shall be multiplied by 1.1.

The monetary amount of the fee for failure to fulfil the on-shore power use obligation results from the multiplication of EUR 1.5 by the established total electrical power demand of the ship at berth and by the total number of hours rounded up to the nearest whole hour, spent at berth by the ship in non-compliance with the requirements set out in Article 6 of the Regulation on the use of renewable and low-carbon fuels in maritime transport.

The above penalties shall be paid to the State.

Section 4 (1116/2024)

Enforcement and time-barring of penalties

The Act on the Enforcement of a Fine (672/2002) lays down provisions on the enforcement of penalties referred to in section 1 and 2.

The penalties referred to in section 1 and 2 become time-barred five years after the date on which the final ruling on the penalty is issued.

Section 5 (1116/2024)

Report on the use of revenue generated from penalties

The Finnish Transport and Communications Agency shall publish reports on the use of revenue generated from penalties referred to in section 1 and 2, or of its equivalent financial value, in accordance with Article 23(11) of the Regulation on the use of renewable and low-carbon fuels in maritime transport.

Chapter 8

Other international commitments binding on Finland concerning the prevention of environmental pollution resulting from the normal operation of ships

Section 1

Prohibition on using harmful anti-fouling systems on ships

The TBT Regulation lays down provisions concerning the prohibition on using harmful anti-fouling systems on ships flying the flag of a European Community Member State and on ships flying another flag and calling at ports or offshore terminals situated in the territory of a European Community Member State.

It is prohibited to use harmful anti-fouling systems to protect ships flying the flag of a state that is a party to the AFS Convention in inland waters, in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside them, as set out in the AFS Convention.

Section 2 (990/2018)

AFS Declaration

The Finnish Transport and Communications Agency receives AFS Declarations concerning Finnish ships.

Section 3 (990/2018)

Reporting information under the AFS Convention

The Finnish Transport and Communications Agency shall be responsible for reporting to the International Maritime Organization the information required under the AFS Convention. The Finnish Environment Institute shall report to the Finnish Transport and Communications Agency information on anti-fouling systems that are approved, restricted or prohibited under national legislation.

Section 4 (669/2021)

Application of the provisions of the Ballast Water Management Convention and ballast water provisions

The Ballast Water Management Convention and the ballast water provisions laid down in this chapter do not apply to:

- 1) recreational craft with a total length of less than 50 metres and maximum ballast water volume of eight cubic metres;
- 2) ships with a total length of less than 50 metres and maximum ballast water volume of eight cubic metres that are mainly used for marine search and rescue operations;
- 3) ships of the Border Guard;
- 4) ships operating exclusively in Finnish waters or within Finland's exclusive economic zone;
- 5) ships built before the year 1990 producing icebreaking services for the Finnish Transport Infrastructure Agency on a contractual basis, or ships producing icebreaking services for the Finnish Transport Infrastructure Agency on a treaty basis.

Section 5 (473/2016)

Prohibition to discharge untreated ballast water and sediments

It is prohibited to discharge untreated ballast water and sediments into water from ships that fall within the scope of the Ballast Water Management Convention in Finnish waters and within Finland's exclusive economic zone, and from Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone, as set out in the Ballast Water Management Convention and this Act.

Section 6 (473/2016)

Discharging untreated ballast water and sediments in exceptional circumstances

The provisions of section 5 do not apply to the discharge of untreated ballast water and sediments into water, if:

- 1) the discharge is necessary for securing the safety of a ship in an emergency or saving life at sea;
- 2) the discharge results from damage to a ship or its equipment provided that all reasonable precautions have been taken before and after the occurrence or discovery of the damage for the purpose of preventing or minimising the escape of ballast water into water, and provided that the manager or master of the ship or their replacement has not caused the damage intentionally or through negligence;
- 3) the purpose of the discharge is to avoid or minimise pollution from a ship;

4) the ballast water and sediments are taken up and subsequently discharged back into water on the high seas;
or

5) the ballast water and sediments are discharged from a ship at the same location in which they originate, provided that no untreated ballast water and sediments from other areas have mixed in with them; if mixing has occurred, the ballast water taken from other areas shall be treated in accordance with the Ballast Water Management Convention.

Section 7 (990/2018)

Warnings concerning the uptake of ballast water

The Finnish Transport and Communications Agency shall transmit to seafarers and the relevant coastal states warnings, prepared in accordance with Regulation C-2 of the Annex to the Ballast Water Management Convention, concerning areas in which ships should not take up ballast water.

The provisions laid down in section 6, paragraphs 1–3 on the discharge of untreated ballast water and sediments in exceptional circumstances also apply to the uptake of ballast water in areas for which a warning referred to in subsection 1 has been issued.

Section 8 (473/2016)

Treatment and exchange of ballast water

The ballast water of ships falling within the scope of the Ballast Water Management Convention shall be treated and exchanged in accordance with the Ballast Water Management Convention.

Section 9 (990/2018)

Requirements for ballast water treatment systems

The ballast water treatment systems of ships shall be compliant with European Union legal instruments and the requirements set out in the Ballast Water Management Convention.

The Finnish Transport and Communications Agency or a recognised classification society which it has authorised shall, upon written application, approve the ballast water treatment systems of a Finnish ship, provided that they satisfy the requirements of European Union legal instruments and the Ballast Water Management Convention.

The Finnish Transport and Communications Agency may issue regulations on efficiency-based equivalents of a specific fitting, material, appliance or apparatus, as set out in European Union legal instruments and the Ballast Water Management Convention.

Section 10 (990/2018)

Trialling of new ballast water treatment technology

Trialling of new ballast water treatment technology shall meet the requirements set out in the Ballast Water Management Convention and the relevant guidelines issued by the International Maritime Organization.

The Finnish Transport and Communications Agency shall, upon written application, issue a permit for a trial, provided that the requirements referred to in subsection 1 are satisfied. To a ship which, before the ballast water performance standard set out in Regulation D-2 of the Annex to the Ballast Water Management Convention enters into force for that ship, participates in a promising ballast water treatment technologies

testing and assessment programme approved by the Finnish Transport and Communications Agency, the standard in Regulation D-2 shall apply only five years after the date on which the ship would otherwise have been required to comply with the standard in question.

To a ship for which the ballast water performance standard set out in Regulation D-2 of the Annex to the Ballast Water Management Convention has already entered into force and which participates in a Finnish Transport and Communications Agency-approved promising ballast water treatment technologies testing and assessment programme that is capable of achieving standards that are higher than Regulation D-2, the standard in Regulation D-2 shall not apply for a period of five years from the date on which such technology is installed on the ship.

Section 11 (990/2018)

Ballast Water Management Plan

Ships falling within the scope of the Ballast Water Management Convention shall have a Ballast Water Management Plan compliant with the Ballast Water Management Convention.

For Finnish ships, Ballast Water Management Plans are approved by the Finnish Transport and Communications Agency or a recognised classification society.

Section 12 (990/2018)

Ballast Water Record Book

Ships falling within the scope of the Ballast Water Management Convention shall have a Ballast Water Record Book compliant with the Ballast Water Management Convention.

The Finnish Transport and Communications Agency has the right to inspect the Ballast Water Record Book and, upon request, to receive a copy thereof certified by the master of the ship. Measures undertaken by the Finnish Transport and Communications Agency under this subsection shall be carried out as expeditiously as possible, without causing unnecessary delay to the ship.

Section 13 (990/2018)

Ballast Water Certificate

Ships of 400 gross tonnage and above engaged on international voyages and falling within the scope of the Ballast Water Management Convention, with the exception of floating platforms and other floating units referred to in Regulation E-1 of the Annex to the Ballast Water Management Convention, shall have a Certificate compliant with the Ballast Water Management Convention.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue the Ballast Water Certificate to a Finnish ship, provided that the ship satisfies the requirements of the Ballast Water Management Convention. At the request of the flag state of the ship, the Finnish Transport and Communications Agency may also issue the Certificate to a foreign ship.

The Certificate is issued for a fixed period of time and not for longer than five years at a time.

Section 14 (990/2018)

Granting an exemption from the ballast water treatment and exchange obligation

The Finnish Transport and Communications Agency may, upon written application, grant a ship-specific

exemption from the ballast water treatment and exchange obligation referred to in section 8 in Finnish waters and within Finland's exclusive economic zone, if the exemption will not impair or damage the environment, human health, property or natural resources.

An exemption may be granted to a ship that moves between specified ports or locations. A further condition for granting an exemption is that the ship must not mix ballast water or sediments other than between the ports or locations specified in the exemption.

The application shall be accompanied by an adequate assessment of the risks which the exemption could cause to the environment, human health, property and natural resources. In preparing the risk assessment, compliance shall be ensured with the relevant instructions issued by the International Maritime Organization and the Baltic Marine Environment Protection Commission. The Finnish Transport and Communications Agency may invite the Finnish Environment Institute to provide a statement on a risk assessment.

The Finnish Transport and Communications Agency shall consult any state which may be adversely affected by an exemption, with a view to resolving any concerns that may be identified.

An exemption remains valid for a maximum of five years. During the validity of an exemption, the Finnish Transport and Communications Agency has the right to carry out an interim inspection to ensure that the conditions for granting the exemption continue to exist. If, during an interim inspection or otherwise, it is established that the conditions for granting the exemption are no longer met, the Finnish Transport and Communications Agency may cancel the exemption.

An exemption will take effect only after the Finnish Transport and Communications Agency has submitted the exemption for information to the International Maritime Organization and the relevant details have been circulated to the parties to the Ballast Water Management Convention.

Exemptions shall be recorded in the Ballast Water Management Plan referred to in section 11 and in the Ballast Water Record Book referred to in section 12.

Section 15 (990/2018)

Reporting information under the Ballast Water Management Convention

The Finnish Transport and Communications Agency shall be responsible for reporting to the International Maritime Organization the information required under the Ballast Water Management Convention.

Section 16 (990/2018)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing the Ballast Water Management Convention in Finnish waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) the discharge prohibition referred to in section 5;
- 2) discharging untreated ballast water and sediments in exceptional circumstances, as referred to in section 6;
- 3) warnings concerning the uptake of ballast water, as referred to in section 7;
- 4) treatment and exchange of ballast water, as referred to in section 8;
- 5) requirements for ballast water treatment systems, as referred to in section 9;
- 6) trialling of new ballast water treatment technology, as referred to in section 10; and

7) granting of an exemption referred to in section 14.

The Finnish Transport and Communications Agency may issue technical regulations on the following subjects for implementing the Ballast Water Management Convention in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) requirements for ballast water treatment systems, as referred to in section 9;
- 2) trialling of new ballast water treatment technology, as referred to in section 10;
- 3) the content and outline of the Ballast Water Management Plan referred to in section 11;
- 4) the form of the Ballast Water Record Book referred to in section 12;
- 5) the form of the Ballast Water Certificate referred to in section 13; and
- 6) the method of drafting and the content of the risk assessment referred to in section 14, subsection 3.

Chapter 8a (628/2017)

Ship recycling

Section 1 (1116/2024)

Designation of administration

In Finland, the Finnish Transport and Communications Agency is the administration referred to in Article 3(1)(9) of the Ship Recycling Regulation. The Finnish Transport and Communications Agency shall also be responsible for the tasks imposed on administration in the Hong Kong Convention that relate to ships sailing under the Finnish flag.

Section 1 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

Section 1 (990/2018)

Designation of administration

The administration referred to in Article 3(1)(9) of the Ship Recycling Regulation in Finland is the Finnish Transport and Communications Agency.

Section 2 (1116/2024)

Certificates required by the Hong Kong Convention

Ships sailing under the Finnish flag engaged on international voyages and falling within the scope of the Hong Kong Convention shall have a Certificate on Inventory of Hazardous Materials set out in the Hong Kong Convention.

Before starting to dismantle a ship referred to in subsection 1, it shall have, in addition to what is laid down in the Ship Recycling Regulation, an International Ready for Recycling Certificate set out in the Hong Kong Convention.

The Finnish Transport and Communications Agency or a recognised classification society shall, upon written application, issue a Finnish ship the Certificates referred to in subsection 1 and 2, conforming to the models provided in the Hong Kong Convention. Certificates are issued on the condition that the ship satisfies the

requirements of the Hong Kong Convention. At the request of the flag state of the ship, the Finnish Transport and Communications Agency or a classification society which it has authorised may also issue Certificates to a foreign ship.

Certificates are issued for a fixed period of time. A Certificate on Inventory of Hazardous Materials is issued for not longer than five years at a time. An International Ready for Recycling Certificate is issued for not longer than three months at a time.

A Ready for Recycling Certificate and a corresponding certificate set out in the Ship Recycling Regulation shall be submitted for information to the competent regional state administrative agency.

Section 2 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

Section 2 (990/2018)

Reporting

The report required under the Ship Recycling Regulation shall be sent to the European Commission by the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency shall, on request, provide the competent authority of the state where the ship recycling facility is located with the information referred to in Article 7(4) of the Ship Recycling Regulation.

Section 3 (1116/2024)

Obligations for owners of ships to be dismantled in Finland

In order for a ship falling within the scope of the Hong Kong Convention to be dismantled in Finland, its owner shall ensure that the ship has the Certificates referred to in section 2, subsections 1–2 and that it satisfies the requirements laid down in Regulation 8 of the Annex to the Hong Kong Convention.

Section 3 as amended by Act 1116/2024 enters into force on a date to be specified by decree. Previous wording:

Section 3 (990/2018)

Further provisions

The Finnish Transport and Communications Agency shall issue regulations on the timeframe within which the owner shall notify the Finnish Transport and Communications Agency, as referred to in Article 6(1)(b) of the Ship Recycling Regulation, of their intention to recycle the ship in a specified ship recycling facility or facilities.

Section 4 (1116/2024)

Inventory of Hazardous Materials of ships engaged on domestic voyages

Before being dismantled, ships of 500 gross tonnage and above engaged on domestic voyages shall have an Inventory of Hazardous Materials referred to in Article 5 of the Ship Recycling Regulation.

Section 4 added by Act 1116/2024 enters into force on a date to be specified by decree.

Section 5 (1116/2024)

Submission of information

The Finnish Transport and Communications Agency shall be responsible for delivering to the European Commission the reports set out in Article 21 of the Ship Recycling Regulation.

The Finnish Transport and Communications Agency shall, in accordance with Article 12 of the Hong Kong Convention, be responsible for reporting to the International Maritime Organization the following information:

- 1) information concerning recognised classification societies and nominated surveyors;
- 2) information concerning ships sailing under the Finnish flag that have been granted an International Ready for Recycling Certificate;
- 3) information concerning violations of ship-related obligations laid down in the Hong Kong Convention, and information concerning actions, taken towards ships, related to the implementation of the obligations laid down in the Hong Kong Convention.

Section 5 added by Act 1116/2024 enters into force on a date to be specified by decree.

Section 6 (1116/2024)

Further provisions

The Finnish Transport and Communications Agency may issue regulations on the timeframe within which the owner of a ship is required, as laid down in Article 6(1)(b) of the Ship Recycling Regulation, to notify the Finnish Transport and Communications Agency of the intention to recycle the ship in a specified ship recycling facility or facilities.

Chapter 9

Waste reception arrangements in ports (669/2021)

Section 1 (669/2021)

Port waste reception facilities

Port authorities shall ensure the availability of port reception facilities adequate to receive waste from the ships normally using the port, taking into account:

- 1) the operational needs of the port users;
- 2) the size and geographical location of the port;
- 3) the type of ships calling at the port; and
- 4) any exemptions provided in chapter 10, section 5.

Port authorities shall ensure the availability of dedicated port reception facilities for at least the following types of waste:

- 1) oily waste;
- 2) waste containing noxious liquid substances;
- 3) sewage;
- 4) waste batteries and accumulators;

- 5) waste electrical and electronic equipment;
- 6) biowaste;
- 7) fibre packaging waste;
- 8) plastic packaging waste;
- 9) glass packaging waste;
- 10) metal packaging waste and other small waste metal;
- 11) types of garbage other than those referred to in paragraphs 4–10;
- 12) exhaust gas cleaning residues the discharge of which into the environment is prohibited under Annex VI to the MARPOL Convention.

The importer or other consignee or the exporter or other consignor of the substance carried shall be responsible for the acquisition and use of reception facilities for noxious liquid substances referred to in subsection 2, paragraph 2, and shall be responsible for the transport and treatment of the waste and mixtures accumulated.

The provisions of subsection 2 on waste reception facilities do not apply to ports serving passenger ships of less than 1,350 tons deadweight engaged solely on domestic voyages.

Port authorities shall ensure that port reception facilities function properly, and shall repair any non-functioning or defective facilities without delay.

Port authorities shall ensure that the port personnel receive the necessary training to acquire and maintain the up-to-date knowledge which is essential for their work, with specific attention to dealing with any hazardous materials in ports. (159/2023)

Section 2 (473/2016)

Waste reception arrangements in repair ports

Port authorities shall ensure that, in ports where ships are repaired (*repair port*), in addition to the reception facilities laid down in section 1, there are adequate reception facilities available for:

- 1) ozone-depleting substances, and equipment containing such substances, from ships using the port, when removed from ships;
- 2) oily ballast water and tank washings from oil tankers using the port;
- 3) chemical tankers coming in for repairs; and
- 4) ballast water tank sediments of ships.

Section 3 (669/2021)

Waste reception arrangements in fishing ports

The provisions laid down in section 1, subsection 2 on waste reception facilities do not apply to ports mainly used by fishing vessels referred to in chapter 1, section 2, paragraph 22 (*fishing port*).

Section 4 (669/2021)

Waste reception arrangements in marinas

The provisions laid down in section 1, subsection 2 on waste reception facilities do not apply to marinas.

Marina authorities shall ensure the availability of sufficient dedicated marina reception facilities for at least sewage and mixed municipal waste.

However, marina authorities of marinas where ships mainly berth for longer than three nights shall ensure the availability of sufficient dedicated marina reception facilities for at least the following types of waste:

- 1) oily waste;
- 2) sewage;
- 3) mixed municipal waste;
- 4) hazardous waste.

By way of derogation from subsection 2 and 3 and section 1, subsection 1, marina authorities may provide facilities for the reception of waste by entering into an agreement on the right to use a reception facility located at a reasonable distance in the vicinity. In that case, the marina shall display information readily available to users about an arrangement of this kind and about the location and opening hours of the reception facility in question. In determining the scale of waste reception in marinas, account shall also be taken of users arriving from other marinas.

Section 5 (669/2021)

Port Waste Management Plan

Port authorities shall draw up a Port Waste Management Plan on the organisation of the management of waste from ships in ports.

A Port Waste Management Plan shall describe the reception, collection, storage, handling and recovery of, and the other waste management arrangements for, waste from ships. Furthermore, a Waste Management Plan shall describe the amount of the fees charged from ships and the basis on which they have been calculated. A Waste Management Plan shall describe the safety measures to be followed in the management of waste from ships, except where they are described in another plan dealing with the operation of the port and approved by the competent authority. In preparing a Port Waste Management Plan, account shall be taken of the size and nature of the port and the ship types using the port.

Where a marina has in place an agreement for the right to use a reception facility as referred to in section 4, subsection 3, the content of this agreement shall be described in the Port Waste Management Plan.

A port may prepare a joint Waste Management Plan with another port situated in the same geographical region, determining in it separately for each port the need for and the availability of reception facilities.

A port shall comply with the Waste Management Plan after it has been approved. Furthermore, the measures necessary to implement waste management and the condition of reception facilities shall be controlled, observed shortcomings remedied without delay and waste management measures continuously developed.

Section 6 (669/2021)

Approving a Port Waste Management Plan

A Port Waste Management Plan shall be presented for assessment and approval to the Centre for Economic Development, Transport and the Environment in whose territory of operation the port is located. However, the Waste Management Plan of marinas, and the Waste Management Plan of fishing ports with an annual landing of less than 20,000 kilograms, shall be presented for assessment and approval to the environmental

protection authority of the municipality in whose territory the marina is located.

At intervals of five years or more frequently, port authorities shall update and present the Waste Management Plan for assessment and approval by the competent authority determined under subsection 1. In addition, the Plan shall be updated and presented for assessment and approval by the competent authority if there are any significant changes to the operation of the port or the type, amount or management of waste left in the port.

A Port Waste Management Plan shall be approved if the reception of waste and the reception facilities meet the requirements set out in this chapter, chapter 10 and the provisions issued by virtue of them.

When approving a Waste Management Plan, the competent Centre for Economic Development, Transport and the Environment or municipal environmental protection authority may issue regulations on the required reception facilities and the languages in which information is required to be provided to those in charge of the waste management of ships using the port, and on other factors that are necessary for implementing the Plan.

After a Port Waste Management Plan has been approved, the Centre for Economic Development, Transport and the Environment or the municipal environmental protection authority shall record the Plan in the environmental protection database referred to in section 222 of the Environmental Protection Act. (1116/2024)

Section 7 (669/2021)

Consultations and communication concerning a Port Waste Management Plan

Prior to presenting a Port Waste Management Plan for approval by a Centre for Economic Development, Transport and the Environment or a municipal environmental protection authority, the port authority shall afford the operators and users of ships using the port, their representatives, competent authorities and other parties potentially affected by the Waste Management Plan an opportunity to express their opinion about the Waste Management Plan and its inspection. Prior to proposing it for approval, the draft Waste Management Plan shall be displayed for consultation at the port authority's premises and by another suitable means for at least a period of 14 days during the operating hours of the port. Port authorities shall notify port users and other parties of the displaying of the plan on their notice board, by using electronic means of communication, by letter or by another means suitable for the provision of this information.

Port authorities shall, electronically and in such a way that all significant port user groups are informed of them, make the following up-to-date particulars regarding the waste management arrangements in the port available to those responsible for the waste management of ships using the port and to their representatives:

- 1) location of port waste reception facilities applicable to each berth, and, where relevant, their opening hours;
- 2) list of waste from ships managed by the port;
- 3) list of contact points, the port waste reception facility operators and the services offered;
- 4) description of the procedures for delivery of the waste; and
- 5) description of the cost recovery system, including the principles for determining and the level of the charges.

Furthermore, the operator of a port recorded in the maritime information management system referred to in section 20a of the Vessel Traffic Service Act shall report the particulars set out in subsection 2 to the Union Maritime Information and Exchange System referred to in the Vessel Monitoring Directive.

Section 8 (669/2021)

Avoiding undue delay

The reception of waste from ships as referred to in section 1 shall be arranged in such a way as not to cause undue delay to ships or other parties participating in the delivery or reception of the waste.

The operator or owner of a ship or another party that has participated in the leaving or reception of waste shall be entitled to be compensated for the loss or damage caused to it following any undue delay, as provided in the Tort Liability Act. (1116/2024)

Section 9 (669/2021)

Reporting inadequacies of port waste reception facilities

The Finnish Transport and Communications Agency shall report alleged inadequacies of Finnish ports to the International Maritime Organization as provided in the Port Reception Facilities Directive in respect of alleged inadequacies of port waste reception facilities of Finnish ports reported by another Member State of the International Maritime Organization. The Finnish Transport and Communications Agency shall report alleged inadequacies of port waste reception facilities located outside Finland to the authorities of the port State and the International Maritime Organization as provided in the Port Reception Facilities Directive.

Section 10 (669/2021)

Collection and reporting of data on the volume and amounts of waste collected in fishing gear during fishing operations

The Natural Resources Institute Finland shall collect monitoring data on the volume and amounts of waste collected in fishing gear during fishing operations, and shall report the data to the European Commission.

Section 11 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing the MARPOL Convention, the Helsinki Convention and Finland's other international commitments, and European Union legal instruments and the provisions of this Act:

- 1) port reception facilities referred to in section 1;
- 2) waste reception arrangements in repair ports, as referred to in section 2;
- 3) waste reception arrangements in fishing ports, as referred to in section 3;
- 4) waste reception arrangements in marinas, as referred to in section 4;
- 5) the outline and content of the Port Waste Management Plan referred to in section 5;
- 6) communication of the information referred to in section 7, subsection 2; and the reporting of this information, as referred to in subsection 3 of that section; and
- 7) the methods and the format of reporting concerning the collection of data on the volume and amounts of waste collected in fishing gear during fishing operations, as referred to in section 10.

Chapter 10

Delivery of waste to ports

Section 1 (669/2021)

Obligation to deliver waste from ships

Finnish ships entering a port situated in the Baltic Sea area or within the European Union, and non-Finnish ships entering a port situated in the territory of Finland, shall, before departing from the port, deliver all its waste carried on board to a port waste reception facility in accordance with the relevant discharge norms based on the MARPOL Convention.

Where a marina does not have a reception facility, waste from recreational craft shall be delivered in a reception facility on the use of which the port authority has agreed in accordance with chapter 9, section 4, subsection 4.

By way of derogation from subsection 1, a ship may continue its voyage to the next port of call without delivering the waste, if:

- 1) there is sufficient dedicated storage capacity on the ship for all waste that has been accumulated and that will be accumulated on the ship during the intended voyage until the next port of call;
- 2) a ship calls only at the mooring area of a port for less than 24 hours; or
- 3) a ship calls only at the mooring area of a port under adverse weather conditions.

Notwithstanding the provisions of subsection 3, the Finnish Transport and Communications Agency may require that all waste from a ship be delivered to a port before the ship leaves the port if, based on the available information, it cannot be established that adequate reception facilities are available in the ship's next port of call, or the next port of call is unknown.

The master of a ship is responsible for ensuring that the obligations laid down in and by virtue of this chapter are complied with on board the ship.

Section 2 (669/2021)

Advance waste notification

The master of a ship which falls within the scope of the Vessel Monitoring Directive and entering a port situated in the territory of Finland, or a person duly authorised by the master, shall submit to the port authority of the port of arrival an advance waste notification set out in Annex 2 to the Port Reception Facilities Directive concerning waste from the ship, using the maritime information management system referred to in section 20a of the Vessel Traffic Service Act. The notification shall be given at least 24 hours prior to arrival at the port or, if the duration of the voyage is less than 24 hours, immediately upon departure from the previous port. If a ship's final port of arrival is known less than 24 hours prior to arrival at the port in question, the notification shall be given immediately when the final port of arrival is known. The information shall be retained on the ship in an electronic format at least until the next port of call, and it shall be presented to the competent European Union Member State's authorities upon request.

The provisions of subsection 1 do not apply to ships which call only at the mooring area of a port, or to ships used in port services as referred to in the Port Services Regulation.

Section 3 (669/2021)

Waste delivery receipt

The operator responsible for reception facility in a port to which waste has been delivered shall without undue delay complete a waste delivery receipt, and shall deliver it to the master of the ship. The receipt shall include the information listed in Annex 3 to the Port Reception Facilities Directive.

The requirement referred to in subsection 1 does not apply in ports with unmanned reception facilities and capable of receiving only ships of less than 1,350 tons deadweight. In the context of approving a Waste

Management Plan, ports shall report if they meet the conditions for the exception. In such circumstances, the authority approving the Port Waste Management Plan shall report the name and location of the port using the Union Maritime Information and Exchange System referred to in the Vessel Monitoring Directive. The information shall be reported only for ports where ships falling within the scope of the Vessel Monitoring Directive call.

The master of a ship falling within the scope of the Vessel Monitoring Directive, or a person duly authorised by the master, shall, before departing from a port or immediately after receiving a waste delivery receipt, report the particulars included in the receipt using the maritime information management system referred to in section 20a of the Vessel Traffic Service Act. The information from the waste delivery receipt shall be available on board a ship falling within the scope of the Vessel Monitoring Directive for at least two years, with the appropriate Oil Record Book, Cargo Record Book, Garbage Record Book or the Garbage Management Plan, and shall be made available upon request to the competent European Union Member State's authority.

The provisions of subsection 1 and 3 do not apply to ships used in port services as referred to in the Port Services Regulation.

Section 4 (669/2021)

Fees charged for waste from ships

To cover the costs of waste management, port authorities charge a fee from every ship calling at a port, regardless of whether or not a ship delivers waste in a port or how much waste a ship has delivered in a port. The fee shall cover the indirect administrative costs and the costs of the management of the following types of waste:

- 1) oily waste with the exception of cargo residues;
- 2) sewage; and
- 3) garbage including waste collected in fishing gear during fishing operations with the exception of cargo residues.

However, based on the types and volume of waste delivered, a fee shall be charged for:

- 1) costs arising from the delivery of the waste referred to in subsection 1, if the volume of waste delivered exceeds the maximum dedicated storage capacity referred to in the government decree issued by virtue of section 6;
- 2) the waste from exhaust gas cleaning systems; and
- 3) the part of the costs which is not covered by the fee charged according to subsection 1.

The fees shall be reasonable, and they shall be based on the costs incurred from facilities used in a port and on services provided in a port. Port authorities shall communicate the amount of the fee charged from ships and the basis on which it has been calculated. The fees may be differentiated on the following basis:

- 1) the type, category and size of the ship;
- 2) if services are provided outside the normal operating hours of the port; or
- 3) the hazardous nature of the waste.

The fees shall be reduced for ships engaged in short sea shipping trade or ships using equipment, methods or a good quality fuel which enable the ship to deliver ashore a reduced volume of waste or which allow the waste to be recovered.

The fees may be included in the port dues or in another fee charged for the right to use a port.

The fee referred to in subsection 1 is not charged from ships that the Finnish Transport and Communications Agency has, under section 5, exempted from the requirement to deliver waste, from ships used in port services as referred to in the Port Services Regulation or from ships calling only at the mooring area of a port.

Section 5 (669/2021)

Exemption from the waste delivery requirement, the notification obligation and fees

For the ports along a ship's route, the Finnish Transport and Communications Agency may, upon written application, grant the ship an exemption concerning the following: the requirement to deliver waste from ships, as referred to in section 1; the notification concerning waste from ships and cargo residues, as referred to in section 2; and the fee charged for waste from ships, as referred to in section 4. A condition for granting an exemption is that:

- 1) the ship is engaged in traffic based on a published or planned list of times of departures and arrivals between identified ports or recurrent crossings that constitute a recognised schedule;
- 2) the ship is engaged on similar voyages being repeated at least once every two weeks between identified ports or a series of voyages from and to the same port without intermediate calls;
- 3) the ship has a waste management agreement with a qualified waste management company or a port that the port has approved and that has been notified to all ports on the ship's route, and it holds the waste delivery receipts; and
- 4) the arrangement does not have a negative impact on the marine environment, maritime safety, health or living or working conditions.

An exemption is granted for a fixed period of time and not for longer than five years at a time.

The Finnish Transport and Communications Agency shall deliver an exemption certificate set out in Annex 5 to the Port Reception Facilities Directive to a ship that has been exempted in accordance with subsection 1. The Finnish Transport and Communications Agency shall notify a granted exemption to the ports on the ship's route and other ports affected by the decision. The Finnish Transport and Communications Agency shall also notify the information from the exemption certificate using the maritime information management system referred to in section 20a of the Vessel Traffic Service Act.

Notwithstanding the exemption granted, a ship shall not continue its voyage to the next port of call if there is insufficient dedicated storage capacity on the ship for all waste that has been accumulated and that will be accumulated during the intended voyage of the ship until the next port of call.

Section 6 (669/2021)

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing the MARPOL Convention, the Helsinki Convention, Finland's other international commitments and European Union legal instruments:

- 1) the sufficient dedicated storage capacity referred to in this chapter in section 1, subsection 3, paragraph 1; section 4, subsection 2, paragraph 1; and section 5, subsection 4;
- 2) criteria for assessing the hazardous nature of the waste, as referred to in section 4, subsection 3 of this chapter; and
- 3) criteria for granting a ship a reduction under section 4, subsection 4 of this chapter.

Chapter 11

Obligations for masters of ships in an emergency

Section 1 (581/2018)

Reporting an actual or imminent oil spill and immediate response

If oil has leaked from a ship into water or there is an imminent threat of an oil leak due to the ship's running aground, engine breakdown, collision or another marine casualty or incident, the master of the ship shall immediately report the actual or imminent oil spill to the relevant maritime rescue coordination centre, maritime rescue sub-centre, emergency response centre or vessel traffic service provider. Outside Finnish waters or outside Finland's exclusive economic zone, the master of a Finnish ship shall report an actual or imminent oil spill to the authority of the nearest coastal state. The master of a ship shall also take the immediate response measures that can be reasonably expected of the master.

If, in Finnish waters or within Finland's exclusive economic zone, the master of a Finnish ship observes in water such a large quantity of oil that, considering the weather and other conditions, there is a threat of an oil emergency, the master shall report the observation to the relevant maritime rescue coordination centre, maritime rescue sub-centre, Emergency Response Centre Agency or vessel traffic service provider or, outside Finnish waters or outside Finland's exclusive economic zone, to the authority of the nearest coastal state. If a member of the ship's crew or any of the ship's officers makes a similar observation, they shall be obligated to report this to the master of the ship. (669/2021)

However, the master of a ship does not need to make the report referred to in subsection 2 if it is evident that the authorities referred to in subsection 2 have already been informed of the incident.

Section 2 (581/2018)

Reporting an actual or imminent discharge of another noxious substance, and immediate response

If a noxious substance other than oil is discharged into water from a ship in Finnish waters or within Finland's exclusive economic zone, the master of the ship shall without delay notify the relevant maritime rescue coordination centre, maritime rescue sub-centre, emergency response centre or vessel traffic service provider of factors concerning the ship, its condition, location and cargo and the nature of the incident, and shall take the immediate response measures that can be reasonably expected of the master.

The master of a ship of 15 metres in length and above shall also inform the relevant maritime rescue coordination centre, maritime rescue sub-centre, emergency response centre or vessel traffic service provider of the factors referred to in subsection 1 in situations where no discharge has occurred but there is a possibility for a discharge. This applies to incidents where a ship has been damaged, a ship's cargo has shifted or a ship's machinery or equipment has been damaged in a way that impairs the safety of navigation.

Outside Finnish waters and outside Finland's exclusive economic zone, the master of a Finnish ship shall make the report referred to in subsection 1 and 2 to the authority of the nearest coastal state.

If the master of a ship is prevented from making the report referred to in this section, the owner, charterer, user or operator of the ship, or their agent, shall assume responsibility for the master's reporting obligation.

Section 3

Further provisions

Further provisions on the following subjects may be issued by government decree for implementing the MARPOL Convention, the Helsinki Convention, Finland's other international commitments or European Union legal instruments in Finnish territorial waters and within Finland's exclusive economic zone, and in the case of Finnish ships also outside Finnish territorial waters and outside Finland's exclusive economic zone:

- 1) the process for reporting an actual or imminent oil spill referred to in section 1; and
- 2) the process for reporting an actual or imminent discharge of another noxious substance referred to in section 2. (669/2021)

The further provisions referred to in subsection 1 may also be extended to apply to ships sailing in inland waters and engaged on domestic voyages.

Chapter 12

Supervision and administrative enforcement

Section 1 (990/2018)

Supervisory authorities

The Finnish Transport and Communications Agency, the Centres for Economic Development, Transport and the Environment, the municipal environmental protection authorities, the Border Guard, the Customs and the police are the supervisory authorities referred to in this Act. (669/2021)

Within their administrative sector, the Ministry of Transport and Communications and the Ministry of the Environment shall provide general guidance on and shall monitor and develop the activities carried out under this Act.

Section 2 (990/2018)

Supervisory duties of the Finnish Transport and Communications Agency

The Finnish Transport and Communications Agency shall supervise compliance with the provisions and regulations laid down in and by virtue of this Act, insofar as the provisions or regulations concern:

- 1) ships as well as their construction and cargo;
- 2) ship fuels and their quality;
- 3) emissions and discharges from ships into air and water;
- 4) harmful anti-fouling systems on ships;
- 5) equipment of ships;
- 6) operation of ships;
- 7) certificates and other documents of ships;
- 8) the notification obligation of masters and other crew members of ships;
- 9) the obligation for ships falling within the scope of the Vessel Monitoring Directive to deliver waste in ports, and advance waste notifications; and
- 10) treatment and exchange of ballast water and sediments of ships.
(669/2021)

Furthermore, the Finnish Transport and Communications Agency shall be responsible for other enforcement of compliance with the provisions and regulations laid down in and by virtue of this Act, unless otherwise provided in this Act.

The Finnish Transport and Communications Agency is the leading supervisory authority in the monitoring of compliance, in inland waters, with the provisions and regulations on discharges from ships into water laid

down in and by virtue of this Act.

The Finnish Transport and Communications Agency is the competent authority referred to in the MRV Regulation and the Regulation on the use of renewable and low-carbon fuels in maritime transport. (1116/2024)

Section 3 (1357/2018)

Section 3 was repealed by Act 1357/2018.

Section 4

Supervisory duties of Centres for Economic Development, Transport and the Environment

A Centre for Economic Development, Transport and the Environment shall, within its territory of operation, monitor compliance with the provisions and regulations laid down in and by virtue of this Act, insofar as the provisions and regulations concern:

- 1) port waste management planning;
- 2) port reception facilities for waste from ships and sediments; and (473/2016)
- 3) port waste management fees.

In particular, the supervisory duty applies to shipping ports that are required to hold an environmental permit set out in the Environmental Protection Act.

Section 5

Supervisory duties of the municipal environmental protection authority

In particular, the municipal environmental protection authority shall monitor waste management in marinas and the reception of waste from recreational craft.

Section 6

Supervisory duties of the Border Guard

The Border Guard is the leading supervisory authority in monitoring of compliance, in territorial waters and within the exclusive economic zone, with the provisions and regulations laid down in and by virtue of this Act on discharges from ships into water, with the exception of the prohibition to discharge grey water, as referred to in chapter 5, section 1a, and the prohibition to discharge exhaust gas cleaning system wash water and residues, as referred to in chapter 7, section 9b. (1116/2024)

In Finnish territorial waters and within Finland's exclusive economic zone, the Border Guard shall, as provided in sections 11 and 12, participate in monitoring the prohibition concerning emissions from ships into air; harmful anti-fouling systems; ballast water and sediments discharged from ships into water; the prohibition to discharge grey water, as referred to in chapter 5, section 1a; and the prohibition to discharge wash water of and residues separated by exhaust gas cleaning systems, as referred to in chapter 7, section 9b. (1116/2024)

In Finnish territorial waters and within Finland's exclusive economic zone, in the context of waterborne traffic control, the Border Guard shall monitor the obligation laid down in chapter 10, section 1 for ships falling outside the scope of the Vessel Monitoring Directive to deliver waste from ships in ports. (669/2021)

Section 7 (998/2014)

Supervisory duties of the Customs

The Customs shall monitor compliance with the provisions and regulations laid down in and by virtue of this Act on the quality of fuels placed on the Finnish market.

Section 8

Supervisory duties of the police

The police shall monitor compliance, in inland waters and within the territorial waters, with the provisions and regulations laid down in and by virtue of this Act on discharges from ships into water, with the exception of the prohibition to discharge grey water, as referred to in chapter 5, section 1a, and the prohibition to discharge wash water of and residues separated by exhaust gas cleaning systems, as referred to in chapter 7, section 9b. (1116/2024)

In inland waters and Finnish territorial waters, the police shall, as provided in sections 11 and 12, participate in monitoring the prohibition on emissions from ships into air; harmful anti-fouling systems; ballast water and sediments discharged from ships into water; the prohibition to discharge grey water, as referred to in chapter 5, section 1a; and the prohibition to discharge wash water of and residues separated by exhaust gas cleaning systems, as referred to in chapter 7, section 9b. (1116/2024)

In inland waters and Finnish territorial waters, in the context of waterborne traffic control, the police shall monitor the obligation laid down in chapter 10, section 1 for ships falling outside the scope of the Vessel Monitoring Directive to deliver waste from ships in ports. (669/2021)

Section 8a (1116/2024)

Duties of FINAS Finnish Accreditation Service

FINAS Finnish Accreditation Service is the national accreditation body referred to in the MRV Regulation and the Regulation on the use of renewable and low-carbon fuels in maritime transport.

Section 9

Executive assistance

For the carrying out of duties under this Act, the Finnish Meteorological Institute, the Finnish Environment Institute, the Finnish Defence Forces and Regional State Administrative Agencies shall give a supervisory authority any necessary executive assistance which it is authorised to provide.

Chapter 3, section 8 lays down provisions on executive assistance in oil discharge fee matters.

Section 10

Supervision of ship structures, equipment, fittings, functions and arrangements

Provisions on the supervision of ship structures, equipment, fittings, functions and arrangements and on related inspections and other measures in Finnish waters, and in the case of Finnish ships also outside Finnish waters, are laid down in the Ship Safety Control Act (370/1995).

Section 11 (990/2018)

Investigation of actual discharges and action in the face of an immediate threat of water pollution

To investigate actual discharges, harmful anti-fouling systems and any ballast water and sediments discharged into water in breach of the Ballast Water Management Convention or this Act, the Finnish Transport and Communications Agency, the Border Guard and the police have the right to carry out inspections on board Finnish ships and take samples for the purpose of determining the origin and consistency of any oil, other noxious substance or ballast water and sediments detected in water and for determining the quality of fuel used on ships and the source of other emissions from ships into air. The same applies to foreign ships when in port or at anchor in Finnish waters or when sailing in Finnish waters. Section 12 lays down provisions on measures directed at foreign ships sailing in Finland's territorial sea.

If necessary for investigating actual discharges, harmful anti-fouling systems or any ballast water and sediments discharged into water in breach of the Ballast Water Management Convention or this Act, or where there is justified reason to suspect that, for a reason not connected with the structures, equipment, fittings, functions and arrangements of a ship, the ship's voyage involves an immediate threat of environmental pollution or the spread of invasive alien species, the Finnish Transport and Communications Agency, the Border Guard and the police may detain the ship while in port or at anchor in Finnish waters.

The same applies to Finnish ships sailing in or outside Finnish waters and to foreign ships sailing in Finnish waters. Section 12 lays down provisions on measures directed at foreign ships sailing in Finland's territorial sea.

Having regard to the provision laid down in chapter 1, section 4, the measures referred to in subsections 1 and 2 apply to ships of the Finnish Defence Forces and the Border Guard only where applicable.

However, the right to carry out an inspection does not extend to spaces used as permanent living quarters.

Section 12 (990/2018)

Right to carry out inspections, access information and detain ships in Finland's territorial sea or exclusive economic zone

Where there is justified reason to suspect that a foreign ship sailing in Finland's territorial sea, while in Finland's territorial sea, has caused discharges, used a harmful anti-fouling system or discharged ballast water or sediments into water in breach of the Ballast Water Management Convention or this Act, the Finnish Transport and Communications Agency, the Border Guard and the police may take any and all measures referred to in section 11, subsection 1 and 2.

Where there is justified reason to suspect that this Act or any provisions issued by virtue of it have been violated on board a foreign ship sailing in Finland's territorial sea or within Finland's exclusive economic zone, the Finnish Transport and Communications Agency, the Border Guard and the police have the right to receive from the ship information about the ship, the ship's port of registry, its most recent port of call and its port of destination, as well as other information necessary for determining whether provisions have been violated.

In a situation referred to in subsection 2, the Finnish Transport and Communications Agency, the Border Guard and the police may inspect a ship if violation of the provisions referred to in the subsection results in a major discharge causing significant pollution of the marine environment or a threat thereof, and the ship has refused to provide the information or the information provided by the ship is clearly contradictory to the actual situation and the circumstances otherwise call for an inspection.

The Finnish Transport and Communications Agency, the Border Guard and the police may detain a foreign ship sailing in Finland's territorial sea or within Finland's exclusive economic zone, if it is evident that this Act or any provisions issued by virtue of it have been violated on board the ship in such a way as to cause

considerable damage or a threat thereof to Finland's shoreline or related interests or to natural resources in Finland's territorial sea or within Finland's exclusive economic zone.

On the conditions provided in subsections 2–4, measures referred to in the subsections may also be directed at a foreign ship sailing within Finland's exclusive economic zone on board which this Act or any provisions issued by virtue of it are suspected of having been violated in Finland's territorial sea.

However, the right to carry out an inspection does not extend to spaces used as permanent living quarters.

Section 12a (1116/2024)

Port entry refusal and detention of ships, related to implementing the Regulation on the use of renewable and low-carbon fuels in maritime transport

The Finnish Transport and Communications Agency shall refuse entry to Finnish ports for any ship sailing under a flag other than that of Finland which has been issued an expulsion order set out in Article 25 of the Regulation on the use of renewable and low-carbon fuels in maritime transport.

The Finnish Transport and Communications Agency shall order a ship that is in a Finnish port and sailing under the Finnish flag to be detained if it fails to comply with the obligation laid down in Article 24 of the Regulation on the use of renewable and low-carbon fuels in maritime transport to hold a valid document of compliance for two or more consecutive reporting periods, and where other enforcement measures have failed to ensure compliance with the obligation. The Finnish Transport and Communications Agency shall also detain any ship of a shipping company sailing under the Finnish flag which has been issued an expulsion order in another Member State under Article 25 of said Regulation. The Finnish Transport and Communications Agency shall lift the detention order immediately after the ship has been granted a document of compliance referred to above. A detention order shall be without prejudice to the maritime provisions applicable in the case of ships in distress.

Section 12b (1116/2024)

Right to carry out inspections and access information about shore-side electricity supply in ports

The Finnish Transport and Communications Agency has the right to access any area, premises and other space which it is necessary to access in order to control the obligation concerning shore-side electricity supply in ports as referred to in chapter 7a, section 10, the right to carry out inspections there and the right to adopt other measures required by control.

However, the right to carry out an inspection does not extend to spaces used as permanent living quarters.

Confidentiality provisions notwithstanding, the Finnish Transport and Communications Agency has the right to access information necessary to perform tasks for controlling the shore-side electricity supply obligation from port authorities on whose obligations provisions are laid down in chapter 7a, section 10 or in European Union statutes governing the activity referred to therein.

Section 13 (990/2018)

Obligation to avoid undue delay, and the principle of lesser harm

The measures referred to in section 11 and 12 shall be carried out without causing ships any undue delay.

An inspection of a foreign ship shall be limited to checking certificates and other documents which are required of the ship under international conventions binding on Finland, or to checking the ship's other comparable documents. A ship may be inspected more thoroughly only after an inspection referred to above and only if there is justified reason to suspect that the condition of the ship or its equipment materially

deviates from the information contained in the documents, or if the information in the documents is insufficient to confirm or verify a suspected violation of provisions, or if the ship does not have the required valid certificates or documents on board.

Even where investigations carried out in accordance with section 11 and 12 reveal that this Act or any provisions issued by virtue of it have been violated on board a foreign ship, the ship shall without delay be allowed to continue its voyage.

If, by allowing a ship detained within Finland's exclusive economic zone under section 12, subsection 4 to continue its voyage, an unreasonable threat of damage is presented to the marine environment, the Finnish Transport and Communications Agency may prohibit the continuation of the voyage or may make the continuation of the voyage conditional upon the ship's proceeding to the nearest appropriate repair yard. A decision to prohibit the continuation of a voyage or to make it conditional shall be notified promptly to the flag state of the ship.

The provisions laid down in the Ship Safety Control Act apply to the carrying out of an inspection on board foreign ships, to the detaining of ships and to the restricting of the use of ships.

Section 14 (1537/2019)

Posting of a security

If it is evident that this Act or any provisions issued by virtue of it have been violated on board a ship in Finnish territorial waters or within Finland's exclusive economic zone in such a way that this causes considerable damage or a threat of such damage to Finland's shoreline or related interests or to natural resources in Finland's territorial sea or within Finland's exclusive economic zone, the continuation of the ship's voyage may be made conditional upon the posting of a sufficient security on behalf of the ship for fulfilling any liability for damages.

It shall be for the Ministry of the Interior to decide on the posting and amount of a security. The decision may be appealed to the Helsinki Administrative Court. Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019). A decision shall be recognised notwithstanding any request for a review. A decision issued by the Administrative Court is not subject to appeal. Provisions of the act on the deposit of cash, book entries, securities or instruments in payment of debts or for release from other liabilities apply to the posting of a security. The security shall be returned to the depositor once the grounds for holding it cease to exist.

Any conditions imposed on the continuation of a foreign ship's voyage shall without delay be notified to the flag state of the ship.

Section 15 (669/2021)

Administrative enforcement

In matters falling within the scope of this Act and their competence, the Finnish Transport and Communications Agency, the Centres for Economic Development, Transport and the Environment, the municipal environmental protection authorities and the Customs may:

- 1) prohibit a party acting in violation of this Act or any decree or regulation issued by virtue of it from continuing or repeating conduct that is in violation of provisions or regulations;
- 2) order a party acting in violation of this Act or any decree or regulation issued by virtue of it to fulfil its obligations in another manner than the manner referred to paragraph 1;
- 3) order a party that has acted in a manner referred to in paragraph 1 or 2 to reinstate the environment or eliminate the harm caused to the environment from the violation.

Section 16 (669/2021)

Notice of a conditional fine, notice of enforced compliance and notice of enforced suspension

The Finnish Transport and Communications Agency, the Centres for Economic Development, Transport and the Environment, the municipal environmental protection authorities and the Customs may reinforce a prohibition or an order which they have issued under this Act by imposing a notice of a conditional fine, a notice of enforced compliance or a notice of enforced suspension.

Section 17 (990/2018)

Supervisory authority's duty to act when a ship breaches its obligation to deliver waste in a port or discharges environmental pollutants

Where there is clear evidence that a ship has breached its obligation to deliver waste from ships and cargo residues in a port, the Finnish Transport and Communications Agency shall detain the ship or, if the ship's next port of call is situated in another state, inform the competent supervisory authority as provided in the Port Reception Facilities Directive.

If the Border Guard or the Finnish Transport and Communications Agency observes that a ship has discharged oil or noxious liquid substances in Finnish waters, within Finland's exclusive economic zone or on the high seas, said authority shall notify the discharge that it has observed to the ship's next port of call and to the flag state of the ship, and shall request the flag state of the ship to take action following the discharge as provided in the Ship-Source Pollution Directive. (669/2021)

Section 18 (669/2021)

Reporting to the European Commission

Every three years, the Finnish Transport and Communications Agency shall deliver to the European Commission a report on how the competent authorities in Finland have applied the Ship-Source Pollution Directive.

Section 19 (669/2021)

Further provisions

Further provisions on the duties of the Finnish Transport and Communications Agency, the Centres for Economic Development, Transport and the Environment, the Border Guard, the Customs and the police, in their capacity as supervisory authorities, and on the division of duties between these authorities may be issued by government decree.

Chapter 13

Miscellaneous provisions

Section 1

Charge, fees and reimbursement of expenses

The provisions laid down in and by virtue of the Act on Criteria for Charges Payable to the State (150/1992) apply to the performances by an authority and the official inspection measures referred to in this Act.

Criteria for a fee payable to a municipality are laid down in the tariff which the municipality has approved. For the official duties which under chapter 9, section 6 belong to a Centre for Economic Development, Transport and the Environment, a fee may be levied, the criteria for which shall correspond to the criteria laid down in the Act on Criteria for Charges Payable to the State. (669/2021)

The party ordering an inspection of a ship shall pay the nominated inspector a fee for the measure taken by the inspector based on this Act or provisions or regulations laid down by virtue of it, or for a document issued on the basis of any such measure. The provisions laid down on fees payable to nominated surveyors and tonnage admeasurers in the Act on the Technical Safety and Safe Operation of Ships (1686/2009) apply to determining the amount of the fee. Further provisions on the amount of the fee are issued by government decree.

Nominated inspectors have the right to be reimbursed for their travel expenses and be paid a daily allowance by the order-placing party in accordance with the State Travel Regulations. If a ship is not at berth, the nominated inspector shall be transported to the ship or shall be entitled to be reimbursed for the expenses incurred from arranging transportation.

Charges, fees and reimbursement of expenses referred to in this section may be collected from the party liable to make payment in the order provided in the Act on Enforcement of Taxes and Charges (706/2007).

Section 2 (990/2018)

Qualification requirements and appointment of nominated inspectors and good governance requirements

The provisions on nominated surveyors laid down in the Act on the Technical Safety and Safe Operation of Ships apply to the qualification requirements of nominated inspectors appointed by the Finnish Transport and Communications Agency and to the granting and revoking of letters of appointment. Further provisions on the qualification requirements of nominated inspectors are issued by government decree.

In the performance of their public administrative duties referred to in this Act, nominated inspectors shall comply with the provisions of the Administrative Procedure Act (434/2003), the Language Act (423/2003), the Act on Electronic Services and Communication in the Public Sector (13/2003) and the Act on the Openness of Government Activities. However, technical documents of ships shall be provided on board a ship in the language in which technical documents are drawn up on board the ship.

The provisions on criminal liability for acts in office apply to nominated inspectors appointed by the Finnish Transport and Communications Agency when they are performing duties referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

On its website, the Finnish Transport and Communications Agency may publish the names, contact details and territories of operation of inspectors. The duty which an inspector is authorised to perform shall be indicated on the website. (1116/2024)

Section 2a (473/2016)

Classification society employees' liability for acts in office

The provisions on criminal liability for acts in office apply to employees of recognised classification societies when they are performing public administrative duties referred to in this Act. Provisions on liability for damages are laid down in the Tort Liability Act.

Section 3

Penal provisions

Except where committed through negligence on board a foreign ship, the penalty for degradation of the environment inflicted in violation of this Act or any provisions issued by virtue of it is as provided in chapter 48, sections 1–4 of the Criminal Code (39/1889).

Whosoever intentionally or through negligence, in a manner other than the manner referred to in subsection 1, violates:

1) the prohibition or restriction on discharges of oil or oily mixtures or hydrocarbons having characteristics comparable to them and other noxious substances used on ships in the manner of oil or oily mixture, as referred to in chapter 2, section 1; (669/2021)

2) requirements concerning oil tankers, as referred to in chapter 2, section 3, subsection 1 and 2, and in section 4;

3) prohibitions on the carriage of oil, as referred to in chapter 2, section 3, subsection 4, and in section 8;

3 a) areas designated for STS transfers, set out in chapter 2a, section 1, subsection 1; the STS Operations Plan set out in section 2, subsection 1; the advance notification obligation set out in section 3, subsections 1–3; and provisions on the qualification requirements for persons having overall responsibility for controlling an STS transfer, set out in section 4; (275/2017)

4) the prohibition and restriction on discharges of noxious liquid substances, as referred to in chapter 4, section 2;

5) structural and equipment requirements for chemical tankers, as referred to in chapter 4, section 4;

6) the prohibition and restriction on discharges of sewage, as referred to in chapter 5, section 1;

6 a) the prohibition on the disposal of grey water, as referred to in chapter 5, section 1a (1116/2024);

7) the prohibition and restriction on the disposal of garbage into water, as referred to in chapter 6, section 1;

8) requirements for equipment, such as diesel engines and incinerators, necessary to restrict emissions into air, or requirements for fuels, as referred to in chapter 7, section 5 and 7 and in section 11, subsection 3;

8 a) the prohibition on discharges of exhaust gas cleaning system wash water and residues, as referred to in chapter 7, section 9b; (1116/2024)

9) the waste incineration prohibition and emission restriction, as referred to in chapter 7, section 11, subsection 1 and 2;

9 a) the monitoring and reporting duties laid down in Articles 8–11, 11a and 12 of the MRV Regulation; (1116/2024);

10) the prohibition on the use of harmful anti-fouling systems, as referred to in chapter 8, section 1;

10 a) the prohibition on discharges of untreated ballast water and sediments, as referred to in chapter 8, section 5; (473/2016)

10 b) the prohibition or restriction on installing or using hazardous materials on ships, as referred to in Article 4 or Article 12(2) of the Ship Recycling Regulation; (628/2017)

10 c) the obligation concerning recycling or dismantling of ships or related preparation, as referred to in Article 6 of the Ship Recycling Regulation or chapter 8a, section 3 of this Act; (1116/2024)

11) the obligation to provide port reception facilities, as referred to in chapter 9, sections 1–4; (669/2021)

12) the obligation to deliver waste in a port, as referred to in chapter 10, section 1;

13) the waste notification obligation referred to in chapter 10, section 3;

14) the obligation to report an actual or imminent oil spill, as referred to in chapter 11, section 1; or

15) the obligation to report an actual or imminent discharge of another noxious substance than oil, as referred to in chapter 11, section 2

shall be sentenced to a fine for *infraction of the Act on Environmental Protection in Maritime Transport*, unless the act is minor or unless a more severe punishment for the act is provided elsewhere in law.

Anyone who violates an obligation or prohibition ordered under this Act that is reinforced with a notice of a conditional fine, a notice of enforced compliance or a notice of enforced suspension cannot be convicted for the same act under subsection 2.

The sentence for conduct punishable under subsection 2 shall be imposed on whoever whose obligations the act or omission breaches. In assessing this, consideration shall be given to the position of the party concerned, to the nature and scope of that party's duties and powers and how the party otherwise has contributed to the creation and continuation of the illegality.

An owner of a ship who intentionally or through negligence fails to comply with the obligation concerning the inventory of hazardous materials laid down in Article 5 or 12 of the Ship Recycling Regulation or chapter 8a, section 4 of this Act or the obligation concerning certificates laid down in section 2, subsection 1 or 2 of said chapter, and any marine fuel supplier referred to in chapter 7, section 11a who intentionally or through negligence has supplied fuel which does not correspond to the specification provided in a Bunker Delivery Note referred to in said section or has supplied a fuel sample which has not been taken in conformance with said section, shall also be sentenced for infraction of the Act on Environmental Protection in Maritime Transport. (1116/2024)

Section 4 (990/2018)

Obligation to inform the flag state of a ship

Where a foreign ship is subject to measures referred to in chapter 12, section 11 and 12, the Finnish Transport and Communications Agency shall without delay inform the flag state of the ship. In the case of an act committed in Finnish waters, only the information related to judicial proceedings needs to be reported.

Section 5

Right to use coercive measures within Finland's exclusive economic zone against foreign ships

When investigating an act referred to in section 3 which is punishable under chapter 48, sections 1–4 of the Criminal Code and which, under chapter 48, section 10 of the Criminal Code, carries a possible penalty of only a fine, the right to use coercive measures is determined on the basis of the penal sanctions provided in chapter 48, sections 1–4 of the Criminal Code.

Section 6

Criminal jurisdiction regarding foreign ships

Notwithstanding the provisions of chapter 1 of the Criminal Code, in the case of violation of any of the provisions referred to in section 3, subsection 2, acts committed on board a foreign ship within Finland's exclusive economic zone are also subject to Finnish law.

Where an act referred to in section 3 has been committed on board a foreign ship while it is within Finland's exclusive economic zone, the criminal case shall not be investigated in Finland without a prosecution order from the Prosecutor-General, except in the case of any of the instances referred to in chapter 1, section 12, subsection 2 of the Criminal Code.

If a foreign ship has not proceeded to a Finnish port voluntarily or has not anchored voluntarily in Finnish

waters, charges for offences referred to in subsection 2 may be brought only if the discharge has caused considerable damage or a threat thereof to Finland's shoreline or related interests, or to natural resources in Finland's territorial sea or within Finland's exclusive economic zone.

Charges shall not be brought for offences referred to in subsection 2 if the flag state of the ship takes legal action in order to impose a penalty within six months of the initiation of the preliminary investigation in Finland. Upon completion of the legal action taken by the flag state, the proceedings pending in Finland shall be terminated.

Notwithstanding the provisions of subsection 4, charges for offences referred to in subsection 2 may be brought if the offence has caused considerable damage to Finland as a coastal state, or if the flag state of the ship has repeatedly neglected its duty to effectively enforce obligations concerning violations, committed on board ships flying its flag, of international treaties on the prevention of marine pollution from ships.

Section 7 (1116/2024)

Claim for a revised decision

A party may submit a claim to the Finnish Transport and Communications Agency for revising a decision which concerns any of the following:

- 1) an inspection of a ship carried out by the Finnish Transport and Communications Agency, or any other ship document issued under this Act, or a decision issued following an inspection conducted by a recognised classification society or an inspector nominated by the Finnish Transport and Communications Agency;
- 2) a fee imposed by an inspector nominated by the Finnish Transport and Communications Agency for any proceeding, decision or certificate set out in this Act; and
- 3) imposition of penalties referred to in chapter 7b, section 1 and 2.

A revised decision shall be sought within 30 days of the serving of the decision or of the date of imposition of a fee.

The Finnish Transport and Communications Agency shall decide a claim for a revised decision referred to in this section within two months of the beginning of *lis pendens* of the claim. However, if a decision is preventing the normal operation of a ship, the decision on the claim for a revised decision shall be issued within 14 days of the beginning of *lis pendens* of the claim.

In other respects, the provisions of the Administrative Procedure Act apply to the procedure for claims for a revised decision.

Section 8 (1537/2019)

Request for review

Decisions other than those referred to in chapter 3, section 5 and in chapter 12, section 14, and decisions referred to in section 7 of this chapter, may be appealed. Provisions on requests for a judicial review to an administrative court are laid down in the Administrative Judicial Procedure Act. (1116/2024)

If, following a claim for a revised decision, the Finnish Transport and Communications Agency has not issued a decision within the time limit reserved for it in section 7, subsection 3 of this chapter, the time limit for lodging a complaint shall be calculated from the termination of the time limit referred to in that subsection.

If a decision is preventing the normal operation of a ship, the complaint shall be processed as urgent.

Section 9 (1116/2024)

Enforcement of decisions

Consideration of a claim for a revised decision or a request for a review does not prevent the enforcement of a decision issued by virtue of this Act, unless otherwise ordered by the authority considering the claim for a revised decision or by the appellate authority.

Section 10

Competent court

The district court (*maritime court*) referred to in chapter 21, section 1 of the Maritime Act in whose jurisdiction the incident resulting in judicial proceedings occurred is the competent court in matters falling within the scope of this Act that concern a specific ship or alleged environmental pollution from a specific ship. If the incident has occurred while a ship is underway, the matter may also be brought before the maritime court in whose jurisdiction the port at which the ship first calls is located.

Where an act referred to in section 3 of this chapter is committed within Finland's exclusive economic zone, the criminal case shall be heard at a maritime court. The competent maritime court is the maritime court closest to whose jurisdiction the offence can be deemed to have been committed, by applying the provisions of chapter 4, section 1, subsection 1 and 2 of the Criminal Procedure Act (689/1997). When applying this section, the limits of the judicial districts of these maritime courts are considered to extend from the outer limit of the territorial waters, without changing their direction, to the outer limit of the exclusive economic zone.

Where an act referred to in section 3 of this chapter is committed outside the territory of Finland elsewhere than within Finland's exclusive economic zone, the criminal case shall be heard at the District Court of Helsinki.

Section 11

Entry into force

This Act enters into force on 1 January 2010.

This Act repeals the Act on the Prevention of Pollution from Ships issued on 16 March 1979 (300/1979), as amended.

Nonetheless, the following decrees remain in force:

1) the Decree on Ship Surveys, issued on 3 December 1999 (1123/1999);

Paragraph 2 was repealed by Act 1503/2011.

3) the Decree on Chemical and Gas Tankers, issued on 26 March 1982 (244/1982).

Measures that are necessary for the implementation of the Act may be undertaken before the entry into force of the Act.

Section 12

Transitional provision

Temporary certificates, equivalents, exemptions and other permits issued under the Act that was in force upon the entry into force of this Act will remain in force under this Act until the termination of their periods of

validity.

Government proposal 248/2009, Transport and Communications Committee report 33/2009, Parliamentary reply 249/2009

Appendix I (1116/2024)

Oil discharge fee () based on the ship's gross tonnage

Oil discharge, in litres	Ship's gross tonnage			
	<3,001	3,001–15,000	>15,000–50,000	>50,000
less than 50	€4,278	€6,417	€8,556	€10,695
50–1,000	€8,556	€12,834	€17,112	€21,389
1,000	€8,556	€12,834	€17,112	€21,389
and for each started 1,000 litres exceeding 1,000 litres	€684	€1,027	€1,369	€1,711
26,000	€25,667	€38,501	€51,335	€64,168
and for each started 1,000 litres exceeding 26,000 litres	€684	€1,027	€1,369	€2,053
101,000	€77,002	€115,503	€154,004	€218,172
and for each started 1,000 litres exceeding 101,000 litres	€171	€257	€342	€513
> 501,000	€145,448	€218,172	€290,896	€423,510
and for each started 1,000 litres exceeding 501,000 litres	€86	€128	€171	€257

A. Formulas for calculating the ship's compliance balance

a) For the purpose of calculating the compliance balance of a ship for greenhouse gas (GHG) intensity as referred to in Article 4(2) of the Regulation on the use of renewable and low-carbon fuels in maritime transport, the following formula shall apply:

$$\text{Compliance balance [gCO}_{2\text{eq}}] = (\text{GHGIE}_{\text{target}} - \text{GHGIE}_{\text{actual}}) \times \left[\sum_i^{n_{\text{fuel}}} M_i \times \text{LCV}_i + \sum_k^c E_k \right]$$

where:

- gCO_{2eq} Grams of CO2 equivalent
- GHGIE_{target} GHG intensity limit of the energy used on-board a ship according to Article 4(2)
- GHGIE_{actual} Yearly average of the GHG intensity of the energy used on-board a ship calculated for the relevant reporting period

For any ship having the ice class IC, IB, IA or IA Super or an equivalent ice class, the company may request, until 31 December 2034, to exclude the additional energy consumption, due to sailing in ice conditions.

For any ship having the ice class IA or IA Super or an equivalent ice class, the company may request to exclude the additional energy consumption, due to the technical characteristics of the ship.

For both cases in which additional energy consumption is excluded, the calculation of the compliance balance above, the values of M_i shall be replaced by the adjusted mass of fuel M_{iA} defined in Annex V and the value of GHGIE_{actual} to be used for calculating the compliance balance shall be recalculated with the corresponding values of M_{iA}.

b) For the purpose of calculating the compliance balance of a ship with respect to the subtarget for renewable fuel of non-biological origin (RFNBO) according to Article 5(3) of said Regulation, the following formula shall apply:

$$CB_{RFNBO} [MJ] = \left(0.02 \times \left(\sum_i^{n_{\text{fuel}}} M_i \times \text{LCV}_i \right) \right) - \left(\sum_i^{n_{RFNBO}} M_i \times \text{LCV}_i \right)$$

where:

- CB_{RFNBO} Compliance balance in MJ of RFNBO subtarget referred to in Article 5(3)
- $\sum_i^{n_{RFNBO}} M_i \times \text{LCV}_i$ Annual sum of energy used from RFNBO and/or from fuels providing equivalent GHG emissions savings referred to in Article 5

B. Formula for calculating the GHG intensity fee referred to in chapter 7b, section 1 of the Act on Environmental Protection in Maritime Transport

For the purpose of calculating the GHG intensity fee referred to in chapter 7b, section 1 of the Act on Environmental Protection in Maritime Transport, the following formula shall apply:

a) GHG intensity fee with respect to compliance balance for GHG intensity of the ship in accordance with Article 4(2) of the Regulation on the use of renewable and low-carbon fuels in maritime transport

$$GHG \text{ intensity fee} = \frac{|Compliance \text{ balance}|}{GHGIE_{actual} \times 41,000} \times 2,400$$

where:

GHG intensity fee	EUR amount of the fee referred to in chapter 7b, section 1 of the Act and based on the compliance balance for the GHG intensity target according to Article 4 of the Regulation on the use of renewable and low-carbon fuels in maritime transport
Compliance balance	Absolute value of the compliance balance for GHG intensity of the ship calculated according to formulas set out in part A of this Appendix
GHGIE _{actual}	Yearly average of the GHG intensity of the energy used on-board a ship calculated for the relevant reporting period

b) GHG intensity fee with respect to the subtarget for RFNBO according to Article 5(3) of said Regulation

If the value of the compliance balance for RFNBO is positive, the amount of the GHG intensity fee shall be calculated as follows:

$$GHG \text{ intensity fee (RFNBO)} = \frac{CB_{RFNBO}}{41,000} \times P_d$$

where:

GHG intensity fee	EUR amount of the fee referred to in chapter 7b, section 1 of the Act and based on the compliance balance for the RFNBO subtarget according to Article 5(3) of the Regulation on the use of renewable and low-carbon fuels in maritime transport
CB _{RFNBO}	Value of the compliance balance for RFNBO
P _d	Price difference between RFNBO and fossil fuel compatible with ship installation

1116/2024:

This Act enters into force on 1 January 2025.

- 1) Chapter 5, section 1 and chapter 7, section 9b, subsection 1 of this Act enter into force on 1 July 2025.
- 2) Chapter 7, section 9b, subsection 2 of this Act enters into force on 1 January 2029.
- 3) Chapter 5, section 1a and 2 and chapter 7b, section 2 of this Act enter into force on 1 January 2030.
- 4) Chapter 6, section 2, subsection 3, and section 5, subsection 1 and 3; chapter 7a, sections 1–8 and 12; and chapter 8a, sections 1–5 of this Act enter into force on a date to be specified by government decree.

The provisions in force at the entry into force of this Act apply to matters concerning a notice of a conditional fine, a notice of enforced compliance or a notice of enforced suspension which were pending at the entry into force of this Act by virtue of chapter 12, section 16 of the Act which this Act amends.

Government proposal 178/2024, Transport and Communications Committee report 13/2024, Parliamentary reply 139/2024, Regulation (EU) 2023/1804 of the European Parliament and of the Council (32023R1804); Official Journal of the European Union, L 234, 22 September 2023, p. 1, Regulation (EU) 2023/1805 of the European Parliament and of the Council (32023R1805); Official Journal of the European Union, L 234, 22 September 2023, p. 48.