

No. 300
ACT ON THE PREVENTION OF
POLLUTION FROM SHIPS
March 16, 1979

Chapter 1
General Provisions

Section 1

In addition to what is provided elsewhere, this Act and the rules and regulations issued under it shall be applied for the prevention of water pollution caused by ships.

The discharge into the water of oil, oily mixture, a noxious liquid substance, sewage and garbage from a ship is prohibited as provided in this Act.

Section 2

The term 'water pollution' as used in this Act means the causing of consequences resulting from an activity prohibited in section 1 of the Act on the Prevention of Marine Pollution (298/79).

More detailed provisions on the meaning of 'ship', of 'noxious liquid substance' and 'garbage' as referred to in section 1, and of 'harmful substance' as referred to in sections 5 and 27 in the application of this Act will be issued by decree.

Section 3

Regulations needed to prevent water pollution regarding the construction, fittings, manning and use of a Finnish ship and a ship used for merchant shipping between Finnish ports or on Finnish inland waters can be issued by decree.

General prohibitions and restrictions on oil and chemical tanker shipping on Finnish inland waters needed to prevent water pollution can also be issued by decree. (29.6.1990/607)

The Ministry of Transport and Communications may be authorized by decree to issue more detailed regulations and guidelines on the application of paragraphs 1 and 2. (29.6.1990/607)

Section 4

It is the charge of the National Board of Navigation to restrict the passage of a ship in Finnish territorial waters when such restriction is necessary to avoid an imminent threat of water pollution arising from weather and ice conditions or the ships' condition or excessive size relative to the waters to be travelled.

Section 5

A maritime inspector has the right to inspect a ship when it is in port or at anchor in Finnish territorial waters in order to verify whether the ship violates this Act or rules and regulations issued under it.

A maritime inspector can forbid the ship to leave or interrupt its voyage in the case of enforcement of a traffic restriction laid down under section 4 or if there is some special reason for a direct risk of water pollution attached to the voyage, or if the ship has grossly violated this Act or rules and regulations issued under it.

A maritime inspector and a coastguard and police officer have the right to take samples on board a ship and to interrupt the ship's voyage for the time needed to take this sample, in order to verify the origin of oil or any other harmful substance found in the water.

Only the relevant part of the action referred to in this section shall apply to ships of the Defence Forces and the Frontier Guard, and this shall always be carried out so as not to cause the ship undue delay.

Section 6 (20.2.1987/204)

If a ship sinks, runs aground, springs a leak or suffers mechanical failure in Finnish territorial waters, or otherwise finds itself in a situation in which there is a risk of water pollution, the National Board of Waters and the Environment can order the taking of such salvage or other action regarding the ship and its cargo as it considers necessary to prevent or limit water pollution. Before taking such measures, the National Board of Waters and the Environment shall consult with the National Board of Navigation, the shipowner, the salvage company commissioned, and representatives of the insurers concerned if this can be done without adverse delay.

The National Board of Waters and the Environment can, in accordance with current international agreements concluded by Finland, and complying with the relevant parts of the provisions in paragraph 1, order that action also be taken outside Finnish territorial waters to prevent or limit water pollution.

Section 7

Any party who is responsible for water pollution arising from activities contrary to or failing to observe this Act or for causing a situation referred to in section 6 shall also be liable to compensate the authorities, and the owner or holder of property at risk, for the cost of response measures, and for losses sustained by the ship, or its cargo or other property, unless the measures can be judged manifestly unnecessary or unsuitable in view of the situation at the time. Even when the shipowner is not responsible for the water pollution that has occurred or threatens to occur, he shall be liable to pay reasonable compensation corresponding to the benefit he has gained from the measures referred to in section 6.

If, in a case referred to in section 6, more damage is caused to a ship, its cargo or other relevant property than would be expected when salvage work is carried out and no-one can normally be considered liable for compensation under paragraph 1, the State shall compensate the excess.

Section 8

The master of the ship that has caused the water pollution or threat of pollution is required to provide the authorities with all assistance that can reasonably be demanded, taking the circumstances into account, in order to prevent the damage referred to.

Section 9

The ship's master is required to keep a log and to report on matters relevant for the prevention of water pollution from ships, as laid down in more detail by decree.

The obligation of the shipowner, charterer, user and shipping company and their agents to report as laid down in paragraph 1, rather than the master if necessary, will be laid down by decree.

Chapter 2 Oil

Section 10

Discharge of oil or an oily mixture into the water from a ship is prohibited in Finnish territorial waters.

Discharge of oil or an oily mixture into the water from a Finnish ship is also prohibited outside Finnish territorial waters as laid down by decree.

Taking account of the provisions of section 1, paragraph 1, exceptions to the prohibition laid down in paragraph 1 which can be regarded as of minor significance for water protection can be permitted by decree.

Section 11

What is provided in section 10 does not apply to the discharge into the water of oil or an oily mixture if:

- 1) such discharge is necessary to secure the safety of a ship or to save life at sea;
- 2) the discharge of oil into the water results from damage to a ship or its equipment and all reasonable precautions have been taken following occurrence of the damage; or
- 3) the issue concerns the discharge into the water of oily mixtures which are being used to minimize the damage

caused by pollution and the competent oil pollution combating authority has decided to use the substance in the case concerned.

What is provided in subparagraph 2 of paragraph 1 does not apply to cases in which the shipowner or master intended to cause the damage or acted carelessly, knowing that damage would in all likelihood be the consequence.

Section 12

The Ministry of the Environment shall be responsible for the supreme management and supervision of action in response to *an oil pollution incident caused by a ship*. The overall arrangement and development of oil pollution preparedness and response is the charge of the National Board of Waters and the Environment. The water and environment district shall direct and supervise the obligation laid on local authorities and on the owners of ports, industrial or storage facilities or shipyards to be prepared to respond to oil pollution incidents caused by ships, and if necessary takes part in combating operations. (20.2.1987/204)

A local authority shall, in its own area, see to preparedness for and response to oil pollution incidents caused by ships as provided in this Act. For this purpose, the local authority shall have a contingency plan for response to oil pollution caused by ships approved by the local council unless this is obviously unnecessary in view of local conditions, and appoint an officer who will be responsible for organizing and commanding response action within the area covered by the local authority. The local authority may agree to maintain preparedness jointly with some other local authority or with the owner of a port, facility or shipyard referred to in section 14. (6.9.1985/739)

The municipal contingency plan must be referred to the water and environment district for ratification. However, a plan the cost of which exceeds the cost limit laid down by the Ministry of the Environment must be submitted to the National Board of Waters and the Environment for ratification. (20.2.1987/204)

Local authorities shall be entitled to compensation from the Oil Pollution Compensation Fund to purchase equipment in accordance with a ratified municipal contingency plan for combating pollution caused by ships and to maintain combat readiness accordingly, and for the costs of training combat personnel as provided in the Act on the Oil Pollution Compensation Fund (379/74), when the precondition for the full compensation of costs in excess of FIM 500,000 for the purchase of oil-combating equipment shall be that the Oil Pollution Compensation Fund board of management has approved said purchase in advance. (22.12.1989/1288)

Section 13 (20.2.1987/204)

The oil pollution combating authorities referred to in this Act are:

- 1) the National Board of Waters and the Environment;
- 2) the operational commander referred to in section 19, paragraph 1;
- 3) the water and environment district;
- 4) in a local authority, the officer appointed by the local authority under section 12, paragraph 2, and the operational commander according to the municipal contingency plan for combating oil pollution caused by ships.

Section 14

The owner of a port that is regularly visited by oil tankers or used heavily by other ships shall obtain the equipment and materials needed to combat and limit oil pollution incidents. The owner shall also ensure that trained personnel are available to use the equipment. The same applies, as applicable, to the owner of an industrial plant or warehouse dealing with large quantities of oil and the owner of a repairs shipyard.

The National Board of Waters and the Environment will issue more detailed regulations about the equipment and materials referred to in paragraph 1 and their amount, taking account of the volume of traffic in the port and particularly the number of tankers visiting it and other factors with an impact on the risk of oil pollution, the financial capacity of the port, facility or shipyard concerned, and the need to prevent oil pollution on land. (20.2.1987/204)

Section 15 (20.2.1987/204)

Should it be considered necessary to locate more combating equipment or supplies at the places referred to in section 14 than the owner of the port, facility or shipyard can reasonably be required to purchase, or to place combating facilities or supplies in locations other than those mentioned, the National Board of Waters and the Environment shall make the purchase on behalf of the State. The costs of the purchase can be met out of the Oil Pollution Compensation Fund as provided in the Act on the Oil Pollution Compensation Fund.

The National Board of Waters and the Environment can place the combating equipment and supplies so purchased at the disposal of the National Board of Navigation, the Defence Forces, the Frontier Guard or other State authority, a local authority or the owner of a port, facility or shipyard referred to in section 14, who shall be responsible for seeing to the storage and upkeep of the combating equipment and supplies and for ensuring that they can be used without delay when necessary to combat oil pollution.

Section 16

A port shall have adequate reception facilities for oily wastes and mixtures from ships visiting the port.

An oil terminal and a port where repairs are made to oil tankers shall also have sufficient reception facilities for ballast and tank washing waters from oil tankers using such ports.

More detailed regulations on the reception facilities referred to in paragraphs 1 and 2 will be issued by the Ministry of the Environment after consulting the relevant authorities. (6.9.1985/739)

The costs of purchasing the reception facilities referred to above in this section can be compensated out of the Oil Pollution Compensation Fund as provided in the Act on the Oil Pollution Compensation Fund. (6.9.1985/739)

Section 17 (20.2.1987/204)

The water and environment district can order that the owner of a port, facility or shipyard referred to in section 14 is required to take action against oil pollution from oil tankers, such as the laying of containment booms and the posting of guards.

Section 18

If oil discharged into the water from a ship has occurred or there is imminent threat of an oil spill because a ship has run aground or has suffered mechanical failure or other accident at sea, the ship's master or, if the area concerned is that of a port, facility or shipyard as referred to in section 14, the owner of said facility shall immediately inform the oil combating authority, pilot station, coastguard, regional alarm centre or police about the oil spill or threat of it, and take such immediate response action as can reasonably be expected of him. The oil combating authorities shall urgently take all action necessary to combat or limit damage the subsequent costs of or losses from which are not obviously disproportionate to the economic considerations and other values at risk. (6.9.1985/739)

When oil has been discharged or is at risk of being discharged into the water from a ship, the owner of a port, facility or shipyard referred to in section 14 shall be required to place his oil-combating equipment and supplies and the personnel needed to use them at the disposal of the oil combating authorities upon request.

Any party involved in oil combating operations is entitled to compensation out of the Oil Pollution Compensation Fund for the costs of action carried out in accordance with paragraph 1, as provided in the Act on the Oil Pollution Compensation Fund. (6.9.1985/739)

Section 19

If oil spill from a ship has occurred in open waters, or there is imminent threat of such spill, the National Board of Waters and the Environment shall order combating action to be taken and appoint a supreme operational commander. If the spill has occurred or there is imminent danger of such damage elsewhere in an area within the reach of several local authorities, or if the spill or risk is so great that a local authority cannot reasonably be required to cope with the combating alone, the operational commander shall be the relevant regional fire chief or, if he is prevented, the highest supervisory officeholder on duty or on call in the local authority in which the regional alarm centre of the area of joint fire and rescue operations is located. If the oil combating operation is subsequently protracted or there is otherwise special cause, the National Board of Waters and the Environment can, however, appoint an operational commander following some other procedure. (20.2.1987/204)

In the cases referred to above in paragraph 1, the National Board of Waters and the Environment shall provide the operational commander with the necessary personnel, equipment and supplies. In this case the local authority and the owner of a port, facility or shipyard referred to in section 14 are required, by order of the operational commander, to place their oil-combating equipment and supplies and the personnel needed to use them at the disposal of the operational commander, also outside their area. (20.2.1987/204)

The water and environment district shall if necessary help to arrange shore cleaning connected with combating oil spill as referred to in paragraph 1. (20.2.1987/204)

Those providing oil-combating assistance and taking part in combating operations are entitled to compensation for the cost of the action referred to in this section out of the Oil Pollution Compensation Fund as laid down in the Act on the Oil Pollution Compensation Fund. (6.9.1985/739)

Section 19a

In order to combat oil pollution, the oil combating authority and the authority providing executive assistance referred to below in section 31 is entitled temporarily to requisition the necessary means of communication and transport, equipment, machines and supplies, and facilities and locations needed for loading, unloading or temporary storage. The above-mentioned authorities are also entitled to go ashore and move around in an area belonging to another party, to restrict water traffic and to embark on such other action as is necessary to respond to oil pollution. (20.2.1987/204)

Any party concerned is entitled to compensation out of the Oil Pollution Compensation Fund for combating assistance and for any losses caused by the action referred to in paragraph 1, as laid down in the Act on the Oil Pollution Compensation Fund. (6.9.1985/739)

Chapter 3 Noxious liquid substances

Section 20

What is laid down in sections 10 and 11 regarding the discharge of oil or an oily mixture into the water from a ship likewise applies to the discharge of noxious liquid substances.

Section 21 (14.2.1986/154)

The owner of a port is required to ensure that the port has adequate reception facilities for residues and mixtures containing noxious liquid substances from ships loading or unloading in the port. The importer or other recipient, or exporter or other dispatcher of the liquid substance being transported shall be responsible for purchasing and using the reception facilities and for the transport and handling of the residues and mixtures so collected.

The owner of a repair yard shall provide sufficient reception facilities for chemical tankers coming in for repairs.

More detailed regulations on these facilities will be issued as necessary by the Ministry of the Environment, after consulting the Ministry of Trade and Industry.

Chapter 4 Sewage and garbage

Section 22

The discharge of untreated sewage into the water from a ship is prohibited in Finnish territorial waters. The kind of sewage that is considered treated will be laid down by decree.

The discharge of untreated sewage into the water from a Finnish ship outside Finnish territorial waters and the discharge of treated sewage into the water in Finnish territorial waters are prohibited as laid down by decree.

Section 23

The discharge of garbage into the water from a ship is prohibited in Finnish territorial waters.

The discharge of garbage into the water from a Finnish ship is also prohibited outside Finnish territorial waters.

Section 24

Exceptions to the prohibition laid down above in section 22, paragraph 1, and section 23, paragraph 2, can, with consideration for what is laid down in section 1, paragraph 1, be permitted by decree if they are of minor significance for water protection.

Section 25

What is laid down in sections 22 and 23 does not apply to the discharge into the water of sewage or garbage if this is necessary to ensure the safety of the ship or those on it or to save human life, nor to the discharge into the water of said wastes caused by damage to the ship or its equipment, if all reasonable precautions have been taken to prevent or reduce said discharge before and after the damage takes place.

Section 26 (6.9.1985/739)

For the reception of sewage and garbage, ports shall provide facilities to meet the needs of visiting ships which shall be suitable for waste management as laid down in the municipal waste management regulations referred to in section 24 of the Waste Management Act. More detailed regulations on these facilities will be issued by the Ministry of the Environment after consulting the relevant authorities.

Chapter 5 Supplementary provisions

Section 27

The reception of harmful substances from ships as referred to in sections 16, 21 and 26 of this Act shall be arranged so as not to cause ships undue delay.

Section 28

If, contrary to the rules or regulations issued in or under this Act, action is taken which may cause water pollution, a sentence of a fine or imprisonment for not more than two years shall be passed for *water pollution caused while operating a ship*.

If the offence referred to in paragraph 1 is likely to cause serious hazard to human health or extensive and long-term pollution of the water, or if the action is taken contrary to a specific prohibition by an authority, and if the offence can be considered gross for these or other reasons, taking account of the overall circumstances leading or subsequent to it, those guilty of the offence shall be sentenced to imprisonment for at least six months and not more than four years for *gross water pollution caused while operating a ship*.

Anyone who violates this Act or the provisions or regulations issued under it in a manner other than that referred to in paragraphs 1 or 2 shall be sentenced to a fine or to not more than six months imprisonment for *a water pollution violation while operating a ship*.

If the act referred to in this section took place with the knowledge and consent of the shipowner, he shall also be punished as if he himself were the offender.

Section 29

The legal venue for a suit concerning a given ship or water pollution alleged to have been caused by it in which this Act must be applied is the general lower court of the locality in which the event leading to the court case has occurred. If the event took place while the ship was en route, the suit can also be raised in the general lower court in the locality of the port which the ship first reaches. If the nature or scope of the case calls for the use of experts, the suit can also be raised in the city court closest to the place of occurrence.

When the act referred to in section 28 took place outside Finnish territory, the charge must be raised at Helsinki City Court.

Section 30 (20.2.1987/204)

General supervision of the observance of this Act and the rules and regulations issued under it shall be the charge of the National Board of Waters and the Environment and the regional administration subordinate to it. The National Board of Navigation shall, however, supervise observance of the rules and regulations issued in or under sections 3 to 5 and section 9 of the Act.

Section 31

In matters referred to in this Act, the police, defence forces, frontier guard, provincial government, customs, roads and waterways administration and Marine Research Institute shall be responsible, each in its area of competence, for helping with supervision and for providing the National Board of Navigation and the oil pollution combating authorities with the necessary executive assistance on request. Similarly, the National Board of Navigation is required to provide the oil pollution combating authorities with executive assistance. If so required for combating oil pollution, the said authorities shall forthwith take the necessary measures in accordance with their oil-combating readiness even before a request for executive assistance has been made. The Council of State may issue more detailed regulations about the procedure to be followed in requesting and providing executive assistance and on cooperation between authorities. (6.9.1985/739)

The oil pollution combating authorities and the other authorities referred to in paragraph 1 shall draw up a plan of cooperation for the combating of oil pollution referred to in section 19 under the leadership of the provincial government concerned. The provincial government may also agree upon the compilation of a joint plan for two or more provinces. Plans are ratified by the Ministry of the Environment after obtaining an opinion on the substance from the National Board of Waters and the Environment. (20.2.1987/204)

Section 32

Notwithstanding this Act, what is provided under international agreements on the juridical status of a ship or warship owned by a foreign state shall be observed.

Section 33 (20.2.1987/204)

There can be no appeal against decisions taken by the National Board of Navigation under section 4 and the National Board of Waters and the Environment under section 6 and section 19, paragraph 1.

Section 34

More detailed provisions on the enforcement of this Act will be issued by decree.

Chapter 6 Entry into force

Section 35

The entry into force of this Act will be laid down by decree.

This Act repeals the Act on Combating Oil Pollution from Ships of September 22, 1972 (668/72) and later amendments to it.