VOLUNTARY IMO MEMBER STATE AUDIT SCHEME

AUDIT OF FINLAND
07-14 NOVEMBER 2011

FINAL REPORT

1 Executive Summary

1.1 The audit of Finland was undertaken from 7 to 14 November 2011, by three auditors drawn from Turkey, Romania and the United States. The scope of the audit included the flag, port and coastal State obligations of Finland in relation to the mandatory IMO instruments it had acceded to.

1.2 The opening meeting was held at the premises of Finnish Transport Safety Agency (TraFi) in Helsinki, on 7 November 2011, after which the audit team visited or met with the various entities within the Finland's maritime administration that were subject to the audit. These included Helsinki Vessel Traffic Services, Safety Investigation Authority of Finland (SIAF) and Finnish Transport Agency. On Thursday, 10 November 2011, the audit team travelled to Kotka to conduct further interviews related to flag, coastal and port State duties of Finnish maritime administration which were subject to the audit.

1.3 The auditors concluded from the information available to them that Finland, within the scope of the audit, substantially meets its obligations in respect of the mandatory IMO instruments and the Code for the implementation of mandatory IMO instruments. They identified a number of best practices, areas of positive development and areas where improvement was possible.

1.4 The closing meeting was held on 14 November 2011 at the premises of TraFi in Helsinki.

1.5 The following report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings can be found in the appendices of this report.

2 Introduction

2.1 The Voluntary IMO Member State Audit Scheme (VIMSAS) creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments it is a Party to. In addition, the Code for the implementation of mandatory IMO instruments (resolution A.996(25), as amended) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its responsibilities with respect to maritime safety and protection of the marine environment, and be capable of improving its performance in the discharge of its duties.

2.2 This report has been drafted in accordance with resolution A.974(24) – Framework and Procedures for the Voluntary IMO Member State Audit Scheme.

3 Background

3.1 Following the adoption of the Framework and Procedures for the Voluntary IMO Member State Audit Scheme (resolution A.974(24)) (the "Framework") by the 24th regular session of the Assembly, a number of Member States volunteered for audit under the Scheme. The current audit of Finland was undertaken using the principles established under resolution A.974(24) and the Code for the implementation of mandatory IMO instruments A.996(25), as amended (hereinafter referred to as the "Code"). This report sets out the findings of the audit in the format set out in section 7.2 of the Procedures for the Scheme.

4 Members of the Audit Team

Capt. Huseyin Cahit YALCIN	(Turkey) Audit Team Leader
Capt. Adrian Gheorghe ALEXE	(Romania)
Mr. Brian FISHER	(United States)

5 Involved Officials from the Member State (guides)

5.1 Mr. Petri ÖHRMARK, Project Manager, TraFi, Helsinki (CPC)

5.2 The names of individuals that were interviewed during the audit are listed in the detailed timetable attached to this report as *annex 1*.

6 Acknowledgement

6.1 The auditors wish to express their considerable thanks to the various members of the maritime administration interviewed, and to Finland for their fullest cooperation during this audit. Particular thanks are due to Mr. Petri Öhrmark, for his efforts during the preparation for this audit and for its facilitation.

7 Scope, objectives and activities of the Audit

7.1 The Scope of the audit addressed flag, port and coastal State obligations of the maritime administration of Finland.

7.2 The objectives of the audit were:

.1 to determine the extent to which Finland met the obligations imposed upon it through its adoption of the following applicable mandatory IMO instruments:

.1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);

.2 the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1978);

.3 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);

.4 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);

.5 the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL PROT 1997);

.6 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);

.7 the International Convention on Load Lines, 1966 (LL 66);

.8 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);

.9 the International Convention on Tonnage Measurement of Ships, 1969 (Tonnage 1969); and

.10 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972), and

.2 the effectiveness of the implementation of these objectives.

7.3 In general, discussions held following the opening meeting established that the audit would cover all mandatory IMO instruments to which Finland is a party.

7.4 Implicit in this was also the degree of compliance with the Code, which mirrors many of the references set out in the applicable mandatory IMO instruments.

7.5 The audit was conducted using the programme outlined in *annex 1*. Objective evidence was established through a series of interviews, visits, examination of written records, and viewing of databases to determine the extent to which the maritime administration achieved the objectives of the audit.

7.6 The programme followed a process to determine the strategy for the implementation of the mandatory IMO instruments, the review processes in place, and the arrangements for continual improvement. National legislation was reviewed to determine if it had the force of law. The processes by which the State develops and communicates its interpretations, policies and instructions regarding these instruments, as well as the practical implementation of these arrangements, were also reviewed.

7.7 An opening meeting was conducted on Monday, 7 November 2011, in accordance with the Procedures, and the list of attendees is attached as *annex 2*. The confidentiality of findings was agreed with auditee to ensure that any evidence obtained during the audit would be held confidentially. It was stated at the opening meeting that a

draft interim report would be tabled at the closing meeting to assist in focusing discussion and highlighting the next steps to be taken.

8 Overview and general maritime activities of the Member State

8.1 General

8.1.1 Republic of Finland is a parliamentary democracy. It has been a member of the European Union since 1995. The Constitution of Finland defines the political system. Finland is a representative democracy which has a partly ceremonial non-executive Presidency. Aside from state-level politics, citizens use their vote in municipal elections and in the European Union elections.

8.1.2 According to the Constitution of Finland, the President is the Head of State and responsible for foreign policy in cooperation with the cabinet, which excludes affairs related to the European Union. Other powers of President include Commander-in-Chief, decree, and appointive powers. Direct vote is used to elect the president for a term of six years and maximum two consecutive terms.

8.1.3 The 200-member unicameral Parliament exercises the supreme legislative authority in Finland. The Parliament may alter laws and the Constitution, bring about the resignation of the Finnish Council of State (the Cabinet), and override presidential vetoes. Its acts are not subject to judicial review. Various parliament committees listen to experts and prepare legislation. Proportional vote in multi-seat constituencies is used to elect the parliament for a term of four years. The Cabinet exercises most executive powers. It is headed by the Prime Minister of Finland and includes other ministers and the Chancellor of Justice. Parliament majority decides its composition, and a vote of no confidence can be used to modify it. However, during the last 30 years Finland has had multiparty and majority governments.

8.1.4 Part of Finland, the Åland Islands, form an archipelago in the Baltic Sea. They are situated at the entrance to the Gulf of Bothnia and form an autonomous, demilitarized, monolingual Swedish-speaking region of Finland. The islands collectively constitute the smallest region of Finland, with only 0.49% of its land area, and 0.50% of its population. Duties of provincial offices of mainland are handled by the autonomous government of Åland. According to Register of Ships Act, the State Administrative Agency in Åland (Statens ämbetsverk på Åland) keeps the Finnish register of ships for those ships, which have a home port in Åland area. Åland is however bound by Finland's legislation on matters relating to the mandatory IMO instruments. As an example, TraFi conducts all port State control (PSC) inspections in Åland.

8.1.5 Regarding general maritime activities, the six transport administration agencies operating under the Ministry of Transport and Communications were amalgamated into two new agencies on 1 January 2010: the Finnish Transport Agency and the Finnish Transport Safety Agency.

8.1.6 The Finnish Transport Agency manages the fairway operations of the former Finnish Maritime Administration and the central administrative functions of the former Finnish Rail Administration and Finnish Road Administration. The Finnish Transport Agency's domain comprises the entire transport system and all modes of transport, except for aviation. The Agency's duty is to ensure that Finland has an effective, safe,

energy-efficient and environmentally friendly transport system. Fairway maintenance, hydrographic charting, winter traffic assistance, the Vessel Traffic Services (VTS), and the provision of ferry services to the archipelago communities also lie within the scope of duty of the Finnish Transport Agency. The Finnish Transport Agency has a duty to ensure that the basic operational conditions for merchant shipping and sea transport are maintained and continually improved.

8.1.7 TraFi manages the functions of the former Finnish Vehicle Administration, Finnish Civil Aviation Authority and Finnish Rail Agency, and the maritime safety functions of the former Finnish Maritime Administration. TraFi is the administrative and safety authority in charge of transport system regulatory and monitoring functions. Its main duty is to promote traffic safety and sustainable development in the transport system. Flag State activities of the administration are performed by TraFi.

8.1.8 Finnish Meteorological Institute is both a service provider and a research institution. It produces information on atmospheric conditions for the purposes of public safety and for the needs of businesses and the public at large.

8.1.9 The Safety Investigation Authority of Finland (SIAF) is the responsible authority for the investigation of all marine casualties, including pollution cases. SIAF is in conjunction with the Ministry of Justice to carry out safety investigations independently and impartially.

8.1.10 Finnish Communications Regulatory Authority has the duty of ensuring data security of communications in Finland and the effective functioning of the country's communications networks and markets.

8.1.11 Finnish Pilotage Enterprise (Finnpilot Pilotage Ltd) is a state-owned limited company, which is responsible for ensuring that Finland has a fully operational pilotage service.

8.1.12 There are also a number of Finnish State fully-owned companies. Arctia Shipping Ltd provides ice-breaking services, special services using multipurpose ships, and ferry services. Finavia Corporation maintains and develops Finland's network of airports and the air navigation system. Meritaito Ltd provides waterway management and other waterway-related services. Yleisradio Oy (YLE, the Finnish Broadcasting Company) is Finland's national public service broadcasting company.

8.1.13 The State has a Maritime Consultative Board appointed by the Ministry of Transport and Communications. It has a broad representation of relevant ministries, agencies and different interest groups. The Board is appointed for a period of three years and after every mandate period new members are nominated. The Board has four sub-committees: the Sub-Committee for Maritime Transport, Sub-Committee for Industrial and Commercial Policy, Sub-Committee for Legal Issues and Sub-Committee for Boating Matters. Similar bodies function in other ministries too, such as the Consultative Board for Seafarers' Interests in the Ministry of Employment and the Economy. The Board deals with politically or otherwise important issues whereas the four sub-committees' task is to deal with more technical matters. The Board and the subcommittees may report and take initiatives regarding the maritime policy and legislation as well as to improve maritime safety and protection of the marine environment. The Board and the sub-committees shall, according to its mandate, follow

and monitor the development of maritime transport matters both at the international and national level.

8.1.14 The Board and the sub-committees meet regularly. Normally, the meetings of the board and the subcommittees are organized before the meetings of the IMO committees to prepare and define the position of Finland concerning the matters dealt with in the IMO meetings. The Maritime Consultative Board and its sub-committees have representatives from, e.g., the Ministry of the Environment, the Ministry of Finance, the Ministry of Employment and the Economy, the Finnish Border Guard (the Ministry of the Interior), the Government of Åland Islands, TraFi and the Finnish Transport Agency, the Safety Investigation Authority, trade unions and other interest groups in the field of maritime transport. In addition, the Board and the sub-committees are entitled to invite advisers and observers to the meetings.

Strategy

8.1.15 Maritime issues have an important role in Finland. As a flag State, Finland has more than 700 convention size ships and 30% of nation's seaborne trade is carried on Finnish flagged ships. As a port State, Finland has an equally important role in that 70% of the nation's seaborne trade is handled by foreign flagged ships calling in several ports. As a coastal State, Finland has an important responsibility by the ever increasing transit traffic in the Gulf of Finland to foreign terminals in the Baltic Sea. As a consequence, the State has a focus in maritime safety, risk management, prevention of accidents and reduced emissions and it promotes quality, safe and environmentally friendly shipping. There is no overall national IMO strategy, but it was reported that the key role of IMO in enhancing maritime safety and protection of marine environment, as well as the importance of the effective implementation of IMO instruments are emphasized in many respects in the Government Report on Challenges of the Baltic Sea and Baltic Sea Policy (Prime Minister's Office Publications 25/2009).In addition, there are other national and multilateral strategies on maritime policy, e.g. national Baltic Sea Maritime Safety Program (Publications of the Ministry of Transport and Communications 18/2009), Baltic Sea Action Plan of the Helsinki Commission (Baltic Marine Environment Protection Commission) and EU Strategy for the Baltic Sea Region. It is further expressed by the officials that all these strategies recognize the central role of IMO and refer to a large extend to IMO instruments when it comes to the improvement of maritime safety in the Baltic Sea area and protection of marine environment. At a more general level, the maritime policy is defined in governmental programs, although they do not detail on the specific responsibilities with regard to the implementation and enforcement of the mandatory IMO instruments. It is learned that there is a new transport policy being developed at the ministerial level (Ministry of Transport and Communications), which will come into force in 2012 regarding more specific long term policy and objectives.

Legislation

8.1.16 According to the Finnish Constitution, legislative power is vested in the Parliament, in conjunction with the President of the Republic. Draft bills emanate from the ministry with responsibility for the matter in question. Projects of wider general significance are prepared in committees with representatives from the various organs of government, political parties and other interest groups. The interest groups are also invited to comment upon draft legislation.

8.1.17 The Bills drafted in the ministries are scrutinized by the Council of State in general session prior to their submission to Parliament by the President. The Parliament either adopts or rejects the bill. An adopted act is submitted to the President for ratification. If the act is not ratified within three months, it is returned to the Parliament. If the Parliament does not change its opinion the act enters into force even without a presidential ratification. The President of the Republic, the Government and a ministry may issue decrees pursuant to an act adopted by the Parliament.

8.1.18 Concerning international treaties and their amendments, the State runs a "dualist system" which requires positive action to transpose all IMO instruments and their amendments into national law. Treaties and amendments are, as a rule, approved by the President of the Republic. Purely technical amendments to mandatory IMO instruments which do not relate to other legislation or individual's rights, need not be translated and are only referenced in the decrees. However, matters concerning the rights and obligations of the individual, budgetary powers and any other matters stipulated in the Constitution as being within the sphere of legislation must be translated into Finnish and Swedish and regulated by acts of Parliament. Parliament's endorsement is requested by issuing a government proposal, including a proposal for an act bringing the treaty or its amendment into force (blanket act), any bills regarding the amendment of national legislation and the text of the Treaty or the text of the amendment in its authentic language, as well as translations of the text into Finnish and Swedish. Government proposals and presidential decrees are drafted by the relevant ministry. As a rule, the text of a treaty is published in the Treaty Series, in Finnish and Swedish, and in any other authentic language version. The text might be left unpublished in the Treaty Series, if the treaty in question does not require the approval of Parliament and if its provisions are considered to have minor influence, or if a separate statute is not required to bring its provisions into force.

Records and improvement

8.1.19 Ministries and other governmental bodies abide by the Archives Act (831/1994) for record keeping. As an example, TraFi uses an operational database for handling of records and documents, under the powers of the Archives Act. The computer based system is called "TWeb" and incorporates both management of tasks and management of documents related to them. Some documents are managed in separate system, especially if they are generated from data retrieved from various registries, for example information on letters of competence. Generally, all decision making starts from input of some sort, i.e application. TWeb contains information on tasks performed after receiving input. This allows following of the process on each individual matter or document from drafting to signing. Computer based system allows this information to be used beyond conventional record allowing sharing of the documents determined by given criteria. System manages also the availability of a document and deletes it from the files after required time of keeping the document available has run out. The staff is trained on the use of Tweb and guidance has been provided via the Intranet.

8.1.20 Regarding performance reviews and verification of effectiveness of the State in meeting its obligations, there are various legislative documents of general nature in force, giving civil servants and public entities different responsibilities and defining liabilities. Responsibilities, tasks and obligations of different public bodies are specified in individual acts. Civil servants are supposed to serve in an effective way by law. If there is a dispute between authorities on the question of which ministry is responsible for

considering certain matter, according to the Section 8 of the Government Rules of Procedure (262/2003), the government plenary session shall take a decision defining the responsible ministry and, as necessary, order the matter to be prepared jointly by two or more ministries. The Parliamentary Ombudsman exercises oversight to ensure that public authorities, officials and other parties performing public functions observe the law and fulfill their duties accordingly. The Chancellor of Justice is tasked with the supervision of lawfulness of the actions of government ministers and public officials. General and administrative courts and internal auditors and controllers within the ministries also act as supervisory bodies. However, an overall system for general performance measurement and assessment of the efficiency of the State, specifically in respect of meeting its international obligations under the mandatory IMO instruments, is not in place. Audit team witnessed several instances where upper level coordination between various public entities was necessary.

8.1.21 Findings

Non-Conformities (NC)

.1 Amendments to mandatory IMO instruments were not always enacted in national legislation in a timely manner. This was evidenced by the delay in dealing with, *inter alia*, resolutions MSC.261(84), MSC.267(85), MSC.270(85) (SOLAS 1974, Article I, LL 66, Article 1; Code, Part 1, paragraph 7.2). See Form A-NC-01

Corrective action

The State will formulate a new, clear and more comprehensive procedure for the national implementation of amendments to the mandatory IMO instruments, to make the internal processes more efficient. The procedure will be described in a manual, which will be prepared for the use of all governmental entities dealing with IMO affairs. In addition, the State will continue to analyze and make use of all the judicial possibilities defined in the Constitution and in the national jurisprudential practice to make the national legal processes as flexible as possible. The target date for completion of this corrective action is 31 December 2014. As a mechanism for continuous compliance with this requirement in the future, the State will further develop processes for periodic performance evaluations concerning the effective and timely implementation of the amendments to the mandatory IMO instruments. This will include, inter alia, regular evaluation meetings between different governmental entities. The manual will be used as an orientation instrument for new personnel dealing with legislative implementation procedures.

The implementation of the corrective actions concerning IMO's audit findings is one of the performance targets set for the Transport Safety Agency for the year 2012. The successful completion of these tasks is a condition for the payment of the incentive bonus for the personnel of the Agency.

Root cause

The delay in implementing conventions or their amendments was due to the complexity of the national legal process, especially those related to the requirements of the Constitution. There was also a limited number of legal experts in the responsible Ministry. In some cases, legal analysis of the obligations was insufficient or inappropriately timed and the obligation to translate the relevant resolutions and all the national legislative acts into two official languages, Finnish and Swedish, increased the work load and administrative costs.

NC

.2 The State did not communicate all information, as required under the mandatory IMO instruments, to IMO and reporting to IMO was not systemically organized (SOLAS 1974, Article III, MARPOL, Article 11, STCW 1978, Article IV, LL 66, Article 26, Tonnage 1969, Article 15; Code, Part 1, paragraph 7.3). See Form A-NC-02

Corrective action

The State will formulate a method of action to ensure that communication requirements are met. The Finnish Transport Safety Agency will be responsible for the co-ordination of communication and reporting. This is to be done in a manner, which benefits the maritime community more broadly using for example, . web based solutions. Detailed process descriptions will be incorporated in a manual, which will be prepared for the use of all governmental entities dealing with IMO affairs. The planned completion date for this action is 31 December 2014. To prevent recurrence in the future, the State will develop a process for periodical performance evaluations.

Root cause

The State did not have a comprehensive system in place concerning the reporting requirements of the mandatory IMO instruments.

Observations (OB)

.3 The State did not develop a general strategy for meeting its obligations and responsibilities contained in the mandatory IMO instruments to which it is a Party. Furthermore, there was no overall mechanism to coordinate the different entities involved in the implementation and enforcement of mandatory IMO instruments and there was no system in place for review and verification of the effectiveness of the State and for continuous improvement of its performance (Code, Part 1, paragraphs 3 and 11). See Form A-OB-01

Corrective action

The State will prepare a maritime strategy and consider incorporating into it the commitment to, and the participation in, the IMO activities, as well as the review and the verification of the implementation and enforcement of the mandatory IMO instruments. Planned completion date is 31 December 2014. As a mechanism for continuous compliance with this requirement, the strategy will be updated, as appropriate, and its implementation will be monitored and evaluated regularly through meetings among the different governmental entities and in accordance with the general performance guidance procedure of the Ministry.

Root cause

Although the State had several national and regional maritime safety and pollution prevention strategies, none of these was IMO specific. As the present strategies highlighted the importance of global rules for maritime sector, especially the IMO Conventions and resolutions, no need for a specific IMO strategy had been identified.

OB

.4 There was no system in place in different authorities of the State for adherence to international recommendations. Even though there is a clear mandate in various acts, IMO guidance are not formally taken into account and not evaluated systematically, so that they may be used as supporting technical documents in the implementation of the mandatory IMO instruments (Code, Part 1, paragraph 3.2 and Part 2, paragraph 15.1). See Form A-OB-02

Corrective action

The State will implement the same holistic approach in evaluating IMO recommendations and guidelines as is already in use with the mandatory requirements. A proper process for the decision-making and documentation management will be created, in order to ensure that the personnel in the maritime administration is aware of all relevant non-mandatory IMO instruments in a specific field and that those are taken into account when implementing IMO obligations. A documented procedure will be included in a manual, which will be prepared for the use of all governmental entities participating in the implementation of the mandatory IMO instruments. This corrective action is planned to be completed by 31 December 2014. To secure continuous compliance, the State will develop processes for periodical performance evaluation concerning the effective implementation of the mandatory IMO instruments. The adherence to non-mandatory instruments will be evaluated according to the same procedure.

Root cause

There was no co-ordinated procedure nor follow up with regard to possible incorporation of IMO guidelines into norms and practice.

OB

.5 Although some statistics and data were consulted and used from time to time by some entities, there were no formally adopted and implemented processes or measures for periodical performance evaluations of flag, coastal and port State obligations (Code, Part 2, paragraphs 42 to 44, Part 3, paragraph 49 and Part 4, paragraph 58). See Form A-OB-03

Corrective action

The State will consider incorporating in the national strategy the evaluation of the performance and will further develop processes for periodic performance evaluations of flag, coastal and port State obligations, including, inter alia, a more comprehensive and systematic way of making use of the existing statistics and data and further developing methods of data acquisition. This is planned to be completed by 31 December 2014. As a means for ensuring compliance in the future, the State will further develop processes for periodic performance evaluations concerning the effective implementation of the mandatory IMO instruments. This will include regular evaluation meetings where the relevant statistical information on the performance of the maritime administration may be presented as a basis for defining measures to improve the overall performance of the maritime administration.

Root cause

Obligations and responsibilities contained in the mandatory IMO instruments were divided between several governmental entities. Overall, annual performance review and verification of various entities was an on-going process, however, the scope of it had not covered the effectiveness of the State in the implementation of the obligations and responsibilities contained in the mandatory IMO instruments as a whole.

8.2 Flag State activities

Implementation

8.2.1 TraFi is the primary authority responsible for flag State implementation issues. Its activities aim to ensure safe and efficient merchant shipping, meeting both society's and the maritime sector’s needs. TraFi’s organization diagram is provided in Annex 3.

8.2.2 The Regulation and Supervision Sector of TraFi deals with the technical issues of road, rail and marine traffic. It consists of five departments. Each department consists of two to four units. The total number of personnel involved directly in maritime related issues is 91, of which 47 are surveyors. An organization diagram of the Regulation and Supervision sector is provided in Annex 4.

8.2.3 The Maritime Inspections Department is in charge of the inspection and survey of ships and PSC inspections of ships sailing under foreign flags. The division conducts initial surveys of ships engaged on international voyages, approves ships' plans and inspects related arrangements in collaboration with the Marine Technology Department and the regional inspection units.

8.2.4 The Manning and Certification Unit (The Seamen's Division) is responsible for the minimum safe manning of ships and the certification of seafarers. It also oversees seafarers' related issues and maintains a register of seafarers. The Manning and Certification Unit represent Finland at IMO.

8.2.5 The Pilotage Authority acts under direct supervision of the manager of the Maritime Safety Department.

8.2.6 A register of Finnish ships is kept by TraFi and the State Department of Åland (registration authority). The register districts are the Province of Åland and the rest of Finland. The State Department of Åland keeps a register of ships whose home port is situated in the Province of Åland. Registration Services register all Finnish ships that are not home ported in the Åland region.

8.2.7 The Naval Architecture Unit conducts technical plan review, approval and verification. The division is responsible for technical matters related to ships, including ice class, stability, life-saving appliances, tonnage, load line, hull and structural strength, machinery, electrical installations, fire safety and dangerous goods. The unit is also responsible for a change of flag. The Naval Architecture Unit represents Finland at IMO.

8.2.8 The Marine Environment Protection Unit is responsible for the protection of the marine environment and the transport of dangerous goods. The unit is in charge of all environment and dangerous goods shipping related certificates to ships. The Marine Environment Protection Unit represents Finland at IMO.

8.2.9 There are four regional inspection units. They are in charge of flag State and PSC inspections within their respective regions. Additionally; they maintain a register of surveys and inspections [and issue international certificates for both pleasure craft and operators of pleasure craft].

8.2.10 The Maritime Law Unit of the Regulation and Supervision Sector has a role in the drafting of legislation related to maritime safety. It also issues regulations on matters in which it has statutory authority. The Maritime Law Unit works in collaboration with the Ministry of Transport and Communications in the implementation of international conventions and EU legislation in Finland. The Maritime Law Unit of the Regulation and Supervision Sector represents Finland at IMO.

8.2.11 Items left to the satisfaction and interpretation of the Administration regarding mandatory IMO instruments are dealt with in a reactive way. When one of the surveyors experiences a problem regarding an item left to the satisfaction of the Administration, he/she is expected to consult competent people in the Administration. This reactive approach does not ensure proper implementation of all interpretative provisions and a more proactive solution is necessary.

Delegation of authority

8.2.12 Finland has recognized ABS, BV, GL, DNV, LR, RINA and RS to act on its behalf as recognized organizations (ROs). The level of delegation varies upon the type of the survey and certificate.

8.2.13 TraFi issues almost all statutory certificates, including the Safety Construction Certificate, the Safety Equipment Certificate, Safety Radio Certificate, the Certificate of Fitness, IOPP and IAPP certificates, the International Sewage Pollution Certificate, the Load Lines Certificate, etc. ROs are allowed to carry out surveys and issue short-term certificates and to do intermediate endorsements only. ISM audits for passenger ships and companies are performed solely by TraFi.

8.2.14 Verification and monitoring of the performance of ROs is carried out through examination of PSC reports, periodical audits and close co-operation during surveys and day-to-day activities.

8.2.15 In practice, audits of ROs have been carried out every 24 months. The last periodic audits were completed in 2009, without any significant findings. The Administration has planned the next cycle of audits to take place in 2011 but intends to defer this plan until the new agreements with ROs are in place.

8.2.16 TraFi does not conduct random supplementary surveys to ensure the adequacy of work performed by its ROs but uses its own scheduled surveys for these purposes.

8.2.17 TraFi has agreements with all of its ROs and is currently working on renewing the agreements in line with the latest changes in legislation and practices. This work is planned to be completed before the end of 2011.

8.2.18 The Administration has access to all databases of its ROs and receives regular reports from them as stated in the agreements.

8.2.19 The RO agreements and the Technical Maritime Safety Act contain provisions that allow TraFi to enforce the rules on ROs, if necessary. In practice, there has never been a need to exercise these powers.

Enforcement

8.2.20 The State has sufficient penal provisions in the various acts, including Criminal Code (39/1889), Act on Environmental Protection in Maritime Transport, The Act on Environmental Protection (1672/2009), Ship Safety Control Act (374/1995), Act on the Technical Safety and Safe Operation of Ships (1686/2009).

8.2.21 TraFi uses its authority to suspend or revoke ships' and seafarers' certificates in case of non-compliance with the conventions. Usually, this is sufficient to ensure compliance. For heavier breaches of laws, TraFi has no direct authority to apply penal provisions on its own, but it is possible to start judicial proceedings through the public prosecutor and there may be heavy penalties for wrongdoings, although this option is seldom used.

Flag State surveyors

8.2.22 TraFi employs 40 flag State surveyors distributed over four field units. In addition, there are –seven flag State surveyors assigned to the TraFi office in Helsinki to conduct technical plan reviews, approvals and verifications for ships flying the flag of the State.

8.2.23 The Act on the Technical Safety and Safe Operation of Ships (1686/2009) establishes the legal basis for flag State surveyors and the Ship Safety Control Act (370/1995) defines and documents the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

8.2.24 There are no official recruitment criteria, but in practice flag State surveyors are recruited and hired with the intention that they become Port State Control Officers (PSCOs), after performing the duties of a flag State surveyor for at least one year. Furthermore, the practice has been established that each new surveyor holds a valid STCW II/2 or III/2 Certificate of Competency or has a degree or equivalent from a tertiary institution within a relevant field of engineering or science, recognized by the State.

8.2.25 The training needs of the flag State surveyors are not determined at the national level, but are left to the individual field unit supervisors. Each field unit presently uses a locally generated and maintained training programme for marine surveyors, which includes external, in-house and statutory training elements. The audit revealed that these initial and periodical training requirements were not consistently applied.

8.2.26 There is no documented system for qualifications of flag State inspectors and the tasks they are authorized to undertake.

Evaluation and review

8.2.27 Administration has access to some statistics and data like detention and deficiency lists of port State control regimes, accident ratios and numbers, fleet statistics, own survey results, survey results of ROs, etc. and consults this data from time to time as the need arises, but there is no officially implemented system for periodic performance evaluation. The audit team was informed that a new Transport Analysis department within the administration will be formed and tasked with evaluation and review tasks.

8.2.28 Findings

Non-Conformity

.1 The State did not prescribe the form and contents of the logbook for fuel oil change-over operations (MARPOL, Annex VI, regulation 14.6; Code, Part 2, paragraph 16.1). See Form A-NC-03

Corrective action

Relevant national laws will be amended by 31 December 2013, to include the form and contents of the logbook for fuel oil change-over operations. To prevent similar issues in the future, the State will develop processes for periodic performance evaluations concerning the effective implementation of mandatory IMO instruments. The State will also improve the national legislative procedure, to include detailed analysis of all the obligations in the mandatory IMO instruments and their appropriate incorporation in the national legislation.

Root cause

Obligations and responsibilities contained in the mandatory IMO instruments were divided between more than 10 governmental entities, including several ministries and agencies. As a result, some obligations of a technical nature were not fulfilled properly.

Observations (OB)

.2 The areas in the mandatory IMO instruments that are left to the satisfaction and approval of the Administration were not interpreted and communicated to surveyors and ROs by the Administration in a systematic manner (Code , Part 2, paragraphs 16.1 and 16.5). See Form A-OB-04

Corrective Action

The State entities will apply the same procedures and principles in dealing with issues left to the satisfaction of administration, as is already in use with other mandatory requirements, and will provide the surveyors and ROs with the relevant interpretations. The procedure will be described in a manual. This corrective action will be completed by 31 December 2014. For continuous compliance in the future, the State will develop processes for periodical performance evaluations concerning the effective implementation of the mandatory IMO instruments. This will include, inter alia, regular evaluation meetings between different governmental entities, to verify whether appropriate interpretations have been prepared and distributed to the surveyors and ROs.

Root cause

There was a lack of proper procedure and documentation.

OB

.3 There were no official criteria for flag State surveyors' recruitment, qualification and authorization. Furthermore, the initial and periodical training programmes for flag State inspectors were either partially missing or not implemented in a systematic manner (Code, Part 2, paragraphs 28 to 35). See Form A-OB-05

Corrective Action

TraFi will establish a documented system for recruitment, qualification and training of flag State surveyors. Roles of different units in TraFi will be clarified, as well as responsibilities and authority clearly defined in the rules of procedure, in conjunction with the new organization, as from 1 January 2012. This corrective action will be completed by 31 December 2013. To ensure an effective working mechanism in the future, the State will develop a proper procedure and other supporting documentation, as guidance for the relevant personnel in the Administration.

Root cause

There was no unit/division responsible for the implementation of training requirements, since the Administration recruits only those who meet the requirement stated in the regional and national legislation as flag State surveyors. The requirements stated in the national legislation were interpreted to be adequate concerning the basic training and level of competence. Annual training days for flag State surveyors were executed, but not in a particularly target-oriented or formulated manner.

8.3 Investigation of maritime accidents

8.3.1 The Safety Investigation Authority of Finland (SIAF) is the responsible authority for the investigation of all marine casualties, including pollution cases. SIAF works in conjunction with the Ministry of Justice to carry out safety investigations independently and impartially. It comprises 12 full time employees, encompassing a director, four administrative staff and seven full time investigators. In addition, to assist individual investigators in performing duties outside their normal assignments, ready access to approximately 250 subject matter experts, that can be nominated on a case-by-case basis, has been ensured.

8.3.2 The State has been investigating accidents for over 25 years. Until recently, the Accident Investigation Act (1985/373) and Decree (1996/79) had been the legal basis for independent and impartial marine accident investigation in Finland. With the Act (1995/282), a separate independent and impartial body for accident investigation, Accident Investigation Board of Finland (AIBF), had been established in connection with

the Ministry of Justice, in 1996. Under this system, the IMO Code for the Investigation of Marine Casualties and Incidents, resolution A.849(20), had been used as a guideline for investigations, but had not been incorporated in national legislation.

8.3.3 On 1 June 2011, the Safety Investigation Act of Finland entered into force. The new act contains more detailed and updated articles on the scope of the investigations and cooperation in investigations, as well as of the powers and responsibilities of the investigators. Of particular note is the extension of authority to investigate "an accident which…the extent of harm incurred to the environment…is to be deemed particularly serious." With the new Safety Investigation Act, the name of the board is changed to Safety Investigation Authority of Finland.

8.3.4 With the approval of the new act, the Parliament also ratified the IMO Casualty Investigation Code, resolution MSC.255(84), which is mandatory under SOLAS 1974, regulation XI-1/6.

8.3.5 SIAF investigates all very serious and serious marine casualties as defined in the Casualty Investigation Code. Since 2000, the Authority has competed 90 marine safety investigations, three of which were conducted in cooperation with other States, culminating in 190 safety recommendations. They have proactively tracked each of these recommendations and have reported that action has been taken on 66% of them.

8.3.6 SIAF has an effective notification system and they are promptly notified by authorities of casualties in a timely manner. The notification requirements are regulated under Section 16 of the Act. There is a 24/7 duty officer on call for all notifications.

8.3.7 All accident investigation reports are made public through a mailing list for paper copies and all reports are posted on SIAF's internet page. SIAF sends all investigation reports to TraFi, who is responsible for communication of information to IMO, but TraFi does not communicate reports of serious casualties to IMO, as there is a mandatory reporting requirement only for very serious casualties. In the recent past, there have been no very serious marine casualties to report to IMO.

8.3.8 Historically, SIAF has been implementing various training programmes, both for their full time investigators and their subject matter experts, as the need dictated. These training programmes encompassed several technical issues for new entrants and for continuous updating of knowledge of current investigators. SIAF has started developing a formally designed and systemic training programme in 2007 and transition into the new system began in 2011. The system employs a four phase approach. A training register for all full time employees and nominated subject matter experts is maintained by SAIF.

8.3.9 SIAF follows IMO guidance related to casualty investigations in an informal way. There is a mandate in Section 47 of the Act that provides for promulgation of orders regarding the technical conduct of investigations. However, that provision has not been used for the implementation of the latest IMO guidance, including Part III of the Casualty Investigation Code.

8.3.10 SIAF uses several technical means to assist in the investigation of casualties, including means to read VDR information, side scan sonar imaging, computer simulations and technical modelling. National vessel traffic system recordings and radar images are provided to SIAF for investigations by authorities.

8.3.11 SIAF did not define and does not use a formal system for performance evaluation and development, but instead uses monthly investigation progress review meetings and personal communications for this purpose. SIAF has investigation manuals since 2003 and they have been regularly updated. Internal audits have been in use since 2008 to check the conformity of investigations to the processes described in the Investigation Manuals.

9 Port State activities

Port State control

9.1 Finland is a member of the Paris Memorandum of Understanding on Port State Control (PMoU). PSC inspections are carried out by 27 PSCOs located throughout the ports of Finland and all PSC inspections are entered into THETIS, which is the information database for PMoU. The PMoU Secretariat provides the lists of detentions to IMO, so the State's reporting duty of detentions is thereby met. As the word "intervention" is not defined officially within IMO, no other PSC data is reported to IMO.

9.2 The Inspections Department of TraFi is in charge of PSC for ships calling into ports of the State. Four regional inspection units are in charge of PSC. In total, PSC workload is equivalent to be handled by 10 full time inspectors. Finland meets its responsibilities within PMoU regarding PSC inspection numbers, therefore its resources are deemed adequate. PSCOs check the THETIS database daily. The database assigns the ships which are to be inspected and the type of inspection to be performed. All PSCOs use portable computers to prepare PSC reports and in this way, they enter the inspection results into the THETIS system. The responsibilities, rights and authorities of PSCOs are regulated in the Ship Safety Control Act (370/1995, as amended). Also in use is the PMoU PSCO manual which encompasses IMO guidance and additional guidelines on the responsibilities and ethical conduct of officers.

9.3 PSCOs are not exclusively recruited, but flag State inspectors, with at least one year of experience, are authorized as PSCOs. There are detailed training programmes both for initial training and for continuous updating of knowledge of PSCOs and they are systemically implemented and recorded. Finland is closely monitored both by Paris MoU and European Union's Maritime Safety Agency (EMSA), so officials pay a great deal of importance to issues in general.

Reception facilities

9.4 The Baltic Sea is a special area under annexes I and V of MARPOL and it is an ECA for Annex VI. Finland has reception facilities for all ship generated waste, cargo residues and Annex VI waste. The main legislation is Act on the Protection of the Marine Environment (1672/2009), which contains provisions on arrangements for receiving waste from ships, on the delivery of waste by ships and on port waste management plans (WMPs). The system was originally (in the 80's) based purely on MARPOL, but has since been extended with the inclusion of HELCOM Baltic Strategy and the EU-Directive 2000/59/EC on port reception facilities for ship generated waste and cargo residues. Waste management plans for ports are mandatory. There is an indirect fee system for most types of wastes (oil, garbage and sewage) and receipt cost is included

in port dues. This fee guarantees the receipt of a reasonable amount of oily waste and sewage.

9.5 TraFi deals with the waste delivery requirements for ships. In Finland, all wasteof ships shall be delivered to the port. TraFi is entitled to give exemptions from mandatory delivery requirements to certain ships. In practice, ships send notification of ship generated waste to agents and special subcontractors or stevedores remove wastes from ships. PSCOs and flag State inspectors of TraFi inspect ships to ensure that mandatory waste delivery requirements are met.

9.6 Reception facilities for ship-generated waste under MARPOL fall under the responsibilities of the Centres for Economic Development, Transport and the Environment. There are 15 such centres in Finland and they authorize and supervise reception facilities and also approve port reception facility waste management plans. The centres are supposed to ensure that WMPs of the ports are maintained up to date and approve them once every three years. In practice, this approval and supervision is not implemented very strictly. The responsible official in Kotka was not available to meet with the audit team during a visit to Kotka port.

9.7 Regarding enforcement options and penal provisions, there are adequate provisions in the Act on Environmental Protection in Maritime Transport (1672/2009) and it was learned that they can be implemented by authorities if the need arises.

Register of fuel oil suppliers

9.8 Regarding the State's responsibilities with respect to MARPOL Annex VI, regulation 18.9, it was learned that Finland has three suppliers of fuel oil. Responsibility to register local suppliers of fuel oil lies with the Ministry of Environment, but no specific register of suppliers has been maintained. All suppliers and the quality of the fuel oil are under the supervision of the Customs department with particular regard to the specific requirement for the sulphur content of the fuel oil to be used in the Baltic Sea region.

Dangerous goods and grain loading

9.9 TraFi is the responsible authority for general implementation of the IMDG Code on-board ships and in ports. But there are other public bodies such as The Packaging and Certification Institute, with responsibilities for containers of dangerous goods, National Board of Education, for IMDG-Code related trainings, Radiation, Nuclear Safety Authority, for class 7 radioactive materials, and port authorities for main implementation tasks. Act of Transport of Dangerous Goods (719/1994) and Government Decree on the Transport and Temporary Storage of Dangerous Goods in a Port Area (251/2005) are the main legislation that is applicable for various issues related with dangerous goods. In general, the implementation of State's responsibilities regarding carriage of dangerous goods is found to be satisfactory.

9.10 Bulk grain is loaded and shipped from some ports at certain times of the year but this is not a frequent occurrence. Requirements of the Grain Code are enacted in national legislation. PSCOs may check the grain calculations, but there is a lack of a well-defined inspection system for all ships loading grain..

Enforcement

9.11 The enforcement options relating to port State duties are well covered in various legislation and penal provisions are adequate. The State does not need to use penal provisions very often as there is a culture of safety that supports substantial compliance with the mandatory instruments. Occasionally, PSC detentions are necessary and have sufficient deterrent effect.

Evaluation and review

9.12 Various public authorities that are responsible for the conduct of port State obligations have access to some statistics and data, including lists of ships calling into the State's ports, detention and deficiency lists of PSC regime and lists of approved waste reception facilities, and consult this data from time to time as the need arises. However, there was no evidence to show an officially implemented system for periodic performance evaluation regarding port State duties.

9.13 Findings

Non-Conformity (NC)

.1 The State did not keep a register of local fuel oil suppliers (MARPOL Annex VI, regulation 18.9.1; Code, Part 4, paragraph 52). See Form A-NC-04

Corrective action

A relevant State entity will be designated to maintain a register of local fuel oil suppliers through amendments to the relevant national laws. The target date for completion of this corrective action is 31 December 2013. To prevent similar problems in the future, the State will further develop processes for periodic performance evaluation concerning the effective implementation of mandatory IMO instruments. The State will also improve the national legislative procedure including detailed analysis of all the obligations in the mandatory IMO instruments and their appropriate incorporation in the national legislation.

Root cause

Competencies in respect of the MARPOL requirement related to a register of local fuel oil suppliers were divided between two State entities and were unclear. In addition, a small number of suppliers and a requirement of foreign ships to use a local agent led to an interpretation that bunker suppliers were commonly known and no register as such was needed.

10 Coastal State activities

Implementation

10.1 Finland's most important ports are located at the Gulf of Finland. This body of sea is also the only significant passage to the Baltic for Russia and Estonia. Due to big oil ports such as Primorsk in Russia, a significant proportion of the passing ships are oil tankers, which are frequently crossing with intense passenger traffic between Finland and Estonia. This poses a potential risk of collision between crossing traffic. This is the reason that the VTS system GOFREP is operational in this area. Waters in the northern parts of the Baltic freeze during winters, which add difficulties in safe navigation and set limits on the ships operating in icy conditions. These risks are managed by Ice Class regulations, traffic limitations and by providing ice-breaking services between four to six months every year, both in the Gulf of Finland and in the Gulf of Bothnia. Coastal State activities are carried out by the entities described in the succeeding paragraphs.

Radiocommunication services

10.2 The Finnish Border Guard is responsible for distress radio communications in the Finnish Search and Rescue Region (SRR). The Finnish SRR has been divided into A1 and A2 areas. MRCC Turku, MRSC Helsinki and MRSC Vaasa, monitor all SRR with a remote controlled costal radio system, which includes several MF and VHF transmitters and receivers. Almost the whole of SRR can be covered with both radio systems. All Cospas–Sarsat alerts comes via Bådö (Norway). MRCC Turku, as SPOC, relays all Cospas–Sarsat alerts to other authorities. The Finnish Transport Agency is responsible for safety radiocommunications in inland waterways. The objective of the coastal station Turku Radio is to maintain safety radiocommunications, including transmission of navigational warnings, weather forecasts, ice reports and ship reports. Turku Radio backs-up the distress radiocommunications and Saimaa-VTS maintains the inland waterways distress radiocommunications. Navigational information is sent by VHF and NAVTEX. The Finnish Hydrographic Office acts as a coordinator of the navigational warnings in co-operation with Swedish BALTICO. Vessel Traffic Services and GOFREP give information to all ships when they report, at set intervals, whenever necessary or when a ship so requests. The information provided may include, *inter alia*, weather, ice conditions, hydrographic information, condition and availability of navigational fairways, status of aids to navigation, or any other danger threatening a ship and other matters affecting vessel traffic safety. The information is sent in Finnish, Swedish and English.

Meteorological services and warnings

10.3 The Finnish Meteorological Institute provides weather forecasts, ice reports and near real time wave measurements. The information is sent via radiobroadcasts in Finnish, Swedish and also in English. The Finnish Meteorological Institute uses satellite and radar technology as tools for observation, backed by network of coastal stations in order to create forecasts and computer generated weather models.

10.4 Vessel Traffic Services and GOFREP provide meteorological information to all ships.

Search and rescue (SAR) services

10.5 SAR services are regulated by the Maritime Search and Rescue Act (1145/2001), under which the Finnish Border Guard Headquarters is the leading maritime SAR authority in Finland, responsible for the provision of maritime SAR services. There are several other agencies and volunteer associations involved, but the leading SAR authority, the Border Guard is responsible for the planning, development and supervision of maritime SAR and the harmonization of the activities of authorities and volunteers participating in maritime SAR. The Border Guard leads and conducts SAR operations with appropriate resources and provides maritime SAR-related coordination training. The Border Guard is also responsible for emergency phase-related radiocommunications and the provision of telemedical assistance services for ships. It participates in emergency prevention and is in charge of the Maritime Assistance Services. In the context of the Cospas-Sarsat System, the Border Guard is responsible for receiving distress alerts sent by emergency position-indicating radio beacons (EPIRBs), emergency locator transmitters (ELTs), personal locator beacons (PLBs) and for relaying them to the national responsible party, as well as for the national harmonization of issues related to the Cospas-Sarsat System.Where necessary, the Border Guard may also provide maritime SAR-related training and public education.

10.6 Finland has bilateral SAR agreements in aviation and maritime SAR matters with all neighbors: Russian Federation, Sweden and Estonia. Finland has also bilateral SAR protocols in aviation and maritime SAR matters with all its neighbors, which have more detailed information about cooperative missions.

10.7 The Finnish SRR is divided into two sub-regions: West Finland and Gulf of Finland. The Finnish SRR is adjacent to the Swedish, Estonian and Russian SRRs. West Finland Coast Guard District is responsible for organizing and providing adequate SAR services within its SAR area and for the required co-operation with other authorities. West Finland Coast Guard District is also responsible for keeping in touch with maritime SAR authorities in other countries. Gulf of Finland Coast Guard District is responsible for the Gulf of Finland SAR sub-region. West Finland Coast Guard District is responsible for the rest of the SRR. In West Finland Coast Guard District, SAR activity is led by two centres, Maritime Rescue Co-Ordination Centre in Turku (MRCC Turku) and Maritime Rescue Sub Centre in Vaasa (MRSC Vaasa will be closing at the beginning of 2012). The Gulf of Finland Coast Guard District's SAR activity is led by MRSC Helsinki. The centres are staffed 24/7, which ensures fast and efficient response to reports of distress. In the centres, the operations are led by a Search and Rescue Mission Coordinator. MRCC Turku co-ordinates the tasking of national assets in rescue efforts when the need arises. It also co-ordinates the use of national and international assets when important SAR units are needed simultaneously in several incidents

10.8 Maritime SAR units also respond to situations when persons travelling on foot, snowmobiles and by other non-maritime means are in distress when the sea freezes solid. This applies especially in northern parts of the West Finland SAR sub-region. In the past years, icy conditions have allowed travelling mainly in the sea area between Pori and Tornio. When there is a need in icy conditions, Finnish Border Guard responds to reports by ice fishers, snow mobile traffic and other people travelling on ice.

Hydrographic services

10.9 The Finnish Hydrographic Office (HO) is part of the Finnish Transport Agency. From the beginning of 2011, HO belongs to the Maintenance branch of the Finnish Transport Agency and forms one of its departments. HO is responsible for the development and maintenance of Finland's hydrographic services, for which it has been charged with authority, management of hydrographic data, hydrographic products and information services relating to these products. HO is also responsible for international co-operation, maintenance of quality system and the scientific and technical implementation of hydrography services in Finland. Currently there are approximately 60 persons working in HO. Personnel have been mainly educated and trained in-house at HO. Most HO staff have a long career in hydrographic activities, but there is no formal training program in use and no IHO qualification initiative has been taken.

10.10 HO is organized in three units: Hydrographic Surveys Unit, Data Management Unit and Nautical Charts Unit. HO has a quality system in place, which has been audited and certified by an external auditor in September of 2011.

10.11 The Hydrographic Surveys Unit is responsible for purchasing hydrographic surveys serving production of nautical charts, planning and development of fairways, national defense and other needs of the society. The Hydrographic Survey Unit purchases the surveys from open markets or State owned enterprise Meritaito Oy. It is also responsible for standards and procedures of the surveys carried out by external bodies as well as international work in various working groups dealing with hydrographic surveys. All surveys ordered by HO are based on relevant standards (e.g. S-44) of the IHO and their national implementation.

10.12 The Hydrographic Information Management Unit of HO is responsible for collecting, processing and maintenance of the data needed for nautical charts and related products. All survey data are validated and stored in databases, and later on generalized to be used in charts and in information services provided by the HO. The Unit produces plans and guidance for data management and develops information systems necessary for hydrographic services.

10.13 The Nautical Charts Unit is responsible for planning, development and publication of nautical chart portfolio and its updating service. Unit administers nautical chart products and coordinates the navigational warning service and chart related guidance and standards. The Nautical Charts Unit produces both printed charts and electronic navigational charts (ENC). In addition to chart products, Notices to Mariners booklet, List of Lights and Chart Symbols books belongs to the product portfolio. Data for printed charts are derived from the databases maintained by the Data Management Unit. Cartography for printed charts is created by group of cartographers and all charts are verified by the inspectors working in HO, before they are sent out for printing. Publishing, printing, marketing and sales of the printed charts is outsourced; currently the publisher is a Finnish company (John Nurminen Marine Oy). A regular update service for printed charts is provided by publishing Notices to Mariners booklet three times a month (every ten days). Notices to Mariners also include temporary and preliminary notices. ENCs are produced from the same source data as printed charts according to standards and guidance issued by IHO. Updates for ENCs are produced according to information in Notices to Mariners, including temporary and preliminary notices, with same frequency as Notices to Mariners.

Ships Routeing

10.14 All the VTS traffic centers, including Helsinki Traffic/GOFREP are managed and governed by the Finnish Transport Agency. The routeing systems in the Aland Sea are supervised by Archipelago VTS. Should the ice situation in the region hinder safe passage of ships, the traffic routeing systems may be suspended during wintertime, by mutual agreement of Finnish and Swedish maritime authorities. The routeing systems in the Gulf of Finland are partly on the EEZ area of Finland and they are supervised by Helsinki Traffic in the Helsinki Maritime Traffic Center as a part of the joint GOFREP system.

Ship Reporting Systems

10.15 Amendments to the existing mandatory ship reporting system “in the Gulf of Finland” (resolution MSC.231(82)) were adopted by IMO on 5 December 2006. In accordance with this resolution, ships are required to submit a report to VTS centres in certain navigational positions. The short title for the ship reporting system is GOFREP. Ships are urged to update their AIS information before entering the Gulf of Finland since they may fulfill the Full Report requirements through the use of AIS. In cases where it is not possible to transmit the report fully with AIS, additional information may be reported by other means. Ships shall continuously monitor the main VHF channel of the VTS traffic centre in the area they are navigating in.

10.16 The mandatory ship reporting system in the Gulf of Finland covers the international waters in the Gulf of Finland. In addition, Finland implements mandatory ship reporting systems to its national water areas outside VTS areas. This reporting system provides the same services and requirements to shipping as the system operating in the international waters. The mandatory ship reporting system and the Finnish national mandatory ship reporting system are together referred to as GOFREP and their area of coverage, respectively, as the GOFREP area.

Vessel Traffic Services

10.17 VTS in Finland has been established according to resolution A.857(20) adopted on 27 November 1997 (Guidelines For Vessel Traffic Services). The main legislation for the VTS services in Finland is the Vessel Traffic Service Act (623/2005) and the Government Decree on Vessel Traffic Service (763/2005). The Maritime Transport Authority implements that legislation by use of VTS centres.

10.18 The VTS centers are well equipped and adequately staffed. Recruitment criteria are provided for in the Act. Staff is subject to on-the-job training, as stipulated in the Act. The VTS centres have no direct penalty provisions provided for in the Act, therefore non-compliances with the VTS requirements are reported to the respective flag State authorities for enforcement action.

10.19 There is no formal system in place for performance evaluation regarding the VTS duties.

Aids to navigation (AtoNs)

10.20 The Finnish Transport Agency is the responsible authority for AtoNs related duties. There are four local AtoNs units assigned to different geographic areas. The establishment of new aids to navigation in Finnish waters can be in accordance with planning procedures, or on request from shipping entities, pilots or other stakeholders.

10.21 The Finnish Transport Agency operates and maintains systems and buoyage to assist in positioning and navigation in principal waters, transit routes and to secure anchorages. The buoyage area covers approximately 500 km^2 of territorial waters around Finland. Buoyage in harbours is subject to the supervision of the Finnish Transport Agency, but is financed, implemented and maintained by its owners, i.e. the relevant port authorities, municipalities bridge management, yacht clubs, etc.

10.22 The Finnish Transport Agency is the entity with overall responsibility for operation of the lighthouse stations in Finland. The maintenance is done by regional, private or governmental, services, or governmental contractor Meritaito Oy.

10.23 All EU member states are under the obligation to install land based AIS equipment to capture AIS information for traffic surveillance and statistical purposes. Finland has installed a shore based AIS system which is fully functional. The Maritime Transport Agency maintains a quality system with regard to the provision and maintenance of floating and fixed AtoNs and follows IALA recommendations on availability of Aids to Navigation.

Oil spill response

10.24 The national Act on the Preparedness for and Response to Oil Spills (1673/2009) covers oil and chemical spills in general, including spills from ships. The Act lays down specific provisions for the preparedness for pollution incidents, response measures, shoreline cleaning and restoration, appointment of response authorities and contingency planning, including Oil Spill Prevention and Response Plans, prepared by the Regional Rescue Services, and regional plans for cooperation. The Ministry of the Environment is responsible for general guidance and development of oil and chemical spill prevention and response. The Finnish Environment Institute is the competent authority for oil and chemical spill response in the open sea. The Rescue Services are responsible for the pollution response in the archipelago and at the coast line. According to the Act on Environmental Protection in Maritime Transport (1672/2009) TraFi is the competent authority in enforcing the regulations concerning ship based discharges to water and to air. The Finnish Environment Institute and the Border Guard have a cooperation agreement in which it has been agreed that the Border Guard monitors ship based discharges at sea.

Enforcement

10.25 The enforcement options relating to coastal State duties are well covered in various legislation and penal provisions are adequate. The State does not need to use penal provisions very often as there is a culture of safety that supports substantial compliance with the mandatory instruments. The authority to assess and rule on penalties rests with the Court of Justice, while a proceeding can be initiated by the competent authorities.

10.26 For pollution cases, direct penalties may be assessed by the Border Guard. According to the Act of Seafaring Environmental Protection, monitoring of ships and possible pre-trial investigation for marine pollution are the duty of both the police and the Border Guard Service. According to the section 6 of Chapter 12 of the Act of Seafaring Environmental Protection, the Border Guard Headquarters are authorised to monitor the economic area and the territorial waters of Finland. According to the section 8 of the same Chapter, the police is authorised to monitor the inland water areas and the territorial waters of Finland.

Evaluation and review

10.27 The Finnish Border Guard implements a 3-level response system in the Finnish SRR. System has been in test use since the beginning of 2011. All response calculations are made in full integrated Maritime SAR software, which is in use in all MRCC and MRSCs over data network with real-time updating service. In accordance with this system, certain time targets are set for reaching target in distress phase. Response level 1 geographical areas should be reached under 45 minutes in at least 90% of distress situations, level 2 areas in 75 minutes (for at least 95% of cases) and most distant/difficult level 3 areas should be reached in 120 minutes after receipt of distress calls for at least 90% of cases.

10.28 Various public authorities that are responsible for the conduct of coastal State duties have access to some statistics and data, including VTS statistics, pollution records, AtoNs evaluations, ship reporting compliance and hydrographical statistics, and consult these data from time to time as need arises. However, there was no evidence to show officially implemented systems by responsible authorities for periodic performance evaluation regarding most coastal State duties.

11 Comments

11.1 Areas of positive development

Best Practices

11.1.1 State prepares and implements project plans for all the amendments to mandatory IMO instruments. Project plans assist in obtaining political commitments, define the object of amendment and responsible civil servants provide a step-by-step time frame for translation, legislative inspection, drafting and incorporation into national legislation. They also identify possible capacity building needs, including consultation with interest groups and preparation of communication plans.

11.1.2 The Maritime Consultative Board of the State, within the Ministry of Transportation, is responsible for the development of national position[?], discussion of important amendments to mandatory instruments, including any related sensitive and technical issues. The existence of such a body is an efficient mechanism for coordination and implementation across various entities involved in maritime matters. Thus the State is able to track progress of all IMO instruments very closely and prepare itself well in advance of the instruments coming into force.

11.1.3 SIAF introduced a four phase training program for casualty investigators, which is well conceived and meticulously structured. Every investigator receives a two-day introductory training course, followed by on-the-job training in his/her area of expertise, then investigators receive formal training in basic investigation skills and then the learning is reinforced by complementary, recurrent and special training. Each investigator-in-charge will be given additional training in personnel management and critical incident stress management. The systematic initial investigator training, its follow-up recurrent training, which takes the individual's training needs into consideration, and the use of a computer based investigator register will improve the use and assessment of investigation resources. This system will also ensure the quality and reliability of part time subject matter experts when called upon to act as investigation team members.

11.1.4 The 3-level time targeted response system for SAR duties has been implemented by Finnish Border Guard to increase the effectiveness of SAR services. All response calculations are made in fully integrated Maritime SAR software, which is in use in all MRCC and MRSCs, over data network with real-time updating service. In accordance with this system, certain time targets are set for reaching a target in distress phase. Response level 1 geographical areas should be reached within 45 minutes in at least 90% of distress situations, level 2 areas in 75 minutes for at least 95% of cases, and most distant or difficult to reach level 3 areas should be reached in 120 minutes after receipt of distress calls for at least 90% of cases.

Other areas of positive development

11.1.5 The State's fleet has a commendable performance in PSC regimes around the world. In five regimes, there were no detentions recorded and in one leading regime, there are only a few detentions for the past three years.

11.1.6 The State implements compulsory waste delivery requirement for all ships (some ships can be exempted) and actively monitors compliance through flag/port State control inspectors.

11.2 Areas for further development

11.2.1 Most procedural policies and internal workflow documents, which may help officials with decisions on technical issues, were missing in many instances, *inter alia*, for the issuance of exemptions and interpretations for conventions, STCW 1978 dispensations, reporting requirements, RO audits, surveyors' authorizations, detention of ships upon request of a flag State, and personnel recruitment and training requirements.

11.2.2 The flag State survey guidelines and checklists were not complete for all types of surveys and were not up to date.

11.2.3 The Administration's work on updating and renewing agreements with ROs should be finalized so that the latest changes in legislation and practices can be reflected and RO audits can be conducted as planned.

11.2.4 The waste management plan regarding waste reception facilities of a specific port authority was not updated since 2007. There were no scheduled/unscheduled visits by authorities to supervise facilities for last few years. Port reception facilities may benefit from closer supervision by responsible governmental agencies.

11.2.5 Flag State inspectors and PSCOs were issued identification cards, but some of the older ID documents only refer to ship inspection legislation and they do not directly express the authority of the holder to carry out certain flag State or PSC inspections.

11.2.6 Bulk grain is shipped from some ports of the State, but there is no policy to inspect all bulk grain ships prior to loading to ensure their ability to comply with mandatory stability requirements.

11.2.7 SIAF may benefit from more human resources on the marine side for better implementation of the increasing international obligations and growing need for more international cooperation.

12 Appendices

12.1 *Observations*

Form A-OB-01
Form A-OB-02
Form A-OB-03
Form A-OB-04
Form A-OB-05

12.2 *Non-conformities*

Form A-NC-01
Form A-NC-02
Form A-NC-03
Form A-NC-04

13 Annexes

13.1 Annex 1 – Timetable for the VIMSAS audit
13.2 Annex 2 – List of Participants to the Opening meeting
13.3 Annex 3 – Organization Diagram of TraFi
13.4 Annex 4 – Organization Diagram of Regulation and Supervision branch of TraFi

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ANNEX 1
VIMSAS DETAILED AUDIT TIMETABLE AND PROGRAMME
FINLAND
7 – 14 NOVEMBER 2011

Acronyms

1- Trafi: Finnish Transport Safety Agency
2- FTA: Finnish Transport Agency
3- AIBF: Accident Investigation Board of Finland
4- MOTC: Finnish Ministry of Transport and Communications,

Auditors

Auditor 1: Captain Cahit Yalcin – Turkey
Auditor 2: Captain Adrian Gheorghe Alexe – Romania
Auditor 3: Mr. Brian Fisher – United States

Locations

1- Trafi, Kumpulantie 9, 00520 Helsinki
2- FTA, Opastinsilta 12 A, 00520 Helsinki
3- AIBF, Sörnäisten rantatie 33C, 00500 Helsinki
4- Helsinki VTS, Katajanokanlaituri 4 B, K-6, 00160 Helsinki

Day 1 (Monday)			
Time	**Activity**	**Participants**	**Division and Location**
09:30 – 10:15 Guide: Petri Öhrmark (0407584323)	Opening Meeting 0930 – 0945 Auditors meet & Introductions 0945 – 1015 Opening Meeting	**All Auditors**. Silja Ruokola, Lolan Eriksson, Anna Sotaniemi, Veera Kojo, Tuomas Routa, Kari Wihlman, Ove Hagerlund, Sanna Sonninen, Björn Ziessler + parties concerned	Trafi rooms Ekomaa+Ekomeri
10:30 – 12:30	Overall maritime policy and strategy for implementation of IMO mandatory instruments • Presentation on Overall Maritime Policy and Strategy • Structure and responsibilities of Administration • Risk analysis and performance measurement	**All Auditors** Ove Hagerlund, Sanna Sonninen, Björn Ziessler, Kirsi Lähteenmäki-Riistama, Pertti Haatainen Marko Rahikainen	Trafi, room Komentosilta
	• Quality Management Controls/ System • Continual review of the above • Controlling	**All Auditors** Pertti Haatainen Juha-Matti Korsi Aleksi Uttula	Trafi room Komentosilta
12:30 – 13:30	**Lunch break**	**All Auditors.**	
13:30 – 15:00	Overall process description & presentation for: • Legislation processes for implementation of IMO mandatory instruments • Periodic review and update of legislation and regulations, circulars, policy and other official published guidance which is subordinate to legislation • Review of recent selected legislative process projects.	**All Auditors** Lolan Eriksson, Anna Sotaniemi, Veera Kojo, Kirsi Lähteenmäki-Riistama, Pertti Haatainen, Marko Rahikainen	Trafi room Komentosilta
15:15 – 16:15	Overall process description for enforcement, assessment of fines and penalties. Review of selected cases.	**All Auditors** Lolan Eriksson, Anna Sotaniemi, Veera Kojo, Ove Hagerlund, Kirsi Lähteenmäki- Riistama	Trafi room Komentosilta
16:15 – 17:00	**Debriefing and meeting**	**All auditors – private room**	

Day 2 (Tuesday)			
Time	**Activity**	**Participants**	**Division and Location**
09:00 – 10:30 Guide: Petri Öhrmark (all day)	• Legislation Processes and implementation of STCW (Note 1) • Manning	**Auditors 1 & 3** Sanna Sonninen, Markku Karkama, Esa Pasanen	Trafi, Room Ohjaamo
09:00 – 10:30	• Tonnage and Registry	**Auditor 2** Max WIlhelmsson, Jerker Klawer Simo Karppinen, Reijo Jälkö Anne Haataja	Trafi, Room Ratti
10:40 – 12:30	• COLREGS / SOLAS IV & V • Type Approval/Implementation of Safety Radio Certificate requirements (Radio)	**Auditors 1 & 2** Marko Rahikainen, Jami Matsärinne Aleksi Uttula	Trafi, Room Ohjaamo
10:40 – 12:30	• Implementation of Loadline	**Auditor 3** Max WIlhelmsson, Pertti Haatainen Jerker Klawer	Trafi, Room Ratti
12:30 – 13:30	**Lunch break**	**All Auditors.**	

13:30 – 15:00	• Implementation of MARPOL
	  • Marine environment protection
	  • Air pollution prevention
		All Auditors
		Anita Mäkinen, Jorma Kämäräinen
		Mirja Ikonen, Markus Helavuori
			Trafi, Room Ohjaamo

15:10 – 16:15	• Implementation of SOLAS
	  ▪ General implementation policies
	  ▪ Dangerous goods
		All Auditors
		Kirsi Lähteenmäki-Riistama, Pertti Haatainen, Marko Rahikainen, Jyrki Vähätalo, Jerker Klawer
			Trafi, Room Ohjaamo

16:15-17:00	**Debriefing and private meeting**	**All auditors**	

Day 3 (Wednesday)			
Time	**Activity**	**Participants**	**Division and Location**
10:00 - 12:00 Guide: Petri Öhrmark	• SAR Coordination • Coastal rescue	**Auditor: 2** Risto Jääskeläinen, Petteri Leppänen, Reijo Lahtinen Mikko Hirvi	Helsinki VTS, K6 Transport by Border Guard, 9:30 from Hotel Contact Petteri Leppänen 040 517 7892
12:00 – 12:30	• Operational pollution response & enforcement.	**Auditor 2** Meri Hietala, Magnus Nyström	Helsinki VTS, K6
09:00 – 12:30 Guide: Juha-Matti Korsi	• Implementation of survey, policies for PSC, flag state inspections/surveys	**Auditor: 1 & 3** Tapio Gardemeister, Aleksi Uttula	Trafi, Room Ratti
	• Implementation of ISM Code	**Auditor: 1 & 3** Tapio Gardemeister, Aleksi Uttula, Matti Latvalahti	Trafi, Room Ratti
	• Continuation of MARPOL and SOLAS implementation. (if required from day 2)	**Auditor: 1 & 3** To be specified if necessary	Trafi, Room Ratti
12:30 – 13:30	**Lunch break**	**All Auditors.**	
13:30 – 14:30 Guide Petri Öhrmark	SAR, Oil pollution response continued	**Auditor 2** To be specified	Helsinki VTS, K6
14:40 - 16:15	• VTS, routeing, training and remaining navigational issues • Met. Warnings	**Auditor 2** Thomas Erlund Kimmo Kahma	Helsinki VTS, K6
13:30 – 14:30 Guide: Juha-Matti Korsi	Surveyors training and recruitment & Qualification	**Auditor: 1 & 3** Ove Hagerlund Max Wilhelmsson	Trafi, Room Ratti
14:30 – 16:15	• Introduction to R.O. Agreements and Monitoring • Implementation of the R.O. monitoring, Survey and Plan Review	**Auditor: 1 & 3** Sirpa Pasula Pertti Haatainen Jerker Klawer Max Wilhelmsson Aleksi Uttula Ann-Christine Kivelä	Trafi, Room Ratti
	• Type Approval		

	• Items left to the "satisfaction of Administration"	Kaija Tuomola	
16:30 – 17:00	**Debriefing and private meeting**	**All auditors**	

Day 4 (Thursday)			
Time	**Activity**	**Participants**	**Division and Location**
09:30 – 12:30 Guide: Petri Öhrmark	**PORT / REGIONAL OFFICE** • Implementation of survey, PSC, flag state inspection policies • Implementation of MARPOL	**All auditors** Ove Hagerlund, Juha-Matti Korsi Ilkka Salminen	Regional Office Trafi, Eastern Inspections Unit, Kotka Transport by Trafi, 8:00 from Hotel
12:30 – 13:30	**Lunch break**	**All Auditors.**	
13:30 – 16:15	**PORT / REGIONAL OFFICE** • Surveyor training • Surveyor assignment and qualification • Ship survey files • Continuation of Morning Program if needed. • Port reception facilities	**All Auditors** Ove Hagerlund Juha-Matti Korsi Ilkka Salminen N. N ELY	Regional Office Trafi, Eastern Inspections Unit, Kotka Port of visit: Kotka
16:15 – 17:00	Debriefing and private meeting	**All auditors**	

Day 5 (Friday)			
Time	**Activity**	**Participants**	**Division and Location**
09:00 – 12:00 Guide Petri Öhrmark	• Casualty Investigation	**Auditor 1 & 3** Martti Heikkilä	AIBF Transport by trafi Contact Martti Heikkilä 040 521 9343
09:00 – 12:00 Guide Max Wilhelmsson	• Hydrographic Services • Notice to Mariners • Navigational warnings • Aids to Navigation	**Auditor: 2** Rainer Mustaniemi Jarmo Mäkinen Jyrki Mononen Janne Virtanen Risto Lång	FTA Contact Thomas Erlund 0408299877
12:00 – 13:30	**Lunch Break**	**All Auditors**	
13:30– 17:00	Follow up as needed for outstanding information requested from various interviews during the week.	**All auditors** To be specified if necessary	Trafi, Room Ratti

Day 6 (Monday)			
Time	**Activity**	**Participants**	**Division and Location**
09:30 Guide Petri Öhrmark **Lunch** **14:00-16:00**	Closing Meeting Submission of draft interim report including findings. Meeting as necessary	**All Auditors** Veera Kojo, Tuomas Routa, Ove Hagerlund, Sanna Sonninen, Bjorn Ziessler, +parties concerned or subject to findings	Trafi room Ekomeri

ANNEX 2

VIMSAS Audit of Finland Opening meeting
07 Nov 2011
List of Participants

Name	Position / Organization	Contact e-mail or phone
Cahit Yalcin	Lead Auditor	**cahitkpt@denizcilik.gov.tr**
Adrian Alexe	Auditor	**aalexe@rna.ro**
Brian T. Fisher	Auditor	**brian.t.fisher2@uscg.mil**
Silja Ruokola	Director of Unit, Transport safety and the Environment/ Ministry of Transport and Communications	**silja.ruokola@lvm.fi**
Tuomas Routa	Director General, Director of Maritime Safety and Security/Trafi	**tuomas.routa@trafi.fi**
Lolan Eriksson	Senior Government Advisor, Transport safety and the Environment/ Ministry of Transport and Communications	**lolan.eriksson@lvm.fi**
Anna Sotaniemi	Senior Government Advisor, Transport safety and the Environment/ Ministry of Transport and Communications	**anna.sotaniemi@lvm.fi**
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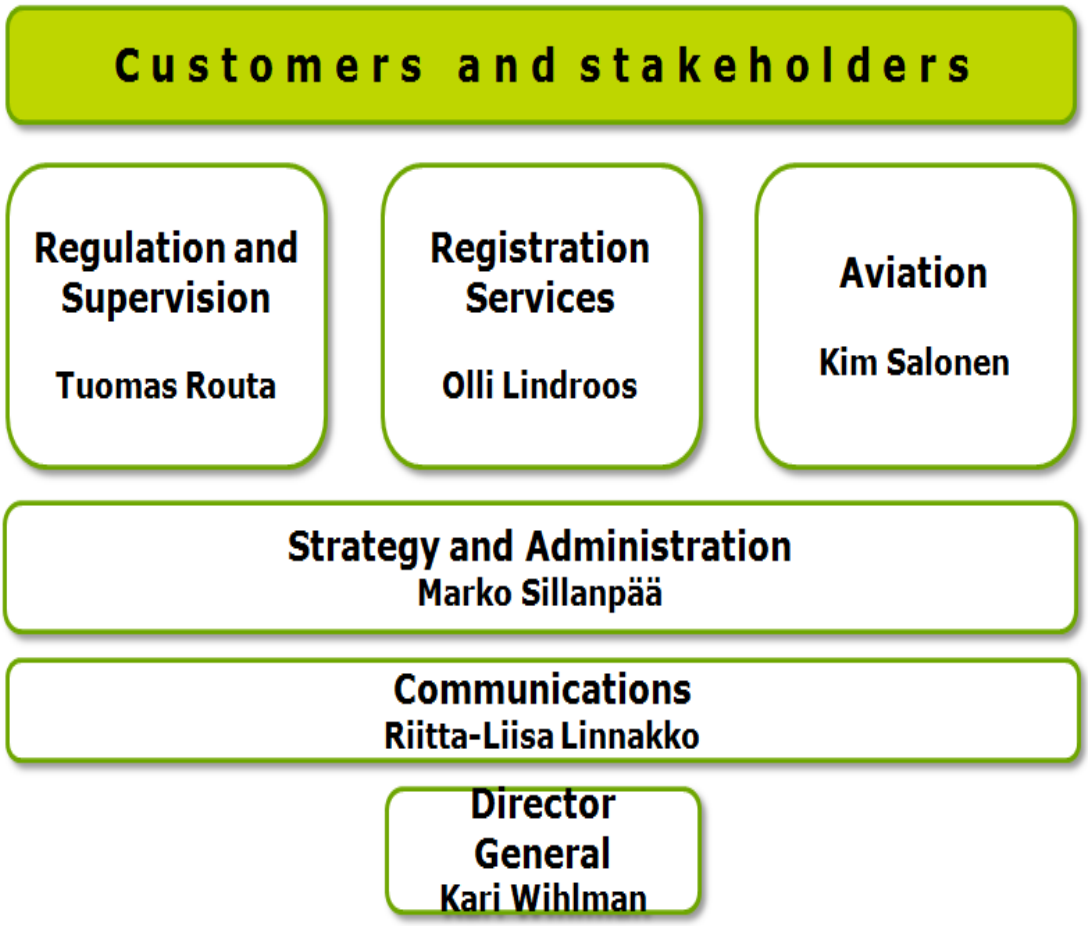
Sanna Sonninen	Director, Maritime Safety Department/Trafi	**sanna.sonninen@trafi.fi**
Ove Hagerlund	Director, Inspections Department/ Trafi	**ove.hagerlund@trafi.fi**
Bjorn Ziessler	Director, Marine Technology Department/ Trafi	**bjorn.ziessler@trafi.fi**
Petteri Leppänen	Commander/ Finnish Border Guard	**petteri.leppanen@raja.fi**
Rainer Mustaniemi	Director of Hydrographic Office/Finnish transport Agency	**rainer.mustaniemi@liikennevirasto.fi**
Martti Heikkilä	Chief Marine Safety Investigator/ Safety Investigation authority	**martti.heikkila@om.fi**
Kimmo Kahma	Research Professor/Finnish Meteorological Institute	**kimmo.kahma@fmi.fi**
Thomas Erlund	Head of Unit, Vessel Traffic Services/ Finnish Transport Agency	**thomas.erlund@liikennevirasto.fi**
Jorma Timonen	Coordinator,Waterways Maintenance/ Finnish Transport Agency	**jorma.timonen@liikennevirasto.fi**
Anita Mäkinen	Head of Unit, Maritime Environment/Trafi	**anita.makinen@trafi.fi**
Max Wilhelmson	Head of Unit, Naval Architechture/ Trafi	**max.wilhelmson@trafi.fi**
Petri Öhrmark	CPC	**Petri.ohrmark@trafi.fi**

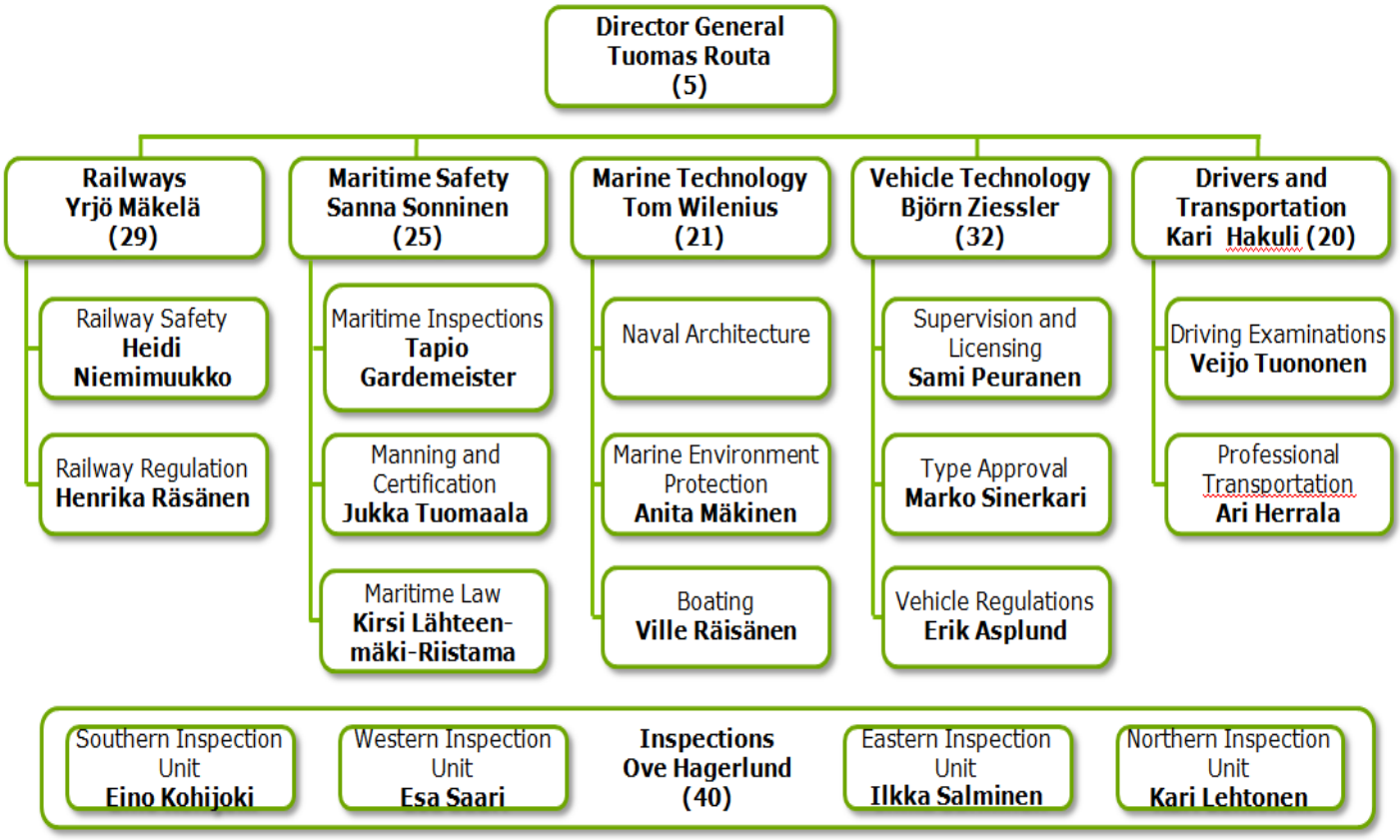
ANNEX 3

ORGANIZATION DIAGRAM OF TRAFI



ANNEX 4

ORGANIZATION DIAGRAM OF REGULATION AND SUPERVISION BRANCH OF TRAFI



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