



Legislative review meetings

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(as discussed in session 4, legislation processes,
on Monday)



FINNISH
GOVERNMENT

IMO audit to Finland Session 8: MARPOL

October 29, 2024

Ministry of Transport and Communications, Laura Sarlin

MARPOL in Finnish legal system

- The International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978 (MARPOL) was implemented in Finland in 1983 (Treaty Series 51/1983).
- The essential obligations of the Convention are laid down in the Act on Environmental Protection in Maritime Transport (1672/2009).
- The Government Decree on environmental protection in Maritime Transport (76/2010) complements the Act.
- Amendments to MARPOL are implemented through blanket Acts and Decrees and, when necessary, amendments to the national substantial legislation.

Act on Environmental Protection in Maritime Transport: Chapters



- Chapter 1 – General provisions
- Chapter 2 – Prevention of pollution by oil from ships (cf. MARPOL Annex I)
- Chapter 2a – Ship-to-ship oil cargo transfer operations (MARPOL Annex I, Chapter 8)
- Chapter 3 – Oil discharge fee
- Chapter 4 – Prevention of the discharge of noxious liquid substances from ships (MARPOL Annex II)
- Chapter 5 – Prevention of discharges of ship-generated sewage (MARPOL Annex IV)
- Chapter 6 – Prevention of discharges of ship-generated garbage (MARPOL Annex V)
- Chapter 7 – Prevention of air pollution from ships (MARPOL Annex VI)
- Chapter 7a – Ship energy efficiency (MARPOL Annex VI, Chapter 4)
- Chapter 8 – Other international commitments binding on Finland concerning the prevention of pollution resulting from the normal operation of ships (AFS, BWMC)
- Chapter 8 a – Ship Recycling
- Chapter 9 – Port reception of waste
- Chapter 10 – Delivery of waste to port reception facilities
- Chapter 11 – Obligations of the shipmaster in an incident at sea
- Chapter 12 – Supervision and administrative enforcement
- Chapter 13 – Miscellaneous

Act on Environmental Protection in Maritime Transport: structure

- Chapter 1/General provisions: Purpose of the Act, Definitions, Scope of application, Applicability to state vessels, Applicability to foreign ships, ...
- Chapters 2, 4, 5, 6, 7, 7a
 1. General prohibitions and restrictions
 2. Discharges in exceptional circumstances
 3. Construction and equipment requirements
 4. Record books
 5. Certificates
 6. Further provisions = authorisation for issuance of decrees and technical regulations
- Chapters 9 and 10: PRF provisions
- Chapter 12: Competent authorities and their duties, the rights of the authorities (to carry out inspections, administrative enforcement etc.), avoidance of undue delay
- Chapter 13: Charges and fees, nominated inspectors, penal provisions, criminal jurisdiction regarding foreign ships, appeal, enforcement of decisions, competent courts

MARPOL Annex I in Finnish legislation

- Act on Environmental Protection in Maritime Transport
 - Chapter 2
 - Chapter 2a (STS)
 - Chapter 3 (Oil discharge fee)
 - Chapters 9 and 10 (Provision of PRF and delivery of waste to PRF)
 - General provisions (definitions, applicability, administrative enforcement, penal provisions) in Chapters 1, 11, 12 and 13
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 2
 - Chapters 7 and 8 (Provision of PRF and delivery of waste to PRF)

MARPOL Annex II in Finnish legislation

- Act on Environmental Protection in Maritime Transport
 - Chapter 4
 - Chapters 9 and 10 (Provision of PRF and delivery of waste to PRF)
 - General provisions (definitions, applicability, administrative enforcement, penal provisions) in Chapters 1, 11, 12 and 13
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 3
 - Chapters 7 and 8 (Provision of PRF and delivery of waste to PRF)

MARPOL Annex III in Finnish legislation

- Pursuant to the International Maritime Dangerous Goods (IMDG) Code marine pollutants that are subject to the provisions of Annex III of MARPOL, shall be transported under the provisions of said Annex.
- MARPOL Annex III and the IMDG Code are implemented nationally through the following legislation:
 - Act on the Transport of Dangerous Goods (541/2023)
 - Decree on the Transport of Dangerous Goods (925/2023)
- National authorities enforce these provisions, ensuring alignment with both Finnish law and international obligations under IMO conventions.

MARPOL Annex IV in Finnish legislation

- Act on Environmental Protection in Maritime Transport
 - Chapter 5
 - Chapters 9 and 10 (Provision of PRF and delivery of waste to PRF)
 - General provisions (definitions, applicability, administrative enforcement, penal provisions) in Chapters 1, 11, 12 and 13
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 4
 - Chapters 7 and 8 (Provision of PRF and delivery of waste to PRF)

MARPOL Annex V in Finnish legislation

- Act on Environmental Protection in Maritime Transport
 - Chapter 6
 - Chapters 9 and 10 (Provision of PRF and delivery of waste to PRF)
 - General provisions (definitions, applicability, administrative enforcement, penal provisions) in Chapters 1, 11, 12 and 13
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 5
 - Chapters 7 and 8 (Provision of PRF and delivery of waste to PRF)

MARPOL Annex VI in Finnish legislation

- Act on Environmental Protection in Maritime Transport
 - Chapter 7 (Prevention of air pollution from ships)
 - Chapter 7a (Ship energy efficiency)
 - Chapters 9 and 10 (Provision of PRF and delivery of waste to PRF)
 - General provisions (definitions, applicability, administrative enforcement, penal provisions) in Chapters 1, 11, 12 and 13
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 6
 - Chapters 7 and 8 (Provision of PRF and delivery of waste to PRF)

Port reception facilities in Finnish legislation

- Preconditions from MARPOL, EU PRF Directive and HELCOM Recommendations
- Act on Environmental Protection in Maritime Transport
 - Chapter 9 – Sections 1–4: Provision of PRF, Section 5–7: Waste management plan and process for its approval, Section 8: Avoidance of undue delay, Section 9: Reporting, Section 10: Reporting on Passively Fished Waste, Section 11: Further Provisions
 - Chapter 10 – Section 1: Obligation to deliver waste, Section 2: Pre-notification, Section 3: Waste receipt, Section 4: Waste fees, Section 5: Exemptions, Section 6: Further provisions
- Governmental Decree on Environmental Protection in Maritime Transport
 - Chapter 7: More detailed provisions on the PRF (mobile/fixed; Section 1), elements to be included in the waste management plan (Section 2)
 - Chapter 8: More detailed provisions on exception from small amounts of waste (Section 1), level of fees depending on the hazardous nature of waste (Section 2) and Criteria for discounts on fees charged from ships (Section 3)



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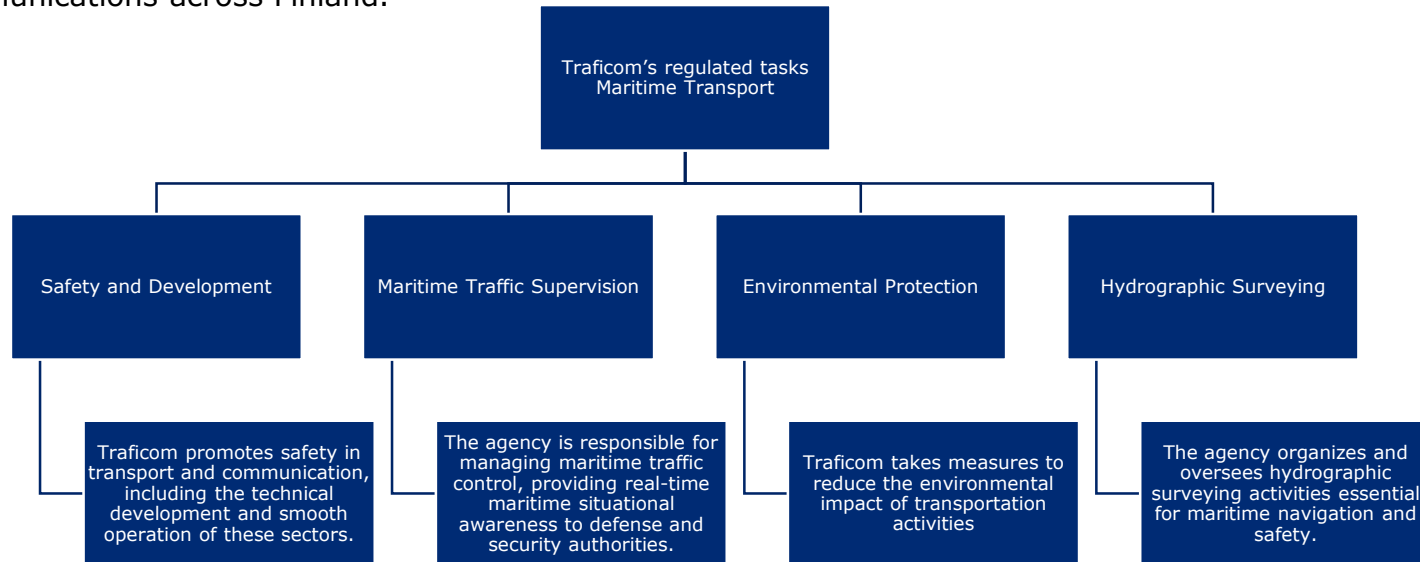
Finnish Transport and Communications Agency

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Review of policies for the
implementation and enforcement of
MARPOL

Traficom's regulatory and administrative tasks

- ▶ The Act on the Transport and Communications Agency (2018/935) establishes the Finnish Transport and Communications Agency (Traficom) as a central administrative agency operating under the Ministry of Transport and Communications.
- ▶ Traficom is responsible for managing regulatory and administrative tasks related to transport and electronic communications across Finland.



Supervisory duties

Under the Act on Maritime Environmental Protection (2009/1672) Traficom supervises compliance with it, and the regulations and provisions issued under it to the extent that they pertain to:

- the vessel and its structure, incl. cargo;
- the fuel of the vessel and its quality;
- emissions from the vessel into the air and water;
- harmful anti-fouling systems used for protecting the vessel;
- the equipment of the vessel;
- the operation of the vessel;
- the vessel's certificates and other documents;
- the reporting obligations of the vessel's master and other crew members;
- the obligation of vessels within the scope of the Directive (2002/59/EC) to deliver waste from the vessel to the port and submit advance notifications of the waste; and
- the treatment and exchange of the vessel's ballast water and sediments.

Oversight

Maritime Inspections and Surveys – unit (Traficom)

- 21 inspectors: Oulu, Vaasa, Maarianhamina, Turku, Helsinki, Kotka, Lappeenranta
- Entire country as area
- Common work description: including PSC, FSI, PRF, surveys, audits and others
- Similar recruitment process and training programme

Policies for the implementation and enforcement

- ▶ Internal instructions for port State and flag State activities:
 - ▶ Issuance of certificates (2 guidances)
 - ▶ Plan approval (existing ships, new ships)
 - ▶ Issuance of certificates for ships carrying dangerous goods
 - ▶ Issuance of technical and environmental exemptions (2 guidances)
 - ▶ Measuring devices and their calibration
 - ▶ MARPOL Annex II inspections
 - ▶ Inspections for environment related requirements
 - ▶ Inspection requirements for sulphur inspections
 - ▶ Fuel oil sampling
 - ▶ Tripartite agreements (IBC, IMSBC)
- ▶ Surveys and certification are managed in the Purkki-system
- ▶ Exemptions are issued either from the Purkki- or Portti-system. Model forms included.
- ▶ Agreement with Recognized Organizations (Guidance for ROs, regular meetings, auditing process).

Internal instructions are located in the IMS-system

Derogations and exemptions

- ▶ The granting/derogation process is conducted according to internal guidelines on environmental supervision and inspection, located in the IMS quality management system.
 - ▶ Instructions for issuance of technical and environmental exemptions
 - ▶ Instructions to officer on duty for issuance of exemptions

Situational and temporary exemptions granted by Traficom include:

1. Fault reports regarding Exhaust Gas Cleaning Systems and ballast water management systems
 2. Exemptions under Regulation 13 of Annex II of MARPOL, such as pre-washing and ventilation of cargo tanks
 3. Exemptions under Regulation 13 of Annex VI of MARPOL on NOx control requirements;
 4. Exemption from the obligation to deliver ship-generated waste and cargo residues and the related reporting obligation
- ▶ Additionally, a list of inspections carried out by Traficom inspectors on Finnish and foreign vessels to prevent marine pollution. The inspector must verify that the set requirements under MARPOL are met.

Thank you

TRAFICOM

Finnish Transport and Communications Agency

International Convention for the Prevention of Pollution from Ships (MARPOL) National implementation

IMSAS audit 2024, Finland

Heli Haapasaari/Patrick Lundqvist
The Finnish Border Guard

National resources

- For detection of the MARPOL offences at sea the FBG operates two aircraft equipped with SLAR, IR/UV scanner, FLIR etc. to allow surveillance and documentation of maritime spills also in darkness and in bad visibility. FBG helicopters observe also the ship source pollution when patrolling over the sea area.
- European wide satellite service for oil spill detection (the CleanSeaNet) offers radar satellite imagery several times per week. Verification activities of the possible oil spill detections are carried out by Coast Guard Command Centres that dispatch aerial surveillance or a ship to verify the potential oil spills.
- FBG personnel involved in MARPOL surveillance and investigations of possible MARPOL offences:
 - Management 4 persons
 - Support Staff 45 person

Fuctions and tasks

- The FBG carries out the surveillance at sea and Traficom at the ports
- The Port State Control officers as well as MARPOL Inspectors carry out inspections in ports
- The criminal investigators of the FBG investigate the alleged MARPOL offences
- The Finnish Environment Institute estimates the environmental consequences of the marine discharges
- FBG reports the oil spills over 50m³ to Traficom which reports to IMO

Criminal investigations and consequences

- FBG carries out investigations for posing a possible administrative fees for illegal oil discharges approximately 3-10 / year
- All issued oil discharge fees are reported to Traficom (when discharger is a foreign flag ship, a flag state report is made)
- The administrative fees are implemented on all water- vessels (incl. leisure)
- Minor oil discharges -> minor offence = day fines or warnings
- Other substances (0-3 investigations / year) -> pre-trial investigations -> prosecutor