

**Translation from Finnish
Legally binding only in Finnish and Swedish
Ministry of Transport and Communications**

**Act on Transport Services
(320/2017; amendments up to 731/2018 included)**

**PART I
GENERAL**

**Chapter 1
General provisions**

**Section 1 (301/2018)
Scope of application**

This Act applies to transport services, to related personal licences and to a transport register.

This Act applies to a service provider which has an establishment in Finland or is otherwise within the jurisdiction of Finland. The Act further applies to a transport services provider which operates a service with a start or end point in Finland or a service which includes transit through Finland.

**Section 2 (301/2018)
Definitions**

For the purposes of this Act:

- 1) *passengers and goods transport services* mean commercial transport of passengers or goods;
- 2) *brokering and dispatch services* mean brokering and dispatch of transport services in return for remuneration, excluding a service where only the service provider's own transport services are brokered or dispatched as well as travel packages or combined travel arrangements falling within the scope of the Act on Travel Service Combinations (901/2017);
- 3) *transport services* mean a public or private service or a combination of services related to transport that is offered for the general public or for private use;
- 4) *mobility services* mean transport services and brokering and dispatch services, data services, parking services and other support services directly related to these;
- 5) *integrated mobility services* mean formation of travel chains and other service packages in return for remuneration by combining the mobility services offered by different service providers, excluding travel packages or combined travel arrangements falling within the scope of the Act on Travel Service Combinations;
- 6) *EEA member state* means a state belonging to the European Economic Area;
- 7) *personal licence* means a personal licence, competence, proficiency, rating, qualification, right to operate a means of transport and an approval granted to a natural person which can be verified by a licence, certificate of competency, certificate of proficiency, endorsement or a certificate of recognition or by a corresponding electronic or paper document;
- 8) *operator's licence* means an operating licence or other similar approval which gives the right to engage in principally professional activities subject to licence;
- 9) *document* means an electronic or a paper document.
- 10) *traffic control and management service* refers to control, management and verification of road, railway, air and vessel traffic; it is characteristic of the service that it interacts with traffic and adapts to changing traffic situations. (579/2018)

Subsection 10 added by the Act of 579/2018 will enter into force on 1 January 2019.

PART II TRANSPORT MARKET

Chapter 1 Road transport operation subject to licence

Section 1 Road transport of passengers and goods

A licence is required for road transport of passengers or goods for remuneration and for the purpose of gaining income (*commercial road transport*). An authorisation referred to in Regulation (EC) No 1071/2009 of the European Parliament and of the Council establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC, hereinafter the *EU Road Transport Operator Regulation*, is required for: (301/2018)

- 1) commercial transport of passengers by road using a vehicle referred to in the Vehicles Act as a bus or coach (*passenger transport licence*); or
- 2) commercial transport of goods by road using a vehicle or a combination of vehicles, the maximum permissible loaded mass of which exceeds 3,500 kilograms (goods transport licence).

However, no passenger transport licence is required to:

- 1) provide passenger transport services internally for a corporate group, a similar undertaking, or a public corporation using vehicles in their possession; or
- 2) transport passengers as part of a municipality's or other public corporation's social and health care services in return for a customer charge provided by law and using a vehicle in possession of the service.

However, a person with no goods transport licence is allowed to transport goods in Finland by tractor with a maximum authorised speed of 60 kilometres per hour. A person with a passenger transport licence may also transport goods by bus. Additionally, goods transport operations in Finland that have a minor impact on the transport market because of the nature of the goods carried or the short distances involved may be exempt from the licensing requirement by a government decree.

Section 2 Taxi services

A taxi transport licence or a passenger or goods transport licence referred to in section 1 is required for commercial road transport of passengers by a passenger car, van, lorry, tricycle, light quadricycle or a quadricycle (*taxi services*) referred to in the Vehicles Act (1090/2002). A passenger or goods transport licence holder shall submit a notification to the Finnish Transport Safety Agency on operating taxi services. (301/2018)

However, no taxi transport licence is required to:

- 1) provide passenger transport services internally for a corporate group or a similar undertaking, or a public corporation using vehicles in their possession, or
- 2) transport passengers as part of a municipality's or other public corporation's social and health care services in return for a customer charge provided by law and using a passenger car in possession of the service.

Section 3

Granting of passenger and goods transport licences

The Finnish Transport Safety Agency shall grant upon application a passenger transport licence and a goods transport licence to a natural person:

- 1) who is of age, whose competency has not been restricted under section 18 of the Guardianship Services Act (442/1999), and who does not have a guardian appointed to him or her under section 8, subsection 1 of this Act;
- 2) who meets the requirements set for pursuing the occupation of a road transport operator in Articles 4 and 6–8 of the EU Road Transport Operator Regulation;
- 3) where he or she, or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act (746/2012), has not been declared bankrupt while they have been operating in a sector where a passenger transport, taxi or goods transport licence is required over the last two years;
- 4) who has not neglected his or her obligations related to his or her taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs, or other debts subject to enforcement proceedings that are not minor in view of his or her ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;
- 5) on whom a ban or a temporary ban on business activities has not been imposed;
- 6) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;
- 7) unless previous conduct by the applicant as referred to in paragraphs 2 - 6 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

The Finnish Transport Safety Agency shall grant upon application a passenger transport licence and a goods transport licence to a legal person:

- 1) who meets the requirements listed in Articles 4 and 6–8 of the EU Road Transport Operator Regulation for pursuing the occupation of road transport operator and for professional competence;
- 2) where this person, or an organisational person referred to in section 2 of the Act on the Grey Economy Information Unit (1207/2010), or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act, has not been declared bankrupt while they have been operating in a sector where a passenger transport, taxi, or goods transport licence is required in the last two years;
- 3) who has not neglected his or her obligations related to taxes, statutory pension, accident or unemployment insurance payments or fees charged by Finnish Customs nor other debts subject to enforcement proceedings that are not minor in view of the applicant's ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;
- 4) whose managing director or general partner has not had a ban on business operations or a temporary ban on business operations imposed on them;
- 5) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;
- 6) unless previous conduct by the applicant as referred to in paragraphs 2–5 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

In addition to the provisions laid down in subsections 1 and 2, a requirement for granting a passenger and goods transport licence is that the person designated as responsible for transport services by the licence applicant satisfies the requirements laid down in articles 4, 6 and 8 of the EU Road Transport Operator Regulation as well as the conditions specified in subsection 1, paragraph 5 of this section. The managing director and general partners of the undertaking applying for the licence shall also be of good repute as referred to in section 6. (301/2018)

The Finnish Transport Safety Agency will grant a driver attestation referred to in article 5 of Regulation (EC) No 1072/2009 of the European Parliament and of the Council on common rules for access to the international road haulage market (EU Road Haulage Regulation). (301/2018)

A licence for the transport of passengers or goods granted by a competent authority in Åland also includes the right to this type of transport between Åland and mainland Finland.

Section 4 **Granting of taxi licences**

The Finnish Transport Safety Agency shall grant upon application a taxi licence to a natural person :

- 1) who is of age, whose competency has not been restricted under section 18 of the Guardianship Services Act, and who does not have a guardian appointed to him or her under section 8, subsection 1 of the same Act;
- 2) who is of good repute as referred to in section 6;
- 3) whose licence referred to in this Act has not been withdrawn under Part VI, chapter 1, section 2 paragraph 2 of this Act in the last year;
- 4) where this person, or an entity in which he or she has control as referred to in chapter 2, section 4 of the Securities Market Act, has not been declared bankrupt while they have been operating in a sector where a passenger, taxi or goods transport licence is required over the last two years;
- 5) who has not neglected his or her obligations related to his or her taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs, or other debts subject to enforcement proceedings that are not minor in view of his or her ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;
- 6) on whom a ban or a temporary ban on business activities has not been imposed;
- 7) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds; and
- 8) unless previous conduct by the applicant as referred to in paragraphs 3–7 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

The Finnish Transport Safety Agency shall grant upon application a taxi licence to a legal person:

- 1) who is of good repute as referred to in section 7;
- 2) whose transport licence has not been withdrawn under Part VI, chapter 1, section 2, subsection 2 in the last year;
- 3) where this person, or an organisational person referred to in section 2 of the Act on the Grey Economy Information Unit, or an entity in which the person has control as referred to in chapter 2, section 4 of the Securities Market Act (746/2012), has not been declared bankrupt while they have been operating in a sector where a passenger, taxi, or goods transport licence is required over the last two years;
- 4) who has not neglected his or her obligations related to taxes, statutory pension, accident or unemployment insurance payments or fees charged by the Finnish Customs nor other debts subject to enforcement proceedings that are not minor in view of the applicant's ability to pay, nor debts that have been returned from the enforcement authorities with a certificate of lack of means;
- 5) whose managing director or general partner has not had a ban on business operations or a temporary ban on business operations imposed on them;
- 6) who has not been sentenced over the past two years by a final court decision for having intentionally or through gross negligence failed to pay employment-based payments that are certain in amount and grounds;

7) unless previous conduct by the applicant as referred to in paragraphs 2–6 or directly comparable conduct indicates that the applicant is manifestly unfit to pursue the activities subject to licence that are referred to in this Act.

In addition to what is provided in subsections 1 and 2, a taxi licence can only be granted if the licence applicant has an effective and stable establishment in Finland, and the person appointed responsible for transport services by the licence applicant is of good repute as referred to in section 6. The managing director and general partners of the undertaking that applies for the licence shall also be of good repute as referred to section 6.

A taxi licence issued by a competent authority in Åland also gives the right to provide taxi or vehicle-for-hire services between Åland and mainland Finland.

Section 5

Transport manager

The holder of a taxi, passenger, or goods transport licence shall have a transport manager who effectively and continuously manages the company's business activities and represents the company, unless otherwise provided in the EU Road Transport Operator Regulation. In a group or a similar undertaking, the same person may be appointed as the transport manager for several legal persons.

Section 6

Good repute of a natural person

Unless otherwise provided in article 6 of the EU Road Transport Operator Regulation, a person responsible for transport services or a licence applicant or holder who is a natural person is not of good repute if: (301/2018)

- 1) he or she has been sentenced over the last two years for at minimum four infringements of provisions on employment relationships or wage payment, accounting, taxation, extortion, transport operation, road or vehicle safety, environmental protection or other professional responsibility, or infringements of the provisions referred to in Article 6(1)(b) of the EU Road Transport Operator Regulation;
- 2) he or she has incurred a penalty other than imprisonment or a fine in the last year for at minimum four serious infringements referred to in Article 6(1) of the EU Transport Operator Regulation; or
- 3) he or she has been sentenced over the past two years to imprisonment for an infringement referred to in paragraph 1 or 2, or a fine or another sanction has been imposed on him or her for at minimum four infringements referred to in paragraph 1 or 2. (301/2018)

A person responsible for transport services and a licence applicant or holder who is a natural person shall, however, be deemed to be of good repute if the infringements referred to in subsection 1 do not indicate that he or she is manifestly unfit to operate vehicles in commercial transport. The following may indicate manifest unfitness:

A transport manager and a licence applicant or holder who is a natural person shall, however, be deemed to be of good repute if the infringements referred to in subsection 1 do not indicate that he or she is manifestly unfit to operate vehicles in commercial transport. The following may indicate manifest unfitness:

- 1) a large number of infringements;
- 2) the seriousness of an infringement;
- 3) the premeditated nature of an infringement;
- 4) if the infringement targeted an object to be transported or an authority;
- 5) if the infringement was committed while providing commercial transport services;
- 6) if the infringement had the effect of undermining road safety;

- 7) if the infringement otherwise shows indifference to personal or road safety; or
- 8) if the infringement is one of the most serious infringements of the Community rules referred to in Annex IV of the EU Road Transport Operator Regulation or a serious infringement referred to in the list adopted by the European Commission under article 6(2)(b) of this Regulation. (301/2018)

The Road Traffic Act of 267/1981 has been repealed by the Act of 729/2018 that will enter into force on 1 June 2020, see sections 65-69 of the Road Traffic Act of 729/2018.

Section 7

Good repute of a legal person

A legal person who is an applicant for or a holder of a taxi licence, a passenger transport licence or a goods transport licence is not of good repute if:

- 1) the undertaking has been sentenced to pay a corporate fine in the last year; or
- 2) the undertaking's managing director or general partner does not fulfil the requirement of good repute laid down in section 6.

A legal person shall be deemed to be of good repute, however, if the infringement for which the sentence referred to in subsection 1, paragraph 1 was given does not indicate that the applicant is manifestly unfit to operate vehicles in commercial transport as referred to in section 6, subsection 2.

Section 8

Period of validity of the licence

Taxi, passenger and goods transport licences shall be valid for 10 years from their date of issue.

Section 9

Changes to or renewal of a licence

A taxi, passenger and goods transport licence can be modified or the licence can be renewed by submitting an application to the Finnish Transport Safety Agency. The provisions on the issuing of a licence shall also apply to renewing a licence. When changing a licence, the conditions for issuing a licence provided in subsections 3–7 shall be taken into account insofar as they may have a bearing on changes made to the licence.

If an application for the renewal of a licence was submitted at the latest one month before the last day of validity of the licence, the provision of transport services may be continued under the licence to be renewed until a decision has been made on the matter. (301/2018)

A licence holder shall immediately notify the Finnish Transport Safety Agency of any changes to the conditions that apply to the granting of the licence.

Section 10

Entitlement of an estate to continue transport operations

If a natural person who is the holder of a taxi, passenger or goods transport licence dies, his or her estate may continue transport operations for at most six months following the date of death if it, within three months of that date, notifies the Finnish Transport Safety Agency of a transport manager who fulfils the conditions provided in this Act.

Section 11

Undertakings classed as posing an increased risk

The holder of a passenger or goods transport licence shall be considered an undertaking posing an increased risk as referred to in Article 12 of the EU Road Transport Operator Regulation if the licence holder has been sentenced to criminal sanctions or has incurred penalties for offences or infringements referred to in section 6, subsection 1 or section 7, subsection 1 and the number of these offences or infringements equals the number stated in the said legal provisions. A passenger transport or goods transport licence holder shall also be considered an undertaking posing an increased risk, if its transport manager, managing director or general partner has been sentenced to criminal sanctions, or if its transport manager, managing director or general partner has incurred penalties for offences or infringements referred to in section 6, subsection 1 and the number of these offences or infringements equals the number stated in the said legal provision.

A holder of a passenger and goods transport licence ceases to be an undertaking posing an increased risk if the undertaking or its transport manager, managing director and general partner has not, in the last year, been sentenced for new offences or infringements, or if the total number of offences and infringements has declined to a level lower than the figure laid down in section 6, subsection 1 or section 7, subsection 1.

Section 12

Goods transport customer's obligation to verify

In this section, goods transport customer refers to a trader who is the customer ordering the transport and who, under section 3, subsection 1 of the Trade Register Act (129/1979), has the duty to file a basic notification to the trade register, as well as to the central government, a local government, a joint municipal authority, the region of Åland, a municipality and a joint municipal authority in the Åland Islands, a parish, a federation of parishes, other religious community, other legal person under public law and a corresponding foreign actor.

Before arranging transport, the goods transport customers or their representatives shall verify that:

1) the transport operator has the necessary licence or the right to provide transport as cabotage operations under the EU Road Haulage Regulation; and (301/2018)

2) the transport operator is entered in the VAT register referred to in the Value Added Tax Act (1501/1993) if they have the duty to do so with regard to the transaction in question.

A contract may not be concluded unless the conditions laid down in subsection 2 are fulfilled. Neither may a contract be concluded if the transport customer knows or if they should know that the other party to the contract does not intend to meet their statutory obligations as an employer.

The checks referred to in subsection 2 above need not be carried out if:

1) the contracting party is the central government, a local government, a joint municipal authority, the region of Åland, a municipality or a joint municipal authority in the Åland Islands, a parish, a federation of parishes, the Social Insurance Institution or the Bank of Finland;

2) less than three months have elapsed since a similar check for the same contracting party was previously carried out; or

3) the contractual relationship between the customer and the contracting party may be regarded as established as a result of transport services provided earlier during the current year, in which case the checks shall be carried out once every calendar year.

The customer or their representative are also exempted from the duty to carry out the check referred to in subsection 2 if the agreed price of transport is less than EUR 500 excluding VAT in transport contracts

concluded within three months, or if the remuneration for a subcontracting agreement on transport within Finland in compliance with section 1, subsection 3 is at most EUR 10,000 excluding VAT.

Section 13

Brokering and dispatch service providers' obligation to verify and notify

A brokering and dispatch service provider shall ensure that the transport operator has the necessary taxi, passenger, or goods transport licence.

The brokering and dispatch service provider or its representative located in Finland shall notify the Finnish Transport Safety Agency by the end of January each year of the total sum of remuneration known to it that the providers of passenger and goods transport services have received for goods and passenger transport services brokered by it, unless the authorities can access this data provided in a comparable notification submitted to the Finnish Tax Administration.

Section 14

Obligation to register

A service provider supplying commercial road transport services of goods with a vehicle or combination of vehicles the maximum permissible laden mass of which exceeds 2,000 kilogrammes but not 3,500 kilogrammes shall be registered with the Finnish Transport Safety Agency. However, the obligation to register shall not apply if, pursuant to section 1, subsection 3, no licence is required for the operation in question.

Section 15

Vehicles used in transport services

A taxi licence and a passenger and goods transport licence holder as well as a service provider referred to in section 14 shall see to it that any vehicle it uses in transport services is entered in the transport register referred to in part V, chapter 1, section 1 of this Act and that its intended use is listed as being subject to licence. (301/2018)

The provisions in subsection 1 shall not apply to transport with a replacement vehicle due to a short-term, temporary breakage of the registered vehicle.

Chapter 2

International road transport (301/2018)

Section 1 (301/2018)

Definitions for international road transport

For the purposes of this chapter:

- 1) *transport licence for international operations* means a licence under which a lorry or heavy trailer registered abroad may be operated in Finland, a lorry or heavy trailer registered in Finland may be operated abroad or under which a bus and coach may be used in operating international passenger transport between Finland and another state;
- 2) *international combined transport* means transport of goods between states belonging to the European Economic Area pursuant to Council Directive 92/106/EEC on the establishment of common rules for certain types of combined transport of goods between Member States, where goods are transported on a lorry, trailer, semi-trailer, with or without tractor unit, swap body or container of 20 feet or more partly by road and partly by ship or rail so that the transport by ship or rail exceeds 100 km as the crow flies and the road transport takes place:

- a) between the point where the goods are loaded and the nearest suitable rail loading station;
- b) between the nearest suitable rail unloading station and the point where the goods are unloaded; or
- c) within a radius not exceeding 150 km as the crow flies from the inland waterway port or seaport of loading or unloading.

Section 2

Granting of transport licences required in Finland

The Finnish Transport Safety Agency shall grant a transport licence for international operations to an applicant who provides transport services using a truck and a combination of vehicles consisting of a truck and a trailer the laden mass of which exceeds 3,500 kilograms registered outside Finland, or registered in Finland but leased for operation outside Finland, as required under international conventions or obligations that are binding to Finland, or European Union legislation.

By virtue of a reciprocity provision included in an international obligation and convention that binds Finland, the Ministry of Transport and Communications may agree to minor exceptions to the licence arrangements.

In individual cases, the Finnish Transport Safety Agency may, for a compelling reason, allow a transport operation that is not compliant with an international convention.

Section 3 (301/2018)

Granting of transport licences required for operations outside Finland

An applicant for a transport licence for international operations required for operations outside Finland and an applicant for a licence for passenger transport services along a cross-border route under a bilateral agreement shall provide in the licence application any information requested by the Finnish Transport Safety Agency which is necessary for processing the application.

If, due to the small number of licences, a transport licence for international operations can only be granted to some of the applicants, a licence shall be issued to the applicant in whose operations the transport authorisation contained in the licence applied for will be utilised the most efficiently. If, due to the small number of licences, a licence for passenger transport services along cross-border routes under bilateral agreements can only be granted to some of the applicants, a licence shall be issued to the applicants who applied for it first.

Section 4

Return of a transport licence

A transport licence holder has the duty to return to the licensing authorities without delay a transport licence referred to in section 2 or 3 that will be or has been left unused. The licensing authority may demand that the transport licence be returned if the licence holder is not using it and does not start using it within a reasonable delay set by the licensing authority.

Section 5 (301/2018)

Rights related to international combined transport

All hauliers established in EEA member states which meet the conditions of access to the occupation of road haulage operator and of access to the market for transport of goods between Member States shall have the right to carry out road haulage legs which form an integral part of the international combined transport even when they include the crossing of a border between Finland and an EEA member state.

Section 6 (301/2018)

Conditions for carrying out international combined transport

In the case of combined transport for hire or reward, a transport document shall, in addition to what is provided elsewhere in the law, specify the rail loading and unloading stations relating to the rail leg, the inland waterway loading and unloading ports relating to the inland waterway leg, and the maritime loading and unloading ports relating to the maritime section of the journey. These details shall be recorded before the transport operation is carried out and shall be confirmed by means of a stamp affixed by the rail or port authorities or in an equivalent manner when that part of the journey carried out by rail or inland waterway or by sea has been completed.

Where a trailer or semi-trailer belonging to an undertaking engaged in own-account transport is hauled on a final section by a tractor belonging to an undertaking engaged in transport for hire or reward, the transport operation so effected shall be exempt from presentation of the document provided for in subsection 1; however, another document shall be provided giving evidence of the journey covered or to be covered by rail, by inland waterway or by sea.

Where, as part of an international combined transport operation, the dispatching undertaking carries out the initial road haulage leg for its own account as provided in the First Council Directive 31962L2005 on the establishment of common rules for certain types of carriage of goods by road (carriage of goods by road for hire or reward), the recipient of goods may, notwithstanding the definition given in the said Directive, carry out for its own account the final road haulage leg to transport the goods to their destination using a tractor at its possession, even though the trailer or semi-trailer used in transport is registered or hired by the undertaking which dispatched the goods.

The initial road haulage leg in an international combined transport operation which the dispatcher carries out using a tractor at its possession, whereas the trailer or semi-trailer is registered or hired by the recipient of goods, shall also, notwithstanding the Directive referred to in subsection 3, be considered an own-account carriage operation if the final road haulage leg is carried out for its own account in accordance with the Directive by the recipient undertaking.

Chapter 3

Requirements for drivers in road transport (301/2018)

Section 1

Requirements for taxi drivers

A natural person serving as a driver in taxi services (taxi driver) shall have a taxi driving licence. (301/2018)

The Finnish Transport Safety Agency shall grant upon application a taxi driving licence to a natural person:

- 1) who has a valid right to drive, however at least a category B right to drive obtained one year previously; in addition to a driving licence issued in Finland, a driving licence issued in another European Union Member State or a European Economic Area state that is recognised in Finland is accepted as granting a right to drive a vehicle;
- 2) who meets the health requirements that apply to a Group 2 driving licence permit as provided in section 18 of the Driving Licence Act (386/2011);
- 3) who has passed the taxi driver's examination organised by the Finnish Transport Safety Agency; in addition to each taxi service provider's duty to see to and ensure that the driver has the required skills and knowledge as referred to in Part III, chapter 1, section 2, the purpose of the taxi driver's examination is, at the time the licence is applied for, to prove that the driver is able to look after passenger safety regardless

of the vehicle in use and take any restrictions to the passenger's functional capacity into account, and has the necessary knowledge of the primary operating area.

However, the Finnish Transport Safety Agency shall not grant a taxi driving licence to a person who, as indicated by his or her criminal record, has over the five years prior to applying for a taxi driving licence has been sentenced for the following offences:

- 1) a sexually offensive act referred to in chapter 17, section 18, 18a or 19; a sex offence referred to in chapter 20; homicide and bodily injury referred to in chapter 21, sections 1—3, or section 6; human trafficking referred to in chapter 25, section 3; aggravated human trafficking referred to in section 3 a; aggravated robbery as referred to in chapter 31, section 2; or a narcotics offence referred to in chapter 50 of the Criminal Code (39/1889);
- 2) homicide and bodily injury referred to in chapter 21, sections 4, 5, 6a or sections 7—15; theft, embezzlement and unauthorised use of property referred to in chapter 28, sections 1—9, 11 and 12; robbery referred to in chapter 31; or receiving or money laundry offences referred to in chapter 32, sections 1—10 of the Criminal Code;
- 3) causing an aggravated hazard to traffic referred to in section 2; driving while intoxicated referred to in section 3; driving while seriously intoxicated referred to in section 4; or operation of a vehicle without a licence referred to in section 10 of chapter 23 of the Criminal Code; or
- 4) an offence similar to offences referred to in paragraphs 1—3, on which a court decision has been entered in the applicant's criminal record pursuant to section 2, subsection 2 of the Criminal Records Act (770/1993).

The Finnish Transport Safety Authority shall also not grant a taxi driving licence to a person who has, according to the register of fines, been found guilty of:

- 1) an offence referred to in subsection 3, paragraph 3 above; or
- 2) an offence referred to in subsection 3, paragraphs 1, 2, or 4 above if the offence shows that he or she is manifestly unfit to act as a taxi driver.

The Finnish Transport Safety Agency may provide more detailed orders on the requirements for the taxi driving licence examination referred to in subsection 2, paragraph 3.

Nevertheless, a driver is not required to have a taxi driver licence if transport is included in a service package offered by a home or travel service company and is carried out using a vehicle in the possession of the service company. (539/2018)

Section 2 (301/2018)

Validity and renewal of taxi driving licences

A taxi driving licence is valid for five years from its date of issue. However, after a taxi driver has reached the age of 68, the licence is valid for two years from its date of issue.

A taxi driving licence can be renewed by submitting an application to the Finnish Transport Safety Agency. The provisions on the issue of driving licences laid down in section 1, subsection 2, paragraphs 1 and 2, and in subsections 3 and 4 also apply to the renewal of driving licences. If the person applying for the renewal of a licence has committed an infringement referred to in section 1(3) during the validity of the licence, the licence can, however, be renewed if non-renewal can be regarded as unreasonable, considering the punishments or administrative sanctions already imposed for the infringement.

Section 3 (301/2018)

Requirements for lorry, bus and coach drivers

A natural person acting as a driver of a lorry, bus and coach as well as of a combination of vehicles consisting of these and of a vehicle to be towed in road transport of passengers and goods shall have professional qualification for road transport and meet the requirements regarding the minimum age. If a driving licence entitling to operate a lorry is required from a tractor driver, he or she must meet the requirements of professional qualification laid down in this chapter. Professional qualification is also required from the citizen of another EEA member state and from the citizen of another state who is in an employment relationship with a company established in an EEA member state or who is used as a driver by a company established in an EEA member state.

A driver who has acquired the professional qualification of a lorry or a bus and coach driver may operate lorries or buses and coaches and combinations of vehicles consisting of these in the category for which the driver has the right to drive.

However, the driver does not need to have professional qualification if:

- 1) the vehicle has a maximum design speed not exceeding 45 kilometres per hour;
- 2) the vehicle is used by the Police, Rescue Services or by an educational institution responsible for training in the field of rescue services, first aid services, Defence Forces, Customs or Border Guard for transport operations related to their duties;
- 3) the vehicle is being test-driven or transferred in connection with repair, maintenance or inspection, transferred in a depot area in connection with washing, cleaning or refuelling, test-driven for the purpose of improving the vehicle technically, or a new or modified vehicle is test-driven before its approval for transport;
- 4) the vehicle is used in an urgent emergency situation for rescue purposes on the basis of an order by the Police, Rescue Services, Customs or Border Guard;
- 5) the vehicle is used in driving instruction for the purpose of obtaining a driving licence or initial qualification or periodic training referred to in this Act;
- 6) the vehicle is used privately for purposes other than commercial transport of goods;
- 7) a bus operated under a driving licence of category D1, designed and manufactured for the carriage of no more than 16 persons in addition to the driver, is used privately for purposes other than commercial transport of passengers to transport a maximum of three persons who live in the same household with the driver and the bus is owned by the driver or by a person living in the same household with him or her, or another bus is used privately for purposes other than commercial transport of passengers to transport persons living in the same household with the driver and the bus is owned by one of them; or
- 8) the vehicle is used to transport materials or equipment that the driver uses in his or her work, provided that operating the vehicle is not his or her main task, or the vehicle is used on a small scale to transport products owned by the driver that the driver sells at a certain location, provided that operating the vehicle is not his or her main task.

Section 4 (301/2018)

Professional qualification of lorry, bus and coach drivers

The initial qualification of lorry, bus and coach drivers must be acquired pursuant to this Act if the driver's permanent place of residence referred to in Directive 2006/126/EC of the European Parliament and of the Council on driving licences is in Finland. The driver referred to above in section 3(1), who is a citizen of another state and is in an employment relationship with an undertaking established in an EEA member state or who is used as a driver by an undertaking established in an EEA member state, shall achieve initial qualification in accordance with this Act if he or she works for a company established in Finland or if he or she has been granted an employment permit in Finland.

Professional qualification is obtained by completing the initial qualification training specified in this chapter.

Training can also be completed as accelerated initial training. The training shall include a theoretical test. Professional qualification achieved through initial qualification training is acquired for five years and can be extended for five years at a time by means of periodic training.

The training referred to in article 16(1)(b) of Regulation (EU) No 181/2011 of the European Parliament and of the Council concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004, hereinafter *the EU Regulation on the Rights of Passengers in Bus and Coach Transport*, which applies to personnel, including drivers, who deal directly with the travelling public, will also be implemented in connection with the completion of initial qualification of bus and coach drivers referred to in subsection 2 above.

Further provisions on the training referred to in this section may be issued by government decree.

Section 5 (301/2018)

Minimum age for lorry, bus and coach drivers

A natural person operating a lorry in category C and a combination of vehicles in category CE must have reached the age of 18 or, if the initial qualification has been acquired through accelerated initial qualification training, the age of 21. A person who has reached the age of 18 may operate a lorry in category C1 and a combination of vehicles in category C1E even where the initial qualification has been acquired through accelerated training.

A natural person operating a bus and coach in category D and a combination of vehicles in category DE must have reached the age of 21 or, if the initial qualification has been acquired through accelerated initial qualification training, the age of 23. A person who has reached the age of 21 may operate a bus and coach in category D1 and a combination of vehicles in category D1E.

By derogation from subsection 2, a bus and coach in category D and a combination of vehicles in category DE may be operated by a person who has reached the age of 21 in local transport on a regular route not exceeding 50 kilometres in length even where the initial qualification has been acquired through accelerated training.

A person who has reached the age of 18 may operate a bus and coach in category D1 or D, with the exception of the County of Åland, if he or she has the right to drive the vehicle to be operated and he or she has completed initial qualification training otherwise than as accelerated training in connection with vocational training referred to in article 3(1)(a) of Directive 2003/59/EC of the European Parliament and of the Council on the initial qualification and periodic training of drivers of certain road vehicles for the carriage of goods or passengers, amending Council Regulation (EEC) No 3820/85 and Council Directive 91/439/EEC and repealing Council Directive 76/914/EEC, hereinafter the *Road Transport Qualification Directive*. Provisions on restrictions for drivers under the age of 20 are laid down in subsection 5.

A driver referred to above in subsection 4 who has not reached the age of 20 may operate a bus and coach in category D only in local transport on a regular route not exceeding 50 kilometres in length or transfer a vehicle in category D without passengers.

Section 6 (301/2018)

Initial qualification training

Initial qualification training includes instruction on knowledge and skills required from drivers, on factors affecting traffic safety and the safety of drivers and transport operations as well as on good professional conduct when operating a vehicle and performing other driver duties. Subjects included in the training and their objectives are mentioned in section 1 of Annex I of the Road Transport Qualification Directive.

Subjects on the rights of passengers to be included in the initial qualification training are laid down in the list of subjects included in paragraph a of Annex II of the EU Regulation on the Rights of Passengers in Bus and Coach Transport.

The duration of initial qualification training is 280 hours, which must include at least 20 hours of driving instruction. The duration of accelerated initial qualification training is 140 hours, which must include at least 10 hours of driving instruction. If a person attending initial qualification training does not have the right to drive the vehicle used in driving instruction, provisions on the implementation of training for a driving licence in the corresponding category apply to the driving instruction.

If the professional qualification for transport of passengers or goods is to be extended to cover another form of transport, the person must also complete supplementary training in accordance with article 5(5) of the Road Transport Qualification Directive. The duration of supplementary training is 70 hours, which must include at least five hours of driving instruction. The duration of accelerated training is 35 hours, which must include at least three hours of driving instruction.

Further provisions on the content and implementation of instruction as well as provisions on the length of a lesson and on the crediting of previously acquired initial qualification or professional competence referred to in article 8 of the EU Road Transport Operator Regulation may be issued by government decree.

When training is provided in connection with vocational qualification education referred to in section 3 of the Act on Vocational Education and Training (531/2017), the qualification requirements set by the Finnish National Agency for Education shall be complied with. The qualification requirements take account of the requirements of the Road Transport Qualification Directive and of the government decree referred to in subsection 4.

Section 7 (301/2018)

Test for initial qualification training

A theoretical test to be taken at the end of initial qualification training includes at least one question with regard to each objective included in the list of subjects referred to in section 6(1).

A person who has passed the test will be awarded a certificate on the completion of initial qualification or on its completion through accelerated training. An entry on the completion of training may also be included in a certificate to be awarded for completing a qualification referred to in section 57 of the Act on Vocational Education and Training.

Further provisions on the test and its implementation may be issued by government decree.

Section 8 (301/2018)

Exceptions to the completion of initial qualification in connection with vocational education and training

The test referred to in section 7 above may be taken in steps in initial qualification training which includes the completion of a qualification or competence module referred to in section 1 of the Act on Framework for Qualifications and Other Competence Modules (93/2017) in accordance with article 3(1)(a) of the Road Transport Qualification Directive concerning vocational training.

During the training referred to in subsection 1 above, a student may operate a vehicle or a combination of vehicles without professional qualification in Finland if:

- 1) he or she has the right to drive the vehicle or combination of vehicles he or she operates
- 2) he or she meets the requirements for minimum age;

3) he or she has an approval issued by a training centre approved for providing the training referred to in subsection 1 for operating a vehicle or a combination of vehicles for transport operations during training without qualification. Approval is verified by an approval document issued by the training centre.

The approval document may concern transport operations both during training and during vacation periods between training periods in Finland, with the exception of the County of Åland.

Further provisions on the approval and on acting as the driver may be issued by government decree.

Section 9 (301/2018)

Periodic training

For maintaining and updating or revalidating their professional qualification drivers must complete periodic training in subjects included in initial qualification training which are relevant for the drivers' duties. The periodic training must include instruction on safe, economical and environment-friendly driving. The Finnish Transport Safety Agency will confirm a training programme to be used in periodic training.

The amount of periodic training is 35 hours in periods of five years. A certificate shall be issued on the completion of periodic training. A certificate shall also be issued on a period of periodic training including at least seven hours of training.

Periodic training must be completed in accordance with this Act if the driver's permanent place of residence is in Finland or if he or she works in Finland.

Further provisions on the content and implementation of periodic training, on the time for completing it and on other related requirements are issued by government decree.

Section 10 (301/2018)

Training centres

Annex 1 of the Road Transport Qualification Directive shall be complied with in the approval of training centres providing initial qualification training and periodic training. The following may be approved as training centres on application:

- 1) a training provider holding an education licence referred to in section 22(1) of the Act on Vocational Education and Training;
- 2) a vocational training provider other than the one referred to in paragraph 1 or a training provider which has been granted a driving school licence by the Finnish Transport Safety Agency to provide driving instruction for obtaining a driving licence for a lorry or a bus and coach or combinations of vehicles consisting of these;
- 3) a unit providing driving instruction at the Defence Forces.

The Ministry of Education and Culture will approve the training centres referred to in subsection 1, paragraph 1 if the training is part of the vocational training provided at the training centres.

The Finnish Transport Safety Agency will approve the training centres referred to in subsection 1, paragraphs 2 and 3. Another company, foundation or corporation which, considering the nature and scope of training, meets adequate educational, professional and financial conditions for providing training may also be approved as a training centre for providing periodic training by the Finnish Transport Safety Agency.

The application must specify how the training centre and the training it provides fulfil the related requirements. The approval is issued for an indefinite period, but not exceeding the period the training provider is entitled to provide vocational training referred to in subsection 1, paragraph 1 or 2 or the period the driving school licence referred to in subsection 1, paragraph 2 is valid. If there are changes in the

information given to obtain approval, the training centre must forthwith inform the authority that approved the training centre about the changes.

Further provisions on the requirements applied to training centres and on the information to be included in applications may be issued by government decree.

Section 11 (301/2018)

Test examiners, teaching personnel and teaching equipment at training centres

A training centre shall have a teaching personnel adequate to the scope of its activities, a director responsible for teaching and appropriate teaching equipment and premises. The director responsible for teaching shall direct, monitor and develop teaching activities and training and be also otherwise effectively engaged in these duties.

A test examiner must possess the expertise and professional skills necessary for the duty.

A teacher must have teaching and pedagogical knowledge necessary for the teaching duty and sufficient expertise in the field. A teacher giving driving instruction and the director responsible for teaching must, in initial qualification training, have qualification to provide instruction for obtaining driving licences in the category corresponding to the vehicles used in instruction as well as experience from the field acquired as a driver or through driving instruction. The training centre shall be responsible for ensuring that the teaching personnel have teaching knowledge required for training activities as well as knowledge on the sector and the related legislation.

A person who is a student in training referred to in section 84(4) of the Act on Driving Licences (386/2011) may act as a teacher in initial qualification training if:

- 1) teaching is part of a training module for preparatory training for a specialist vocational driving instructor qualification which gives the right to act as a qualification trainer in the transport sector ;
- 2) he or she has a trainee driving instructor licence pursuant to section 91 of the Act on Driving Licences and he or she meets the other requirements relating to driving training.

The vehicles used in driving instruction must correspond to the professional qualification to be completed and fulfil the requirements of vehicles used in instruction for obtaining a driving licence.

Further provisions on the qualification requirements for the director responsible for teaching, test examiners and teachers, on the vehicles to be used and other teaching equipment may be issued by government decree.

Section 12 (301/2018)

Storage of training-related documents

A training centre shall store documents relating to the provision of periodic training and to persons who have completed periodic training for as long as certificates issued for periodic training can be used for applying for a qualification card or a qualification endorsement to be inserted into a driving licence. After this, the personal data on persons who have completed training shall be destroyed. Data may be disclosed to the party that issues qualification cards and driving licences for the purpose of processing applications.

Section 13 (301/2018)

Certification of professional qualification

Professional qualification will be certified by a driver's qualification card or by including a qualification endorsement in a driving licence. Information on professional qualification is included in the transport register referred to in part V, chapter 1, section 1.

The Finnish Transport Safety Agency shall, on application, issue a qualification card or include a qualification endorsement in a driving licence for a driver:

- 1) who has achieved initial qualification in accordance with this Act;
- 2) who has maintained his or her professional qualification in accordance with section 9 above;
- 3) who has a valid right to drive in Finland required for the qualification.

A qualification endorsement inserted into a qualification card or driving licence is valid for five years from the issue of a certificate on the completion of the test included in initial qualification training or of periodic training. An application for an endorsement to be inserted into the driving licence shall be filed with the Finnish Transport Safety Agency in accordance with the provisions on the application for a driving licence and driving licence permit in the Act on Driving Licences.

The driver shall have the document referred to in subsection 1 with him or her when driving and present it to the Police or another traffic controller upon request. The Police or Customs may suspend driving if the driver does not have the document with him or her and professional qualification cannot be verified otherwise in accordance with subsection 1. The driver may be permitted to continue driving if his or her identity can be proven in a reliable manner. The driver may be obligated to provide evidence of his or her qualification to the Police within a time limit.

Section 14 (301/2018)

Special provisions on the certification of qualification

A driver qualification card must comply with the model specified in Annex II of the Road Transport Qualification Directive.

Prior to the issue of a qualification card referred to in section 13, a temporary document certifying professional qualification may be given to the driver for a fixed period for a special reason. The temporary document will be accepted as a proof of professional qualification only in Finland, with the exception of the County of Åland.

The driver qualification card can be sent to the applicant by mail, in which case the provisions on the delivery of driving licences by mail laid down in the Act on Driving Licences and under it apply to the delivery.

Further provisions on the endorsements certifying qualification, on the issue of temporary documents and on the application procedure for qualification cards may be issued by government decree.

Section 15 (301/2018)

Recognition of documents certifying qualification issued by other EEA member states or the County of Åland

A person holding a document pursuant to section 13(1) which has been issued by another EEA member state than Finland or by the County of Åland may operate a lorry or a bus and coach in Finland. Provisions on mutual recognition of driving licences and their endorsements are laid down in the Act on Driving Licences.

Provisions on replacing a qualification card issued by an EEA member state other than Finland or by the County of Åland with a driver qualification card under this Act or with an endorsement inserted into a

driving licence in accordance with this Act are laid down by government decree. A citizen of another country referred to in section 3(1) above, who is in an employment relationship with a company established in another EEA member state or who is used as a driver by such company, may prove his or her professional qualification with a driver attestation under the EU Road Haulage Regulation issued by this EEA member state, provided that the EEA member state that has issued the attestation does not require the driver to have another document certifying qualification.

Chapter 4 (301/2018)

Social legislation relating to road transport and working time of self-employed drivers

Section 1 (301/2018)

Definitions

For the purposes of this chapter:

- 1) *Driving Time and Rest Periods Regulation* means Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85;
- 2) *Tachograph Regulation* means Regulation (EU) No 165/2014 of the European Parliament and of the Council on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport;
- 3) *AETR Agreement* means the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport (Treaty Series 66/1999), as amended on 27 to 29 October 2004 and on 29 and 30 October 2008 (Treaty Series 64/2010);
- 4) *tachograph* means a mechanical and a digital tachograph;
- 5) *tachograph card* means a workshop, driver, company and control card used in a digital tachograph;
- 6) *undertaking* means the party that carries out transport operations falling within the scope of application of the Driving Time and Rest Periods Regulation;
- 7) *driver* means the person who operates a vehicle or accompanies the driver in the vehicle in order to act as the driver if necessary;
- 8) *workshop* means the party with a permission for the installation and reparation of tachographs referred to in section 87 of the Vehicles Act;
- 9) *supervisory authority* means the Police, Customs, Border Guard and occupational safety and health authorities;
- 10) *self-employed driver* means a person who carries out road transport operations falling within the scope of application of the Driving Time and Rest Periods Regulation or the AETR Agreement, who is not in an employment relationship and whose principal professional activity is to carry passengers or goods in road transport as referred to in the EU Road Haulage Regulation or in Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006, hereinafter the *EU Regulation on International Coach and Bus Services*, under a Community transport licence or under a licence referred to in part II, chapter 1, section 1; and
 - a) who works for his or her own account;
 - b) who is free to organise his or her professional activities;
 - c) whose income is directly dependent on business profits; and
 - d) who is free to, alone or together with other transport entrepreneurs, maintain commercial relations with customers;
- 11) *working time* means the time used for road transport duties between the starting and finishing of work during which a self-employed driver is at his or her workplace available for customers and carries out duties or activities other than general administration which is not directly related to the transport duty at hand;

12) *combined working time* means the sum of the self-employed driver's working hours falling within the scope of application of this Act, regardless of whether work has been carried out for one or more customers;

13) *workplace* means:

a) the location of the principal establishment of the company owned by the self-employed driver;

b) the vehicle the self-employed driver uses when performing duties;

c) another place where transport-related activities are carried out;

14) *week* means a time period which starts on Monday at 00.00 hours and finishes at 24:00 hours on the following Sunday;

15) *night time* means the time between 01.00 and 05.00 hours.

Section 2 (301/2018)

Social legislation relating to road transport

The Driving Time and Rest Periods Regulation, the Tachograph Regulation and the AETR Agreement lay down provisions on driving times and rest periods as well as on the use of tachographs.

A person who has reached the age of 16 may act as a driver's mate, provided that the requirements laid down in article 5(2) of the Driving Time and Rest Periods Regulation are fulfilled. The Ministry of Transport and Communication will decide on the exceptions referred to in article 14 of the Regulation.

Provisions on the division of responsibilities between supervisory authorities and on the implementation of supervision as well as on the application of exceptions referred to in articles 13(1), 13(3) and 14 of the Driving Time and Rest Periods Regulation may be laid down by government decree.

Section 3 (301/2018)

Issuing tachograph cards

The Finnish Transport Safety Agency shall issue a workshop card to an applicant who has been issued with a permission for the installation and reparation of digital tachographs referred to in section 87 of the Vehicles Act.

The Finnish Transport Safety Agency will issue a driver card to an applicant:

1) who has the right to drive a vehicle referred to in article 3(1) of the Tachograph Regulation;

2) who has a residence pursuant to article 26 of the Tachograph Regulation in Finland; and

3) who does not have a valid driver card or who has filed an application for renewal of a card due to its expiry.

A driver card will also be issued to an applicant who requests a driver card issued in another member state of the European Union to be exchanged in Finland as provided for in article 30 of the Tachograph Regulation.

The Finnish Transport Safety Agency shall issue a company card to an applicant who has been entered in the business information system maintained by the Finnish Patent and Registration Office and the Tax Administration.

The Finnish Transport Safety Agency shall issue a control card to a supervisory authority on application.

Further provisions on the application and renewal of tachograph cards, on the card holder's notification obligation and on the validity of cards are issued by government decree.

Section 4 (301/2018)

Obligations of drivers with regard to the use of tachographs

The Driving Time and Rest Periods Regulation, the Tachograph Regulation and the AETR Agreement lay down provisions on the driver's obligations with regard to the use of tachographs and driver cards.

A driver must inform his or her employer if he or she does not hold a valid driver card. Provisions on the driver's obligations in relation to a missing card are laid down in article 29 of the Tachograph Regulation. For the purpose of recording data on driving times and rest periods, a driver shall also give the driver card to his or her employer or to an undertaking which uses the driver only temporarily.

Further provisions on the exemptions from the application of the Tachograph Regulation referred to in articles 3(2) and 3(3) of the Tachograph Regulation, on how the driver must use a tachograph and on the repair of tachographs are issued by government decree.

Section 5 (301/2018)

Obligations of employers and undertakings with regard to the use of tachographs

The employer shall ensure that a driver with no valid driver card is not allowed to operate a vehicle equipped with a digital tachograph unless there is a reason referred to in the Tachograph Regulation or AETR Agreement for operating a vehicle without a driver card.

Provisions on the employers' obligations in relation to the issue of record sheets and printing of data from digital tachographs are laid down in articles 33(1) and 33 (2) of the Tachograph Regulation.

In order to allow identification of its data on driving times and rest periods, an undertaking must lock the data of a digital tachograph with a company card so as not to compromise the privacy of data subjects.

An undertaking must ensure that the periodic inspections laid down in the Tachograph Regulation are performed on tachographs. Provisions on the undertaking's obligations in the event of breakdown or faulty operation of a tachograph are laid down in article 37 of the Tachograph Regulation.

Section 6 (301/2018)

Processing of tachograph data by undertakings

An undertaking must copy driving times and rest periods data concerning it from digital tachographs of vehicles in order to monitor driving times and rest periods, to ensure the fulfilment of rights and obligations associated with employment relationships and to manage transport operations. The data must be copied from a vehicle in Finland at least every two months and when the vehicle is transferred from the undertaking's possession or when the digital tachograph is removed from use. An employer and an undertaking which use a driver temporarily must copy the driving times and rest periods data from the driver card at least every three weeks in respect of the weeks the driver has worked for them. If a vehicle stays abroad, the data must be copied after the vehicle has arrived in Finland.

Provisions on the undertaking's obligation to keep, produce and hand over record sheets or their copies are laid down in article 33(2) of the Tachograph Regulation. Provisions on the undertaking's and employer's obligation to store data saved from a digital tachograph and driver card are laid down in article 10(5) of the Driving Time and Rest Periods Regulation. However, it is not necessary to keep record sheets used in driving examination or data recorded by digital tachographs during driving examination.

An undertaking must give a driver, at his or her request, a printout of the driver's driving times and rest periods data saved from the digital tachograph and driver card. The data of other undertakings saved from

the digital tachograph and driver card as well as any other data not relating to the purpose of use specified in subsection 1 shall be destroyed immediately.

Section 7 (301/2018)

Processing of digital tachograph data at workshops

Provisions on the obligations of workshops in the handling of digital tachographs are laid down in articles 22 and 23 of the Tachograph Regulation. A workshop must retain inspection reports referred to in article 23 for two years from their drafting date.

In other to hand out driving times and rest periods data to undertakings and supervisory authorities, the workshop must copy the data from a digital tachograph before repairing or replacing the device. The workshop shall keep the data unchanged for a year from the saving date.

The workshop shall hand over the data referred to in subsection 2 to the undertaking that has locked them or otherwise proven its right to the data in a reliable manner and requested their disclosure in a verifiable manner. The data must also be disclosed to a supervisory authority upon request.

If copying the data referred to in subsection 2 is impossible, the workshop must give a certificate about this to the undertaking and keep the copy as provided for in the Tachograph Regulation.

Section 8 (301/2018)

Maximum weekly working time of self-employed drivers

The average working time of a self-employed driver may not exceed 48 hours per week during a maximum balancing period of four months. The accumulated working time may not, however, exceed 60 hours in a week.

For a technical reason or a reason concerning the organisation of work, a self-employed driver may exceed the maximum weekly working time of 60 hours and the balancing period may be six months when calculating the average maximum weekly working time of 48 hours.

Section 9 (301/2018)

Night work of self-employed drivers

The working time of a self-employed driver may not exceed ten hours if a 24-hour period, which starts at the end of a rest period referred to in article 8 or 9 of the Driving Time and Rest Periods Regulation or in article 8 or 8b of the AETR Agreement, includes work undertaken during night between one and five o'clock.

A self-employed driver may exceed the working time related to night work for a technical reason or a reason concerning the organisation of work.

Section 10 (301/2018)

Breaks of self-employed drivers

The time a self-employed driver works without a break may not exceed six hours. If the working time is from six to nine hours, the break must be at least 30 minutes. If the working time exceeds nine hours, the break must be at least 45 minutes. The break may be divided into several breaks of a minimum duration of 15 minutes. Breaks taken in accordance with article 7 of the Driving Time and Rest Periods Regulation or article 7 of the AETR Agreement are also taken into account when calculating the duration of breaks laid down in this section.

Section 11 (301/2018)

Working time records of self-employed drivers

A self-employed driver must have working time records from two preceding years or another reliable account which shows the working times and breaks pursuant to this Act and, when the average working time is used, a balancing period during which the working time is balanced to 48 hours a week.

The exceptions and their justification referred to in sections 8(2) and 9(2) must also appear from the working time records or account.

Chapter 5 (301/2018)

Railway transport market

Section 1 (301/2018)

Requirements for operating railway traffic

A railway undertaking may operate railway traffic only if:

- 1) it has an operating licence issued by the Finnish Transport Safety Agency or an operating licence issued for operating railway traffic in another EEA member state;
- 2) it has a safety certificate referred to in section 4 of the Railway Act (304/2011), covering all railway lines on which railway traffic is to be operated;
- 3) it has been allocated the rail capacity necessary for the intended traffic operations in accordance with section 26 of the Railway Act;
- 4) it has concluded an agreement on the use of rail network with the network owner as referred to in section 30 of the Railway Act;
- 5) the requirements for operating railway traffic laid down in the European Union legislation as well as in this chapter or under it are otherwise met.

The provisions of subsection 1, paragraphs 2, 3 and 5 on the right of a railway undertaking to operate railway traffic also apply to other railway operators.

All railway operators must also have a liability insurance referred to in section 90 of the Railway Act or another equivalent arrangement.

An operating licence issued in one member state of the European Economic Area is valid throughout the European Economic Area.

Section 2 (301/2018)

Conditions for issuing operating licences

The Finnish Transport Safety Agency shall issue an operating licence to a railway undertaking established in Finland for operating railway traffic if:

- 1) the applicant intends to operate, as its main business, railway traffic with the rolling stock in its possession or to provide traction services;
- 2) the applicant has adequate professional competence for operating the activities and experience for safe and reliable management of business and for monitoring the operations;
- 3) the applicant is reliable, and the persons in charge of its management are of good repute and professionally competent;
- 4) judging from the facts that are known, the applicant is financially sufficiently fit to be able to meet its actual and potential obligations and commitments for a period of not less than one year;
- 5) the applicant has submitted all information necessary for evaluating the conditions laid down in this section and in section 1(3).

The licencing authority may request the applicant to submit an auditor's report and relevant documents drafted by a bank, public credit institution, accountant or an auditor.

The Finnish Transport Safety Agency shall inform the European Union Agency for Railways of an operating licence issued to a railway undertaking.

Section 3 (301/2018)

Good repute, professional competence and financial fitness

A person in charge of management does not meet the requirement of good repute referred to in section 2, subsection 3, if, during the past five years, he or she has been sentenced to prison or, during the past three years, fined for seriously violating the provisions or regulations concerning employment relationships or valid collective agreements, carrying out of business activities, accounting, debt relations, traffic operations or traffic safety, and the offence shows that he or she is clearly unsuitable for operating railway traffic. The same applies to the violation of customs regulations in case the applicant's purpose is to start operating international railway traffic.

The applicant meets the requirement of professional competence referred to in section 2(2) if the applicant possesses the knowledge and experience necessary for the safe operation and the control of railway traffic to the extent defined in the application.

The applicant does not meet the requirement of financial fitness referred to in section 2(4) if:

- 1) the applicant or a person in charge of its management has been declared bankrupt or is under a ban on business operations under the Trading Prohibition Act (1059/1985);
- 2) the person in charge of management has petitioned for debt adjustment under the Act on the Adjustment of the Debts of a Private Individual (57/1993); or
- 3) the applicant owes considerable arrears of taxes or statutory social security contributions as a result of its activities.

For special reasons, the Finnish Transport Safety Agency may make a derogation from the requirements laid down in subsection 3.

The Finnish Transport Safety Agency may give further regulations on the documents to be provided when applying for an operating licence.

Section 4 (301/2018)

Issuing operating licences

A decision on an application for an operating licence shall be taken no more than three months after all relevant information for taking a decision has been submitted to the Finnish Transport Safety Agency. The operating licence may, on application, be limited only to carriage of passengers or goods.

Section 5 (301/2018)

Validity of and changes to operating licences

The operating licence of a railway undertaking is valid for as long as the undertaking meets the conditions laid down in this chapter.

The railway undertaking shall start its activities within six months after the issue of the operating licence. At the request of the licence holder, the Finnish Transport Safety Agency may, taking into account the specific nature of the services to be provided, decide that the activities may be started later than within six months

after the issue of the licence. If the licence holder has not started its activities within six months after the issue of the licence or has ceased its activities for an uninterrupted period of not less than six months, the Agency may request the licence holder to give an additional clarification in order to establish the conditions for the validity of the operating licence.

If the railway undertaking intends to change or extend its activities significantly, it shall submit a new application to the Finnish Transport Safety Agency or give an additional clarification as requested by the Agency. The Agency may, on the basis of the application, issue a new operating licence or, on the basis of the additional clarification, give permission to continue operations.

The Agency may request a clarification if the legal position of the licence holder changes in such a way that it may affect the operation of railway traffic in accordance with the licence.

The Agency shall assess the conditions for continuing operation as soon as possible after receiving the required clarification from the licence holder.

The Finnish Transport Safety Agency shall inform the European Union Agency for Railways if it has made changes to an operating licence issued to a railway undertaking.

Section 6 (301/2018)

Preparedness for emergencies and disruptions

A railway operator must be prepared for emergencies and ensure that its operations continue with as few disruptions as possible also in the case of emergencies referred to in the Preparedness Act (1552/2011) and in similar disruptions during normal conditions.

It must participate in emergency planning as required by its operations and plan in advance operations in emergencies and in similar disruptions during normal conditions.

In addition to the provisions laid down in the Preparedness Act on the competence of the Government and the Ministry, further provisions on the organisation of emergency planning required to prepare for emergencies and similar disruptions during normal conditions as referred to in this section may be issued by government decree.

Chapter 6 (301/2018)

Operation of urban rail traffic

Section 1 (301/2018)

Urban rail traffic

A transport operator operating underground or rail traffic on an underground or tramway network (*urban rail traffic*) shall submit a written notification on its operations to the Finnish Transport Safety Agency. An urban rail traffic operator (*transport operator*) may be a municipally owned company or enterprise or another undertaking or corporation which operates transport services on an underground or tramway network.

Section 2 (301/2018)

Requirements for transport operators

A transport operator shall meet the following requirements:

- 1) the transport operator has an organisation that guarantees safety and a safety management system;
- 2) the transport operator is able to ensure safe operation of transport through its safety management system;

- 3) the transport operator is reliable and the persons in charge of its management are of good repute and professionally competent;
- 4) the urban rail traffic drivers meet the statutory qualification requirements and are professionally competent;
- 5) the transport operator is sufficiently financially fit to be able to meet its actual and potential obligations and commitments for a period of not less than one year;
- 6) the transport operator has adequate liability insurance for its operation or another equivalent arrangement.

Section 3 (301/2018)

Good repute, professional competence and financial fitness

A person in charge of management does not meet the requirement of good repute referred to in section 2, subsection 3 if, during the past five years, he or she has been sentenced to prison or, during the past three years, fined for seriously violating the provisions or regulations concerning employment relationships, carrying out of business activities, accounting, debt relations, traffic operations or traffic safety, and the offence shows that he or she is clearly unsuitable to act as the person in charge of the transport operator's management.

The person in charge of management meets the requirement of professional competence referred to in section 2, subsection 3, if he or she possesses the knowledge and experience required for the safe operation and the control of transport in respect of the scope of operation.

The transport operator does not meet the requirement of financial fitness referred to in section 2(5) if:

- 1) the transport operator or the person in charge of its management has been declared bankrupt or is under a ban on business operations under the Trading Prohibition Act;
- 2) the person in charge of management has petitioned for debt adjustment under the Act on the Adjustment of the Debts of a Private Individual; or
- 3) the transport operator owes considerable arrears of taxes or statutory social security contributions as a result of its activities.

Section 4 (301/2018)

Obligation of transport operators to notify of their operations

A notification on the operation of urban rail traffic shall include the transport operator's name and complete contact information. In addition, the transport operator must show in the notification that it meets the requirements laid down in section 2. The notification must be filed no later than three months prior to the commencement of the operations.

The transport operator shall forthwith inform the Finnish Transport Safety Agency in writing of any changes in the information referred to in subsection 1. A notification must also be filed on the cessation of operations.

The Finnish Transport Safety Agency may issue further regulations on the content of the information to be provided and on its submission to the Agency.

Section 5 (301/2018)

Liability of transport operators

A transport operator shall be responsible for safe use of the underground and tramway system and for the management of the use-related risks of its operations. The transport operator must, in the context of its

operations, take account of the safety targets imposed on the underground and tramway system by the Finnish Transport Safety Agency under subsection 3.

Provisions on compensation for personal injury and damage to property caused in urban rail traffic are laid down in the Rail Traffic Liability Act (113/1999).

The Finnish Transport Safety Agency may issue further regulations on the minimum safety level of the underground and tramway system and its parts as well as on the safety targets of the underground and tramway system.

Section 6 (301/2018)

Safety management system

A transport operator shall have a safety management system which provides a systematic method for identifying dangers and managing risks as well as for ensuring that the management measures of identified dangers and risks are effective. The safety management system must ensure management of all risks associated with the organisation's activities.

The transport operator's managing director or another person in charge of management shall be responsible for effective adoption and maintenance of the safety management system within the organisation under his or her management.

The safety management system must be drawn up in writing. It must include a safety policy approved by the organisation's managing director or by another director belonging to the organisation's top management and communicated to the whole personnel, qualitative and quantitative targets for maintaining and improving safety as well as plans and policies for reaching these targets.

The safety management system must pay particular attention to the organisation's division of responsibilities, to control at each level of the organisation, to personnel's participation in decision-making on the management system and to continuous improvement of the safety management system.

The Finnish Transport Safety Agency may issue further regulations on the content of the safety management system.

Section 7(301/2018)

Qualification requirements and medical examinations of urban rail traffic drivers

A person operating an underground train, tram or rolling stock unit used for maintaining the rail network is required to:

- 1) be suitable for the duty;
- 2) fulfil the requirements laid down in this Act or under it in respect of his or her health;
- 3) have a sufficient knowledge and understanding of the language used in traffic operations;
- 4) be at least 18 years of age.

Only a person who has demonstrated by a medical certificate to be medically fit to take care of the above-mentioned duties may act as a driver. The transport operator must ensure that the person undergoes a medical examination before he or she takes up the driver duties referred to in subsection 1. After this, the person acting as a driver must have regular medical examinations.

The transport operator is entitled to transfer a person acting as a driver to another duty if he or she has failed to undergo the required medical examination.

The transport operator shall be responsible in connection with its operations that the drivers employed or otherwise involved in its operations meet the qualification requirements laid down in this Act and other requirements relating to the driver duties imposed under this Act.

The Finnish Transport Safety Agency may issue further regulations on the qualification and health requirements for drivers and on medical examinations as well as on how frequently drivers must demonstrate their competence.

Section 8 (301/2018)

Preparedness for emergencies and disruptions

An urban rail traffic operator must be prepared for emergencies and ensure that its operations continue with as few disruptions as possible also in the case of emergencies referred to in the Preparedness Act (1552/2011) and in similar disruptions during normal conditions. It must participate in emergency planning as required by its operations and plan in advance operations in emergencies and in similar disruptions during normal conditions.

In addition to the provisions laid down in the Preparedness Act on the competence of the Government and the Ministry, further provisions on the organisation of emergency planning required to prepare for emergencies and similar disruptions during normal conditions as referred to in this section may be issued by government decree.

Chapter 7 (301/2018)

Qualifications for railway traffic

Section 1 (301/2018)

Scope of application

This chapter shall apply to a natural person who operates a rolling stock used in the carriage of passengers or goods by rail or in shunting operations and who is qualified, under this chapter, for the driver duty.

This chapter shall not apply to:

- 1) drivers on rail network sections which are functionally separate from the rest of the railway system and intended only for local carriage of passengers and goods and to railway operators which operate exclusively on the rail network sections referred to in this paragraph;
- 2) drivers on tracks which the track owner or holder uses only for its own transport of goods;
- 3) drivers on rail network sections closed to other railway traffic;
- 4) drivers of a railway undertaking established in Russia in direct international railway traffic between Finland and Russia in the border area and at railway border points of the State of Finland.

Section 2(301/2018)

Liability of railway operators

A railway operator shall be responsible for ensuring that drivers employed by it or involved in its operations meet the qualification requirements laid down in this chapter and imposed under it.

A railway operator must describe and adopt procedures relating to the qualification of drivers in its safety management system referred to in section 40 of the Railway Act. A railway operator must have a system for monitoring the qualification of drivers.

Section 3 (301/2018)

Licence required from drivers

The operation of a rolling stock requires authorisation. The authorisation can be verified by a licence belonging to the driver. The driver must have the licence with him or her when operating a rolling stock, unless the authorisation can be verified otherwise.

A licence issued in Finland is also valid in another EEA member state if the driver has reached the age of 20. A licence issued under corresponding conditions in another EEA member state is valid in Finland.

Section 4 (301/2018)

Issuing licences

The Finnish Transport Safety Agency shall issue a licence on application to a person who:

- 1) is at least 18 years of age;
- 2) has completed at least basic education referred to in the Basic Education Act (628/1998) or an equivalent syllabus as well as upper secondary education;
- 3) has completed licence-related training and received a certificate of successful completion of licence-related competence demonstration from an examiner for competence demonstrations approved by the Finnish Transport Safety Agency (*competence demonstration examiner*);
- 4) has received a medical certificate from a doctor approved by the Finnish Transport Safety Agency (*railway doctor*) on his or her state of health with regard to the fulfilment of health-related requirements;
- 5) has received a positive statement on his or her suitability from a psychologist approved by the Finnish Transport Safety Agency (*railway psychologist*).

A licence will not, however, be issued if the applicant is not suitable for holding it. An applicant may be regarded as an unsuitable licence holder if he or she:

- 1) regardless of a reminder or warning continues to violate the provisions or regulations concerning railway traffic;
- 2) by substantially or repeatedly violating the provisions or regulations concerning railway traffic shows an unwillingness or inability to observe them;
- 3) has during the past five years been guilty of using a narcotic substance in railway traffic or committed an offence referred to in chapter 23 of the Criminal Code of Finland; or
- 4) has otherwise through earlier acts shown such general neglect for provisions or regulations that there is reason to doubt the applicant's ability or willingness to comply with the provisions and regulations relevant to the safety of railway traffic.

The Finnish Transport Safety Agency shall make a decision on a licence application within a month from the date the applicant has provided the Agency with clarifications referred to in subsection 1 for processing the application. In addition, the Finnish Transport Safety Agency will save the information on the licence in the transport register and issue a licence required for verifying the authorisation.

The Finnish Transport Safety Agency must publish the procedure applied in the issuing of a licence.

Section 5 (301/2018)

Validity and renewal of licences

A licence is valid for 10 years after its issue if the driver's professional competence has been maintained as specified in the safety management system of the railway operator and the driver's state of health meets the set requirements.

The Finnish Transport Safety Agency shall, on application, renew a licence for a driver if the requirements for issuing a licence are met. The Finnish Transport Safety Agency may verify in the transport register that the licence requirements are met.

The Finnish Transport Safety Agency shall make a decision on an application for licence renewal within a month from the date the applicant has provided the Agency with the clarifications referred to in subsection 1 for processing the application. In addition, the Finnish Transport Safety Agency will save the information on the licence in the transport register and issue a licence required for verifying the authorisation.

Section 6 (301/2018)

Health requirements

A driver shall have adequate medical fitness for the driver duty, which must be proven by a medical certificate issued by a railway doctor.

A person cannot act as a driver if a disease, defect, disability, other decrease in capacity or another similar characteristic referred to in Annex II of Directive 2007/59/EC of the European Parliament and of the Council on the certification of train drivers operating locomotives and trains on the railway system in the Community (*Train Drivers Directive*) essentially reduces his or her capacity to act as a driver either permanently or temporarily. The driver's sensory functions must also meet the requirements laid down in Annex II of the Train Drivers Directive. A rolling stock may not be operated under the influence of drugs which may affect the driving without an approval from the railway doctor.

The Finnish Transport Safety Agency may issue further regulations on the requirements for the driver's sensory functions, on drugs, diseases, defects, disabilities and other similar issues affecting the capacity of acting as a driver and on their assessment procedure and treatment.

Section 6 added by the Act of 301/2018 will enter into force on 1 January 2019.

Section 7 (301/2018)

Psychological fitness requirements

A driver must have such psychological characteristics, behaviour and personality that he or she meets the psychological abilities and fitness required for the driver duty. Fitness must be demonstrated by a positive statement issued by a railway psychologist.

A person whose operational aptitude or other psychological characteristics have been found to have occupational psychological deficiencies referred to in Annex II of the Train Drivers Directive which are likely to interfere with the exercise of the duty may not act as a driver.

Section 8 (301/2018)

Medical examinations

A railway doctor will perform a medical examination on a person who will start working as a driver before he or she takes up the duty. The driver's duty shall also be considered to include the periods of relevant training and practical training.

A medical examination must be performed on a driver in accordance with the requirements specified in Annex II of the Train Drivers Directive at least every three years up to the age of 55 and thereafter every year, unless the railway doctor requires more frequent examinations. A medical examination shall also be conducted whenever there is reason to doubt that the driver's state of health does not satisfy the requirements under section 6.

After conducting the examination, the railway doctor will give a written medical certificate of the person's medical fitness for the duty.

A doctor or a medical institution that is treating or has treated the person must, with the driver's consent and notwithstanding secrecy provisions, provide all necessary information on the driver's state of health at the request of the railway doctor for the purpose of conducting the medical examination.

The Finnish Transport Safety Agency may issue further regulations on medical examinations.

Section 8 added by the Act of 301/2018 will enter into force on 1 January 2019.

Section 9 (301/2018)

Psychological fitness

A railway psychologist shall conduct a psychological personality assessment on a person starting to work as a driver before the driver takes up the duty. The driver's duty shall also be considered to include the periods of relevant training and practical training.

A psychological personality assessment must also be conducted if there is reason to doubt that the driver does not have the psychological abilities for exercising his or her duties.

The railway psychologist shall, on the basis of the psychological personality assessment, give a written statement on the driver's psychological fitness for the duty.

The railway psychologist is entitled, notwithstanding secrecy provisions, to obtain with the driver's consent all necessary information on his or her psychological fitness from earlier psychological personality assessments conducted on the driver.

The Finnish Transport Safety Agency may give further regulations on the psychological characteristics and fitness required from a driver and on the conducting of psychological personality assessments.

Section 10 (301/2018)

Complementary certificates

In addition to the licence referred to in section 3, a driver shall have a complementary certificate which indicates the rolling stock the driver is entitled to operate and the rail network where he or she is entitled to operate. A category A complementary certificate authorises driving in shunting operations and a category B complementary certificate driving in railway traffic.

A complementary certificate belongs to the railway operator which has issued it and which must provide the driver with a certified copy of the complementary certificate at the driver's request. The driver must keep the complementary certificate or its certified copy with him or her when operating a rolling stock.

Section 11 (301/2018)

Issuing complementary certificates

The safety management system of a railway operator must describe a procedure for issuing and updating complementary certificates in accordance with this chapter as well as procedures according to which a driver may request a review of a decision by the railway operator on the issue, update or cancellation of a complementary certificate. A railway operator shall issue a complementary certificate to a driver employed by it or involved in its operations if the driver:

1) has completed training given by an educational institution for the rolling stock and rail network defined in the complementary certificate as well as language training provided as part of the training related to the rail network if this is required by the operating language used on the rail network;

2) after receiving the training referred to in paragraph 1 has successfully completed competence demonstrations for ensuring competence in the topics mentioned in paragraph 1 and received a certificate of successfully completed competence demonstrations from the competence demonstration examiner;
3) has completed the training for the driver duty defined in the safety management system of the railway operator.

The applicant for a complementary certificate may request the railway operator to review a decision on the issue, update or cancellation of a complementary certificate. The applicant must request a review of a decision without undue delay and no later than within 30 days from the notice of decision.

The Finnish Transport Safety Agency may issue further regulations on the language proficiency required from a driver and on its level.

Section 12 (301/2018)

Validity and maintenance of complementary certificates

A complementary certificate shall be valid indefinitely if:

- 1) the driver's employment relationship continues;
- 2) the driver's licence is valid;
- 3) the driver has maintained his competence as specified in the safety management system of the railway operator; and
- 4) the driver has completed the competence demonstrations referred to in subsection 2.

The railway operator shall organise a competence demonstration for the driver for the purpose of maintaining the complementary certificate:

- 1) at least every three years in respect of the knowledge related to the operation of the rolling stock defined in the driver's complementary certificate;
- 2) at least every three years and whenever the driver has been absent from duties referred to in the complementary certificate at least for a year in respect of the knowledge on the rail network defined in the driver's complementary certificate;
- 3) at least every three years and whenever the driver has been absent from the duties referred to in the complementary certificate at least for a year in respect of the language proficiency defined in the driver's complementary certificate, with the exception of the driver's mother tongue.

Section 13 (301/2018)

Cancellation of complementary certificates or restriction of their scope

A railway operator shall, without undue delay after having heard the driver, cancel a complementary certificate it has issued or restrict its scope if the driver does not satisfy the requirements for obtaining a complementary certificate. A complementary certificate may be cancelled or its scope restricted permanently or for a limited period.

A railway operator must inform the driver forthwith of the cancellation of the complementary certificate and of the restriction of its scope.

If the driver does not satisfy the requirements for obtaining a complementary certificate and the railway operator has not cancelled the certificate or restricted its scope and the Finnish Transport Safety Agency becomes aware of the matter, the Agency shall, without undue delay, request the railway operator that has issued the complementary certificate to cancel the complementary certificate, restrict its scope or carry out further inspections.

If the Finnish Transport Safety Agency or a relevant competent authority of another EEA member state has requested a railway operator that has issued a complementary certificate in Finland to cancel the certificate or carry out further inspections, the railway operator must make a decision on the matter within four weeks after having received the request and inform the requesting competent authority of its decision.

Section 14 (301/2018)

Exceptions to the requirement for a complementary certificate

A driver may operate a rolling stock on a rail network not covered by his complementary certificate if he or she is assisted by another driver whose complementary certificate covers the rail network in question in the following cases:

- 1) a rolling stock needs to be operated along another line at the request of the owner of the rail network due to a disruption in railway traffic or tracks need to be maintained;
- 2) in museum train traffic in exceptional individual cases;
- 3) in transport of goods in exceptional individual cases with the consent of the rail network owner;
- 4) in connection with the delivery or introduction of a new rolling stock;
- 5) in connection with driver training or competence demonstration.

A railway operator shall decide on and be responsible for the use of an assistant driver referred to in subsection 1, and it shall inform the owner of the rail network of the use of an assistant driver in advance.

Section 15 (301/2018)

Register of complementary certificates

A railway operator shall keep a register of complementary certificates for the certificates it has issued. A railway operator shall save the following information in the register of complementary certificates:

- 1) the driver's name and his or her identification and contact information;
- 2) information on successful completion of training and competence demonstrations referred to in section 11(1) and on certificates issued for competence demonstrations; and
- 3) information required in the Train Drivers Directive.

The register of complementary certificates must be implemented in accordance with the Commission Decision (2010/17/EC) on the adoption of basic parameters for registers of train driving licences and complementary certificates provided for under Directive 2007/59/EC of the European Parliament and of the Council.

Section 16 (301/2018)

Right of railway operators to obtain information for the register of complementary certificates

Notwithstanding secrecy provisions, an educational institution and a competence demonstration examiner must, without undue delay, submit the information necessary for the register of complementary certificates to a railway operator when a driver has completed the training required for a complementary certificate or the competence demonstration referred to in section 12(2).

Section 17 (301/2018)

Use and duration of storage of information included in the register of complementary certificates

A railway operator may use the information entered in the register of complementary certificates for the issue and cancellation of complementary certificates and for controlling their validity as well as for processing other qualifications-related issues.

A railway operator shall delete the driver's information from the register within 10 years from the expiry of the licence. If an investigation referred to in section 80 of the Railway Act is initiated within a time limit, the information may not be deleted until the investigation has been completed.

Section 18 (301/2018)

Disclosure of information from the register of complementary certificates

A railway operator may disclose information stored in the register of complementary certificates only if the conditions laid down in this section for disclosing information exist. Information may not be disclosed if there are reasonable grounds to suspect that the disclosure may violate the privacy, interests or rights of the applicant or holder of a complementary certificate.

A railway operator shall, under the conditions laid down in subsection 1 and notwithstanding secrecy provisions, disclose information stored in the register of complementary certificates to competent Finnish authorities and to railway and accident investigation authorities of other EEA member states at their request.

The disclosure of information must be necessary for the acquiring party for the purpose of exercising its duties or fulfilling its obligations specified in law or in the European Union legislation. The information must be requested electronically or in writing, and the request must be substantiated. A controller shall decide on the disclosure of information. The information shall be disclosed to the requesting party without undue delay.

The information referred to above in section 16 and in this section may also be disclosed via a technical user connection or otherwise by electronic means as agreed with the controller. Prior to the activation of a technical user connection, the information recipient must provide a statement detailing the appropriate protection of the information.

Section 19 (301/2018)

Controller's bankruptcy

If a controller is declared bankrupt, a new railway operator carrying on its operations shall be responsible for the storage of information contained in the register of complementary certificates.

If no party is carrying on the operations of the bankrupt controller, the controller must transfer the register of complementary certificates maintained by it, including all its information, to the Finnish Transport Safety Agency, whereafter the Agency shall be responsible for storing the information contained in the register of complementary certificates.

The party responsible for keeping the register of complementary certificates shall store the register data in accordance with section 17.

Section 20 (301/2018)

Complementary certificates issued in Sweden

A complementary certificate issued in Sweden for a driver belonging to the personnel of a railway operator established in Sweden is valid as such in railway traffic between Finland and Sweden in the border area and at railway border points of the State of Finland.

Section 21 (301/2018)

Notifications on employment relationships

A railway operator shall inform the Finnish Transport Safety Agency or another party which has issued a driver's licence without undue delay of the commencement or termination of an employment relationship or activities of a driver employed by it or involved in its operations.

A railway operator shall also inform the Finnish Transport Safety Agency without undue delay if the driver's incapacity for work referred to in subsection 1 exceeds three months.

Chapter 8 (301/2018)

Driver training for railway traffic

Section 1 (301/2018)

Training requirements

A driver referred to in part II, chapter 7, section 1 above shall complete training to acquire general and professional competence required for a licence and complementary certificate. A further requirement is that the competence demonstration examiner has approved the competence demonstrations required for the driver duty.

The training related to a licence and supplementary certificate referred to in subsection 1 above must be organised as separate training modules. The training module for the licence must satisfy the applicable requirements of Annex IV of the Train Drivers Directive. Training concerning the rolling stock and rail network defined in the complementary certificate must also be organised as separate training modules. The training module for the rolling stock must satisfy the applicable requirements of Annex V of the Train Drivers Directive and the training module for the rail network the applicable requirements of Annex VI. The training must also take into account the provisions laid down in Annex II of the Train Drivers Directive on the applicable training methods.

The Finnish Transport Safety Agency may issue further regulations on the training methods to be applied in driver training and on the content of training.

Section 2 (301/2018)

Competence demonstrations

After the training required in section 1 has finished, a driver must successfully complete competence demonstrations, which ensure that the driver masters the knowledge and skills required by the duty. Competence demonstrations shall be evaluated by an approved competence demonstration examiner.

The Finnish Transport Safety Agency will confirm the competence demonstrations that need to be completed for a licence and designate their examiners. The Finnish Transport Safety Agency shall describe a procedure for confirming competence demonstrations and designating competence demonstration examiners when it publishes the procedure for issuing a licence referred to in part II, chapter 7, section 4(4).

The railway operator will confirm the competence demonstrations that need to be completed for a complementary certificate and designate their examiners. A railway operator must describe a procedure for confirming competence demonstrations and designating their examiners when it confirms the procedure to be applied in the issue of a complementary certificate referred to in part II, chapter 7, section 11(1). The driver's ability to act as a driver must be assessed by a driving test to be taken on the rail network. In addition, a simulator may be used to measure the driver's ability of managing emergency and malfunction situations and other similar abilities. If the complementary certificate is a certificate to be issued for the Finnish rail network, only a competence demonstration examiner approved by the Finnish

Transport Safety Agency may evaluate a competence demonstration regarding rail network knowledge, including knowledge about the lines and operating rules.

Competence demonstrations must be implemented so as to avoid any conflict of interest. A competence demonstration examiner may, however, belong to the personnel of the railway operator which issues the complementary certificate.

The Finnish Transport Safety Agency may issue further regulations on competence demonstrations and their organisation.

Section 3 (301/2018)

Approval of educational institutions

The Finnish Transport Safety Agency approves on application an educational institution referred to in this chapter for a period not exceeding five years to provide driver training or modules included in it if the applicant has good professional competence in the railway system, the knowledge and skills required by the duty and appropriate teaching equipment and premises.

If the educational institution belongs to the railway operator's organisation, the operator may request that the approval of the educational institution be considered in connection with the operator's application for a safety certificate.

The Finnish Transport Safety Agency may review the approval of an educational institution if the driver's qualification requirements or the requirements laid down for the approval of educational institutions are revised substantially or the educational institution requests this.

The Finnish Transport Safety Agency may issue further regulations on the requirements to be set for educational institutions and on the qualification requirements for trainers.

Section 4 (301/2018)

Obligations of educational institutions

An educational institution must provide preparatory training in an equal and non-discriminatory manner for all drivers and persons seeking to become drivers. If an educational institution belongs to the railway operator's organisation, the requirements for access to training provided by the institution must be the same regardless of whether the institution provides training for the railway operator's own personnel or for other persons who need training.

The educational institution shall be responsible for the content of training in cooperation with the railway operator or a party seeking to become such operator.

If the extent of training provided by the institution changes substantially, the institution must request a new approval from the Finnish Transport Safety Agency.

Section 5 (301/2018)

Provision of job orientation included in driver training

If an educational institution referred to in this chapter does not have the necessary operating conditions for providing job orientation for operating a rolling stock, the railway operator may arrange job orientation.

The regulatory body referred to in section 71 of the Railway Act may obligate a railway undertaking to provide job orientation referred to in subsection 1 for operating a rolling stock for companies or other

corporations which intend to start operating railway traffic if there are no other feasible alternatives for implementing job orientation. A railway undertaking may be obligated to provide job orientation if its traffic operations correspond to the traffic operations the company or other corporation requesting job orientation intends to pursue.

If the regulatory body obligates the railway undertaking to provide job orientation, it must see that the railway undertaking has adequate operating conditions for the duty and that job orientation does not unreasonably restrict the undertaking's operation.

A railway undertaking providing job orientation may decide on the practical arrangements of job orientation together with the educational institution. Reasonable compensation shall be paid for job orientation to the undertaking, considering the costs arising from the orientation and reasonable profit. The company or corporation requesting job orientation shall be responsible for the compensation. The compensation must be fair for all companies and other corporations referred to in this subsection which receive job orientation. A railway undertaking that provides job orientation may ask the company or corporation that requests job orientation to make an advance payment for job orientation or payment of a security.

Section 6 (301/2018)

Approval of competence demonstration examiners

The Finnish Transport Safety Agency shall, on application, approve a person as a competence demonstration examiner for a driver licence or complementary certificate if the applicant is familiar especially with the subject matter of the competence demonstration and has such practical experience on the subject matter that he or she can assess the competence of other persons.

A competence demonstration examiner may be approved for a maximum of five years at a time. The examiner shall carry out driver training-related competence demonstrations for a licence and complementary certificate in a fair and non-discriminatory manner. A competence demonstration examiner must give an assurance to this effect upon approval.

The Finnish Transport Safety Agency may issue further regulations on the qualification requirements of competence demonstration examiners and on the maintenance of their competence.

Chapter 9 (301/2018)

Shipping in Finnish territorial waters

Section 1 (301/2018)

Right to shipping in Finnish territorial waters

Vessels other than Finnish vessels may not be used for merchant shipping in Finnish territorial waters, with the exception of international transport. Vessels other than Finnish vessels may also not be used for cruise ship traffic where a cruise ship departs from and returns to a Finnish port.

Vessels of European Union member states are, however, entitled to operate merchant shipping in accordance with Council Regulation (EEC) No 3577/92 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) and Council Regulation (EEC) No 3921/91 laying down the conditions under which non-resident carriers may transport goods or passengers by inland waterway within a Member State.

Section 2 (301/2018)

Exceptions to maritime cabotage

The Finnish Transport Safety Agency will issue a licence for operating merchant shipping referred to in section 1 with a foreign vessel if a vessel flying the Finnish flag or a flag of another European Union member state is not reasonably available for this purpose and the operations concern:

- 1) traffic between the County of Åland and other regions of Finland; or
- 2) there are specific reasons for using a foreign vessel in Finland.

The licence is issued for a maximum of one year at a time. Before granting the licence the Finnish Transport Safety Agency must hear the relevant parties, unless otherwise required by the nature or urgency of the matter.

A government decree may, under an agreement concluded with a foreign state and the condition of reciprocity, lay down provisions that vessels of the foreign state in question are entitled, without a licence referred to in subsection 1, to operate merchant shipping referred to in section 1 either in whole or in certain respects specified in the agreement.

The Finnish Transport Safety Agency may issue further regulations on the clarifications related to the application of a licence.

Chapter 10 (301/2018)

Qualifications of seafarers

Section 1 (301/2018)

Scope of application of the chapter

The provisions of this chapter apply to seafarers serving on Finnish vessels.

This chapter applies to seafarers who serve on Finnish fishing vessels of 10 metres in length or more. However, on domestic voyages in trading area I, this chapter applies only to seafarers serving on fishing vessels of 12 metres in length or more.

This chapter does not, however, apply to seafarers who serve on:

- 1) vessels of the Defence Forces or the Border Guard which are not regularly used in general traffic for the carriage of passengers or cargo;
- 2) recreational craft;
- 3) vessels of 10 metres in length or less, which are used in distinctly separated basins of industrial establishments only;
- 4) vessels of 10 metres in length or less, which are not used in general traffic for the carriage of passengers, for the carriage of cargo on a regular basis, or for towage, unless the vessel is a manned charter boat;
- 5) vessels used non-commercially for voluntary search and rescue operations and manned with a crew trained for search and rescue operations;
- 6) dredgers with no propulsion machinery of their own.

Only qualification requirements relating to radio personnel apply to seafarers serving on cable ferries and barges.

Section 2 (301/2018)

Definitions

For the purposes of this chapter:

- 1) *SOLAS Convention* means the International Convention for the Safety of Life at Sea adopted in 1974 (Treaty Series 11/1981);

- 2) *Directive on Minimum Level of Training of Seafarers* means Directive 2008/106/EC of the European Parliament and of the Council on the minimum level of training of seafarers;
- 3) *vessel* includes all watercraft used or capable of being used as a means of transport on water;
- 4) *crew* means all persons serving on board a ship;
- 5) *passenger* means every person other than the master and the members of the crew or other persons employed or engaged in any capacity on board a ship in the business of the ship; however, children under one year of age are not included in the number of passengers;
- 6) *ship's length* means 96% of the total length of the ship on a waterline at 85% of the least moulded depth measured from the top of the keel, or the length from the foreside of the stem to the axis of the rudder stock on that waterline, if that be greater; in ships designed with a rake of keel the waterline on which this is measured shall be parallel to the design waterline; in ships less than 12 metres in length, the length shall equal the ship's overall length;
- 7) *gross tonnage* means the gross tonnage specified in the Tonnage Certificate of a ship determined in accordance with the formula included in Annex I to the International Convention on Tonnage Measurement of Ships adopted in 1969 (Treaty Series 31/1982); the gross tonnage of an integrated system formed by a pusher and a barge is their overall gross tonnage;
- 8) *recreational craft* means any boat of any type intended for sports and leisure purposes of hull length from 2.5 metres to 24 metres, measured according to the harmonised standard, regardless of propulsion; a vessel that is chartered with a crew is not a recreational craft;
- 9) *pleasure yacht* means any vessel intended for sports and leisure purposes of hull length over 24 metres, measured according to the harmonised standard, and gross tonnage less than 500;
- 10) *cable ferry* means a ferry which is controlled by a steering rope or alternatively by other equipment approved by the Finnish Transport Safety Agency;
- 11) *charter boat* means a vessel within the scope of the Act on the Safety of and Discharge Requirements for Certain Recreational Craft (621/2005), chartered for recreational purposes with crew and carrying a maximum of 12 passengers in non-regular service; sailing boats of less than 5.5 metres in hull length, as declared by the manufacturer, boats equipped with an engine whose engine output, as declared by the engine manufacturer, is less than 15 kilowatts, personal watercraft and rowing boats are not charter boats;
- 12) *fishing vessel* means any vessel equipped and used commercially for catching fish or other living resources of the sea;
- 13) *passenger ship* means a ship which carries more than 12 passengers;
- 14) *barge* means a vessel with no propulsion machinery of its own;
- 15) *cargo ship* means any ship of not less than 5.5 metres in length which is not defined in paragraphs 8 to 14 above;
- 16) *tanker* means a cargo ship constructed or chiefly adapted for the carriage of liquids in bulk;
- 17) *international voyages* mean voyages between foreign ports, or between a Finnish port and a foreign port; international voyages are divided into four trading areas as follows:
 - a) *Baltic Sea trade* is traffic beyond the area of domestic voyages in the Baltic Sea proper, including the Gulf of Finland and the Gulf of Bothnia, with the parallel of the Skaw between Denmark and Sweden at 57°44.8' N marking the boundary between the Baltic Sea and the North Sea;
 - b) *near-coastal trade* means traffic beyond the area of Baltic Sea trade in the North Sea and its connecting waters, but no farther west than 12°W, south than 48°N or north than 64°N;
 - c) *European trade* is traffic beyond the area defined as near-coastal, but no farther west than 12°W, south than 30°N or east than 45°E;
 - d) *worldwide trade* is traffic beyond the areas defined as near-coastal and European;
- 18) *domestic trade* means voyages between Finnish ports; voyages to Vyborg via the Saimaa Canal and its connecting Russian territorial waters, and voyages between Vichrevoj and Vyborg are considered equivalent to domestic trade; domestic trade is divided into three trading areas as follows:
 - a) trading area I, comprising rivers, canals, ports and lakes, and areas in the inner archipelago which are not directly exposed to swell from the open sea;
 - b) trading area II, comprising the outer archipelago and island areas directly exposed to swell from the open sea;

c) trading area III, comprising the areas of open sea in domestic trade;

19) *fishing vessel classes* mean classes I, II and III, with vessels of less than 15 metres in length belonging to class I; vessels of 15 metres but less than 24 metres in length belonging to class II; and vessels of not less than 24 metres in length belonging to class III;

20) *catch area I* means lakes and the inner and outer archipelago to the outer limit of Finland's inner territorial waters; catch area II means the open sea in the Gulf of Finland, the northern Baltic Sea and the Gulf of Bothnia north of latitude 59°00'N; and catch area III means the other sea areas in the Baltic Sea as far as the parallel of the Skaw between Denmark and Sweden at 57°44.8'N;

21) *training* means a qualification or part of a qualification forming a prerequisite for the issue or revalidation of a certificate of competency, a certificate of proficiency or an endorsement referred to in this Act or provisions issued under it; such qualifications are provided for in the Act on Universities of Applied Sciences (932/2014) and provisions issued under it, the Act on Vocational Education and Training and provisions issued under it or in regulations issued under the said Acts, and any other training approved by the Finnish Transport Safety Agency under this Act;

22) *seagoing service* means service as a crew member or supervised trainee on board a ship other than a recreational craft, a pleasure yacht, a barge or a cable ferry which is not freely steerable; service on a vessel used for recreational purposes with a minimum gross tonnage of 500 in a duty for which a certificate of competency under the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (Treaty Series 22/1984), hereinafter the *STCW Convention*, is required may also be regarded as seagoing service; when defining the seagoing service required for certification, a period of 30 days on board is considered equal to one month;

23) *propulsion power* means the total maximum continuous rated power, in kilowatts, of all the vessel's main propulsion machinery which appears on the vessel's survey certificate or other official document;

24) *power figure* means the figure arrived at by summing up the products of the numerical values of the maximum working pressure and the power of each steam boiler, where working pressure means overpressure, expressed in bars, and power means the rate at which thermal energy is transmitted to the liquid and the steam in a time unit, expressed in megawatts.

Section 3 (301/2018)

Certificates of competency, certificates of proficiency and endorsements

Persons serving on board a vessel must have the qualifications set out in this chapter.

Persons serving on board a vessel may, in addition to the qualifications for the capacity they hold on board, be required to have proficiency in accordance with the characteristics of the ship or the duties they have been assigned. Certificates of competency or certificates of proficiency are issued to persons who have demonstrated qualifications.

A person who has an officer certificate of competency issued by a competent authority of another state or a certificate of proficiency issued for performing tanker cargo operations and who serves on board a ship flying the Finnish flag shall have an endorsement to attest the recognition of the certificate of competency or certificate of proficiency.

If a Finnish vessel is chartered to a foreigner for use on voyages between EEA member states on the condition that the foreign charterer may decide on the use of the vessel for maritime operations, the master shall hold a certificate of competency in accordance with this Act and, if necessary, a certificate of proficiency and corresponding endorsements. Other members of the crew shall hold certificates of competency as required by their duties and, if necessary, certificates of proficiency and corresponding endorsements.

Section 4 (301/2018)

Certification requirements for masters of cargo ships and passenger ships

The master of a passenger ship of less than 100 gross tonnage, engaged on domestic voyages in a designated and restricted area in trading area I, shall hold either a boatmaster's certificate or a boatmaster's certificate (category A) for fishing vessels.

The master of a cargo ship of less than 100 gross tonnage, engaged on domestic voyages in trading area I, shall hold either a boatmaster's certificate or a boatmaster's certificate (category B) for fishing vessels.

The master of a cargo ship of less than 100 gross tonnage, engaged on domestic voyages in trading areas II and III, shall have the training of a skipper in domestic service and 4 months of seagoing service. The training and the seagoing service shall be endorsed by a certificate issued by the Finnish Transport Safety Agency and may be substituted by a skipper's certificate (category B) for fishing vessels.

The master of a cargo ship of 100 gross tonnage or more but less than 500 gross tonnage, engaged on domestic voyages, shall hold either a certificate for skippers in domestic service or a skipper's certificate (category B) for fishing vessels.

The master of a passenger ship of less than 300 gross tonnage, engaged on domestic voyages, shall hold either a certificate for skippers in domestic service or a skipper's certificate (category B). The master of a passenger ship, engaged on domestic voyages in trading area III, shall, in addition, have not less than 12 months of seagoing service in the capacity of deck officer or master.

The master of a passenger ship of 300 gross tonnage or more but less than 500 gross tonnage, engaged on domestic voyages, shall hold either a certificate for skippers in domestic service or a skipper's certificate (category B) for fishing vessels and have not less than 12 months of seagoing service in the capacity of deck officer or master.

The master of a vessel of 500 gross tonnage or more but less than 1,000 gross tonnage, engaged on domestic voyages, shall hold either a deck officer certificate or a skipper's certificate (category A) for fishing vessels. The master of a passenger ship shall, in addition, have not less than 12 months of seagoing service in the capacity of deck officer or master.

The master of a vessel of 1,000 gross tonnage or more but less than 3,000 gross tonnage, engaged on domestic voyages, shall hold either a chief officer certificate or a deck officer certificate and have 36 months of seagoing service in the capacity of deck officer or 24 months of seagoing service in the capacity of deck officer, of which not less than 12 months is seagoing service as chief officer.

The master of a vessel of less than 500 gross tonnage, engaged on voyages in the Baltic Sea area or on near-coastal voyages, shall hold a certificate for masters of ships engaged on near-coastal voyages.

The master of a vessel of less than 500 gross tonnage, engaged on European and worldwide voyages, shall hold a chief officer certificate and have 36 months of seagoing service in the capacity of deck officer, or 24 months of seagoing service in the capacity of deck officer, of which not less than 12 months shall be service in the capacity of chief officer.

The master of a vessel of 500 gross tonnage or more but less than 3,000 gross tonnage, engaged on international voyages, shall hold a chief officer certificate and have 36 months of seagoing service in the capacity of deck officer, or 24 months of seagoing service in the capacity of deck officer, of which not less than 12 months shall be service in the capacity of chief offer.

The master of a vessel of 3,000 gross tonnage or more shall hold a master's certificate.

Section 5 (301/2018)

Certification of engine officers on steamships and motor vessels

Engine officers shall hold certificates of competency for a motor vessel on board a motor vessel and a certificate of competency for a steamship on board a steamship.

Section 6 (301/2018)

Certification requirements for chief engineer officers of cargo ships and passenger ships

The master of a vessel may serve as chief engineer officer only on a vessel powered by main propulsion machinery of less than 350 kilowatts propulsion power on which the location of the machinery controls is such that the vessel may be manoeuvred from the conning position.

The chief engineer officer of a vessel powered by main propulsion machinery of 350 kilowatts propulsion power or more but less than 750 kilowatts propulsion power, engaged on domestic voyages, shall hold an engine attendant's certificate.

The chief engineer officer of a vessel powered by main propulsion machinery of 750 kilowatts propulsion power or more but less than 3,000 kilowatts propulsion power, engaged on domestic voyages, shall hold a watchkeeping engineer's certificate and have not less than 12 months of seagoing service in the capacity of engineer officer.

The chief engineer officer of a vessel powered by main propulsion machinery of 350 kilowatts propulsion power or more but less than 750 kilowatts propulsion power, engaged on voyages in the Baltic Sea area and on near-coastal voyages, shall hold an engine attendant's certificate and have not less than 12 months of seagoing service in the capacity of engineer officer.

The chief engineer officer of a vessel powered by main propulsion machinery of 350 kilowatts propulsion power or more but less than 750 kilowatts propulsion power, engaged on European voyages and worldwide voyages, shall hold a watchkeeping engineer's certificate and have not less than 12 months of seagoing service in the capacity of engineer officer.

The chief engineer officer of a vessel powered by main propulsion machinery of 750 kilowatts propulsion power or more but less than 3,000 kilowatts propulsion power, engaged on international voyages, shall hold at least a certificate of competency as chief engineer officer for vessels which are powered by main propulsion power of less than 3,000 kilowatts.

The chief engineer officer of a vessel powered by main propulsion machinery of 3,000 kilowatts propulsion power or more shall hold a chief engineer officer certificate.

The chief engineer officer of a steamship shall hold a certificate corresponding to the total power of the steam boilers.

Further provisions on the certificate of competency required from a pressure equipment operations supervisor and on the familiarisation requirements of a pressure equipment operator will be issued by government decree.

Section 7 (301/2018)

Certification requirements for operators of manned charter boats

Operators of manned charter boats shall hold a certificate for operators of charter boats. If operators of manned charter boats serve as charter boat operators on international voyages, they must, in addition to

the certificate for operators of charter boats, hold an international certificate for operators of pleasure craft.

Section 8 (301/2018)

Certification requirements for fishing vessel personnel

The skipper of a fishing vessel of class I shall hold a boatmaster's certificate (category B) for fishing vessels in catch areas I and II and a boatmaster's certificate (category A) for fishing vessels in catch area III.

The skipper of a fishing vessel of class II shall hold a boatmaster's certificate (category A) for fishing vessels.

The deck officer of a fishing vessel of class III shall hold a skipper's certificate (category B) for fishing vessels, whereas the skipper shall hold a skipper's certificate (category A) for fishing vessels.

The skipper may serve as the chief engineer officer only on a fishing vessel powered by main propulsion machinery of less than 350 kilowatts propulsion power on which the location of the machinery controls is such that the vessel may be manoeuvred from the conning position.

On fishing vessels powered by main propulsion machinery of 350 kilowatts propulsion power or more but less than 750 kilowatts propulsion power, one crew member shall hold an engine attendant's certificate.

If a fishing vessel is powered by main propulsion machinery of 750 kilowatts propulsion power or more, the chief engineer officer shall hold a watchkeeping engineer's certificate.

A person who has received safety training for fishing vessels and who holds:

- 1) a deck officer certificate may serve in the capacity of deck officer on a fishing vessel of class III, engaged in fishing in the Baltic Sea area;
a skipper of a fishing vessel of class III is, in addition, required to have not less than 12 months of seagoing service in the capacity of deck officer, of which not less than 6 months is service in the capacity of deck officer or skipper on a fishing vessel of 12 metres in length and over;
- 2) a skipper's certificate for domestic service may serve in the capacity of skipper of a fishing vessel on which the skipper shall hold a boatmaster's certificate (category A) for fishing vessels;
- 3) a boatmaster's certificate may serve in the capacity of skipper of a fishing vessel on which the skipper shall hold a boatmaster's certificate (category B) for fishing vessels.

Section 9 (301/2018)

Certification requirements for radio operators

A radio operator of a vessel shall have a valid certificate of competency for using the radio station concerned, issued by virtue of the Information Society Code (917/2014).

Section 10 (301/2018)

Minimum age for masters

Anyone serving as the master of a passenger ship or cargo ship engaged on international voyages shall be 20 years of age. Masters of passenger ships and cargo ships engaged on domestic voyages shall be 18 years of age.

Section 11 (301/2018)

Application of provisions on EU competence

The obligations laid down in Council Directive 91/672/EEC on the reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway, hereinafter the *Certification Directive*, Council Directive 96/50/EC on the harmonization of the conditions for obtaining national boatmasters' certificates for the carriage of goods and passengers by inland waterway in the Community, hereinafter *Conditions for Obtaining Certificates Directive*, and in Council Directive 87/540/EEC on access to the occupation of carrier of goods by waterway in national and international transport and on the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation, hereinafter the *Transport Operations Directive*, are also in force in Finland. However, the provisions laid down in the Conditions for Obtaining Certificates Directive and in the Transport Operations Directive on the conditions for issuing certificates, requirements for access to the occupation and qualification requirements do not apply to boatmasters, crew and carriers of vessels operating in inland waterways in Finland.

Section 12 (301/2018)

Issuing certificates of competency and certificates of proficiency

The Finnish Transport Safety Agency shall, on application, issue a certificate of competency and a certificate of proficiency and enter the related information in the transport register. However, the certificate of competency referred to in section 9 is issued by the Finnish Communications Regulatory Authority in accordance with the Radio Regulations related to the International Telecommunication Union's (ITU) Convention (Treaty Series 94/1996).

A condition for the issue of a certificate of competency and a certificate of proficiency is that the applicant satisfies, in respect of his or her age, health, knowledge, skills, training and experience, the qualification requirements for obtaining a certificate of competency or a certificate of proficiency. An applicant shall, in support of his or her application, submit all information and clarifications necessary for issuing a certificate of competency and a certificate of proficiency.

A further requirement for obtaining a certificate of competency and a certificate of proficiency is that the Finnish Transport Safety Agency has approved the training provider and the provided training in accordance with chapter 11, sections 1 and 3.

Further provisions on the certificates of competency, certificates of proficiency and competence and proficiency requirements may be issued by government decree in order to implement the STCW Convention, the SOLAS Convention, the Maritime Labour Convention of 2006 (Treaty Series 51 and 52/2013), the Directive on Minimum Level of Training of Seafarers, Council Directive 97/70/EC on setting up a harmonised safety regime for fishing vessels of 24 metres in length and over, and the International Radio Regulations related to the Convention of the International Telecommunications Union. Further provisions may also be issued by government decree on the necessary national certificates of competency and qualification requirements as well as on the issues to be presented in an application for a certificate of competency and a certificate of proficiency.

The Finnish Transport Safety Agency shall confirm the form for a certificate of competency, certificate of proficiency and endorsement. The Finnish Transport Safety Agency may issue further regulations on proficiency, the content and organisation of relevant training and on familiarisation requirements in order to implement the guidelines and recommendations of the International Maritime Organization (IMO). The Finnish Transport Safety Agency may also issue further regulations on the procedures related to the application for certificates of competency and certificates of proficiency.

Section 13 (301/2018)

Special training

In addition to the training required for the capacity held on board, persons serving on board a vessel may be required to undergo special training in accordance with the characteristics of the ship or the duties they have been assigned.

Persons serving on a fishing vessel shall have safety training.

Further provisions on the requirements for further training and familiarisation according to the type of passenger ships and tankers and the specific duties assigned to the crew may be issued by government decree. Further provisions on emergency, fire-fighting and medical training may be issued by government decree in order to implement the STCW Convention, the SOLAS Convention and the Directive on Minimum Level of Training of Seafarers.

The Finnish Transport Safety Agency may issue further regulations on the training of deck hands and on the safety training for fishing vessel personnel.

Section 14(301/2018)

Validity and revalidation of certificates of competency and certificates of proficiency

Certificates of competency and certificates of proficiency are valid for a limited or indefinite period of time. Further provisions on the validity of certificates of competency and certificates of proficiency may be issued by government decree in order to implement the STCW Convention and the Directive on Minimum Level of Training of Seafarers. Further provisions on the validity of national certificates may also be issued by government decree.

Applicants shall, for revalidation of the certificate of competency or the certificate of proficiency, present documentary evidence of their continued professional competence. Further provisions on the revalidation of certificates of competency and certificates of proficiency as well as on the documentary evidence of continued professional competence may be issued by government decree.

The Finnish Transport Safety Agency may issue further regulations on the further training, on-board training and work experience required for the revalidation of certificates of competency and certificates of proficiency as well as on procedures applied during transition periods.

Section 15 (301/2018)

Recognition of certificates of competency or certificates of proficiency issued by competent authorities of other states under the STCW Convention

Upon application, the Finnish Transport Safety Agency shall issue an endorsement as required in section 3 to attest the recognition of a certificate of competency or certificate of proficiency issued by a competent authority of another state. The endorsement certifies that the holder of the certificate of competency may serve on board a Finnish ship in the capacity of master, chief officer, deck officer, chief engineer officer, first engineer, engineer officer or electro-technical officer or perform tanker cargo operations in accordance with his or her certificate.

A certificate of competency or certificate of proficiency issued by a competent authority of an EEA member state under the STCW Convention shall be recognised.

The Finnish Transport Safety Agency may recognise a certificate of competency or certificate of proficiency issued by a competent authority of a non-EEA member state if:

- 1) the state is a contracting party to the STCW Convention;
- 2) the state has provided evidence to the Maritime Safety Committee of the IMO that it has implemented the provisions of the Convention;

- 3) the European Commission has recognised the system for issuing training and competence certificates of the state in question; and
- 4) the Finnish Transport Safety Agency and the competent authority of the state in question have concluded or are going to conclude a bilateral agreement on the recognition of certificates of competency and certificates of proficiency.

An endorsement for the capacities of master, chief officer, chief engineer and first engineer may only be issued on the condition that the holder is familiar with Finnish maritime law to the extent relevant for the capacity that he or she holds.

Endorsements shall be issued in accordance with Annex I, regulation 2, paragraphs 7 and 8 of the STCW Convention.

The Finnish Transport Safety Agency may issue further regulations on the documents to be attached to an endorsement application in order to implement the Directive on Minimum Level of Training of Seafarers.

Section 16 (301/2018)

Service on board a ship during the endorsement application process

The Finnish Transport Safety Agency may allow a seafarer to serve for a period not exceeding three months on a Finnish vessel without a recognised certificate of competency or certificate of proficiency if the seafarer holds a certificate of competency or certificate of proficiency for the capacity in question issued in accordance with the STCW Convention by a competent authority of a party to the Convention, for which recognition has been requested from the Finnish Transport Safety Agency, provided that the seafarer's engagement in that capacity does not put the safety of the vessel, environment or persons in danger.

Service on board a ship requires that the seafarer has a certificate issued by the Finnish Transport Safety Agency which confirms the receipt of an endorsement application.

If the Finnish Transport Safety Agency makes a negative decision on the issue of an endorsement, the right to serve on board the ship shall cease at the following port.

Section 17 (301/2018)

Recognition of certificates of competency not covered by the STCW Convention

The Finnish Transport Safety Agency may, on written application, also issue a certificate of recognition to an applicant who holds a certificate of competency for a deck officer or engine officer issued by a competent authority of an EEA member state which is not based on the STCW Convention. Qualifications for inland waterways will, however, be recognised in accordance with the Certification Directive.

The Act on the Recognition of Professional Qualifications (1384/2015), hereinafter the *Recognition Act*, shall apply to the recognition. The Finnish Transport Agency acts as the competent authority referred to in the Recognition Act in respect of maritime professionals.

For carrying out the profession persons are required to have language proficiency required for carrying out the duty in Finland.

Section 18 (301/2018)

Maintenance and presentation of certificates and documents

The original certificate of competency, certificate of proficiency, endorsement and certificate of qualification shall be kept on board the vessel on which the holder is serving.

The holder of the certificate of competency, certificate of proficiency, endorsement and certificate of qualification shall present them at the request of competent authorities, unless competence, proficiency or endorsement can be verified otherwise.

Chapter 11(301/2018)

Approval of maritime training providers and training

Section 1 (301/2018)

Approval of maritime training providers

Maritime training leading to a maritime certificate of competency or certificate of proficiency issued by the Finnish Transport Safety Agency under the STCW Convention or other maritime training in accordance with the STCW Convention, which under the Convention must be provided by an approved provider, may be only provided by a training provider assessed and approved by the Finnish Transport Safety Agency in accordance with the Convention.

A training provider shall apply for approval from the Finnish Transport Safety Agency. The Finnish Transport Safety Agency will assess whether the training provider satisfies the requirements of the STCW Convention or, in the cases referred to in subsection 3 below, the requirements of section 2. Following the assessment, the Finnish Transport Safety Agency will approve a training provider which satisfies the requirements. The assessment may include an evaluation of the premises and equipment used for providing training.

The Finnish Transport Safety Agency may, for a special reason, also approve a training provider which provides training that leads to a maritime certificate of competency or certificate of proficiency not covered by the STCW Convention.

The approval is granted for an indefinite period or, for a special reason, for a limited period.

Further provisions on the requirements for training providers may be issued by government decree. The Finnish Transport Safety Agency may issue further regulations on the approval procedure and the documents to be attached to applications.

Section 2 (301/2018)

Requirements for approving training providers not covered by the STCW Convention

A training provider to be approved for a special reason referred to above in section 1(3) shall have:

- 1) teaching personnel with good professional competence in the maritime sub-sector covered by training and the knowledge and skills required by the duty; and
- 2) a quality management system.

Section 3 (301/2018)

Approval of maritime training

The Finnish Transport Safety Agency shall, on application, approve training that satisfies the requirements of the STCW Convention and, for a special reason, other maritime training leading to a certificate of competency or certificate of proficiency. The approval of training applies to the content and organisation of training. Training must be approved prior to its commencement.

A requirement for approval of training is that:

- 1) the training provider has a detailed written curriculum which includes teaching methods, procedures and teaching material necessary for meeting the qualification requirements;
- 2) the training provider has premises and equipment necessary for the training; and

3) training to be approved for a special reason under subsection 1 satisfies the requirements based on the guidelines and recommendations of the IMO or the International Labour Organization (ILO) or on other international obligations or the national requirements laid down under this Act or in the qualification requirements set by the Finnish National Agency for Education in order to ensure an adequate level of training.

Approval shall be reapplied if the training requirements change substantially. The Finnish Transport Safety Agency shall inform training providers of substantial changes in the training requirements.

The Finnish Transport Safety Agency may issue further regulations on the content and organisation of training, applying primarily the STCW Convention or IMO or ILO guidelines and recommendations. The Finnish Transport Safety Agency may also issue further regulations on the application procedure and the documents to be attached to applications.

Section 4 (301/2018)

Assessment

The Finnish Transport Safety Agency may perform an assessment on a training provider and training approved by it. The purpose of assessment is to inspect whether the training and its organisation satisfy the requirements of sections 1 to 3.

The Finnish Transport Safety Agency may issue further regulations on the documents needed for assessment.

Section 5 (301/2018)

Notification obligation of training providers

An approved training provider shall immediately inform the Finnish Transport Safety Agency if the information included in the application referred to in section 1 or 3 or other information given by the applicant changes substantially.

The Finnish Transport Safety Agency may issue further regulations on the information to be submitted under this section and on the submission of this information to the Agency.

Chapter 12 (301/2018)

Flight operations subject to licence

Section 1 (301/2018)

Definitions

For the purposes of this Act:

- 1) *Chicago Convention* means the Convention on International Civil Aviation (Treaty Series 11/1949);
- 2) *EASA Regulation* means Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC;
- 3) *ECAC* means the European Civil Aviation Conference;
- 4) *licence for remotely piloted aircraft operations* means a licence needed for operating an unmanned aircraft that is piloted from a remote pilot station;
- 5) *Air Services Regulation* means Regulation (EC) No 1008/2008 of the European Parliament and of the Council on common rules for the operation of air services in the Community;

6) *External Relations Regulation* means Regulation (EC) No 847/2004 of the European Parliament and of the Council on the negotiation and implementation of air service agreements between member states and third countries.

Section 2 (301/2018)

Air services

An operating licence under the Air Services Regulation is needed for carrying passengers, cargo or mail by air for remuneration or hire (*air services*).

The Finnish Transport Safety Agency shall issue an operating licence on application. In addition to the provisions on the requirements for issuing an operating licence laid down in the Air Services Regulation, the persons who continuously and effectively manage the applicant's operations are required to be of good repute. A person does not meet the requirement of good repute if, during the past five years, he or she has been sentenced to prison or, during the past three years, fined for seriously violating the provisions or regulations concerning employment relationships, carrying out of business activities, accounting, debt relations, transport operations or traffic safety, and the act shows that the person is clearly unsuitable to carry out air services.

Aircraft used by an air carrier shall be entered in the Finnish aircraft register. The Finnish Transport Safety Agency may, however, allow an individual aircraft used by the carrier to be registered in another member state of the European Union, provided that flight safety oversight can be duly arranged.

Section 3 (301/2018)

Air services on routes within the European Economic Area with departure or destination in Finland

Air services on routes within the European Economic Area with departure or destination in Finland require an operating licence issued in an EEA member state. The Finnish Transport Safety Agency may, in an individual case or based on international obligations binding on Finland, also grant a licence to operate such services to an operator not holding an operating licence as referred to above.

Section 4 (301/2018)

Scheduled air services between Finland and a third country

Subject to the provisions of section 5, the requirement for scheduled air services between Finland and a third country referred to in the Air Services Regulation is that:

- 1) the air carrier holds an operating licence referred to in section 2 above and is established in Finland;
- 2) the air carrier is an undertaking designated by a third country and meets the requirements for operating air services as defined in the air services agreement between Finland and the third country concerned; or
- 3) the air carrier is an undertaking designated by a third country, holds a licence equivalent to the certificate for commercial flight operations referred to in Article 8(2) of the EASA Regulation, hereinafter the *air operator certificate*, issued by the authority of that third country, meets the requirements applicable to third country airlines as specified in this Act and in European Union regulations, and the Ministry of Transport and Communications considers granting such a licence justified on the basis of Finnish transport policy.

The Finnish Transport Safety Agency establishes, where necessary, the tariffs, capacity, schedules and other conditions concerning the air services.

The Finnish Transport Safety Agency may issue a separate confirmation of the right to operate air services to an air carrier.

Section 5 (301/2018)

Allocation of limited traffic rights

An operating licence is required for operating scheduled air services between Finland and a third country when the use of traffic rights has been limited by an air services agreement.

The Finnish Transport Safety Agency shall issue an operating licence on application. If the number of traffic rights has been limited and an operating licence cannot be issued to each applicant, the decision must be based on an overall assessment, taking into account the needs of passenger and cargo services, promotion of competition, and balanced development of air services in the European Union.

The Finnish Transport Agency will issue further regulations on the criteria for comparing the applicants.

Section 6 (301/2018)

Non-scheduled air services between Finland and a third country

An air carrier with an operating licence issued in an EEA member state may carry out one individual flight or a series of several flights (*non-scheduled air services*) between Finland and a third country without separate authorisation. Nevertheless, the Finnish Transport Safety Agency may, at the request of an air carrier operating scheduled air services referred to in section 4, prohibit the operation of non-scheduled air services, if it would cause the operations of this air carrier such economic disadvantage that cannot be considered minor, and if the air carrier by means of its operations would circumvent the restrictions imposed on the operation of scheduled air services.

An air carrier of a third country needs a flight permit for non-scheduled air services between Finland and the third country. The Finnish Transport Safety Agency shall issue the permit on application if the air carrier demonstrates that it holds an air operator certificate, operating licence or equivalent licences required for such air services and has a fleet of aircraft suitable for these flights.

The Finnish Transport Safety Agency may deny the flight permit if there is reason to suspect that:

- 1) the applicant is not able to operate the services in a professional and safe manner;
- 2) the applicant does not have an adequate liability insurance for aviation-related damages;
- 3) the applicant attempts to circumvent the requirements specified for the operation of scheduled air services in sections 4 and 5 by obtaining such a permit; or
- 4) the applicant's home state would not reciprocally grant a permit to a Finnish air carrier.

The Finnish Transport Safety Agency shall issue regulations on the documents needed to demonstrate that the requirements for the issue of the permit are satisfied. The Finnish Transport Safety Agency may also, by regulation, restrict the share of seats which can be sold otherwise than as a part of a travel package with regard to the overall number of seats available on each flight, provided that the restriction is based on an international practice generally followed in EEA member states or on reciprocity.

The regulations shall, in addition to European Union legislation governing the operation of non-scheduled air services, also consider the following:

- 1) standards and recommendations of the Chicago Convention;
- 2) ECAC recommendations;
- 3) international practices, in so far as they are generally applied in the member states.

Section 7 (301/2018)

Air services over the territory of Finland

A permit is required for scheduled and non-scheduled air services over the territory of Finland, unless otherwise agreed in a bilateral or multilateral agreement between Finland and the state of the air carrier.

In cases other than those referred to in subsection 1 above, the Finnish Transport Safety Agency shall issue a permit to operate air services over the territory of Finland. The permit can be issued either for scheduled or non-scheduled air services. The permit shall be issued if the air carrier demonstrates that it holds an air operator certificate, operating licence or equivalent licences required for such air services, and has a fleet of aircraft suitable for these flights.

The permit may be denied if there is cause to suspect that:

- 1) the applicant is not able to operate the services in a professional and safe manner;
- 2) the applicant does not have an adequate liability insurance for aviation-related damages;
- 3) the applicant's home state would not reciprocally grant a permit to a Finnish air carrier.

Section 8 (301/2018)

Aerial work certificate

Provisions on the use of an aircraft for special services (*specialised operations*) are laid down in the EASA Regulation and in Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, hereinafter the *Air Operations Regulation*. A licence is required for specialised operations (*aerial work certificate*) in so far as these regulations do not apply.

The Finnish Transport Safety Agency issues an aerial work certificate on application to an applicant which has at its disposal an organisation and staff necessary for safe conduct of aerial work and an aircraft fleet and equipment suitable for the intended operations. The aerial work certificate shall be issued for a fixed period determined by the Finnish Transport Safety Agency based on the applicant's operating conditions, relevant provisions and regulations or on other similar grounds.

An aerial work certificate is not required if an operator whose domicile or principal place of business is in another EEA member state demonstrates compliance with the licence, qualification and other equivalent requirements which have been established for similar operations in that state. The Finnish Transport Safety Agency may, nevertheless, specify any conditions necessary to ensure the safety of operations on a non-discriminatory basis.

The Finnish Transport Safety Agency may also permit aerial work operations to be conducted subject to declaration or without a certificate, if obtaining a certificate is not deemed necessary to ensure safety. An aerial work certificate is not required for the following operations carried out in accordance with the regulations issued by the Finnish Transport Safety Agency:

- 1) sailplane towing;
- 2) parachuting flights;
- 3) forest fire patrol flights;
- 4) state aviation and military aviation;
- 5) search and rescue flights occasionally performed at the request of an authority.

The Finnish Transport Safety Agency shall issue further regulations on the requirements for obtaining an aerial work certificate, as necessary for the safe conduct of aerial work operations. The regulations may concern:

- 1) the size of the certificate holder's organisation and their staff and staff qualifications;
- 2) the aircraft and equipment to be used for the operations referred to in the certificate;
- 3) the certificate holder's operating manuals and procedures;
- 4) the certificate holder's financial capacity.

With the exception of an unmanned aircraft with an operating mass of less than 150 kg, an aircraft to be used for aerial work shall be entered in the Finnish aircraft register. The Finnish Transport Safety Agency

may, however, grant an aerial work certificate to an aircraft registered in another member state, provided that flight safety oversight can be duly arranged. Where no suitable aircraft registered in a member state is available, the Finnish Transport Safety Agency may approve the use of an aircraft registered in a third country, provided that flight safety is not compromised. The Finnish Transport Safety Agency may issue further regulations on the conditions for approval of such aircraft for aerial work operations.

Section 9 (301/2018)

Licence for remotely piloted aircraft operations

The Finnish Transport Safety Agency issues licences for remotely piloted aircraft operations. For obtaining the licence, it is required that the applicant has at its disposal the personnel needed for safe operations with remotely piloted aircraft, equipment suitable for the purpose and instructions for the operations.

Section 9 added by the Act of 301/2018 will enter into force on a date laid down in a decree.

Section 10

Preparedness for emergencies and disruptions

A holder of an air operator certificate issued in Finland, as referred to in article 8(2) of the EASA Regulation, shall prepare for emergencies by participating in emergency planning and by preparing in advance for operations in emergencies and comparable disruptions of normal operations.

In addition to the provisions laid down in the Preparedness Act on the competence of the Government and the Ministry, further provisions on the organisation of emergency planning required to prepare for emergencies and similar disruptions of normal operations referred to in this section may be issued by government decree.

Chapter 13(301/2018) (

Qualifications and training of aircrew

Section 1 (301/2018)

Pilots, cabin crew members and remote pilots

Provisions on the requirements and personal licences of flight and cabin crew are laid down in the EASA Regulation and in Commission Regulation (EU) No 1178/2011 laying down technical requirements and administrative procedures related to civil aviation aircrew pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, hereinafter the *Aircrew Regulation*. To the extent that these regulations are not applicable, a natural person serving as a cabin crew member of an aircraft shall nevertheless have a pilot licence with the associated ratings as well as medical fitness.

A remote pilot of an aircraft shall have a remote pilot licence with the associated ratings.

Subsection 2 added by the Act of 301/2018 will enter into force on a date laid down in a decree.

By way of derogation from the provisions in subsection 1, flight crew members other than the pilot-in-command are not required to hold the licence, rating or approval as required for the duty on flight if the flight is an instruction or examination flight conducted for the purpose of obtaining that licence, rating or approval.

Section 2 (301/2018)

Issuing personal licences for aviation

The Finnish Transport Safety Agency shall, on application, issue a licence referred to in section 1 if the applicant meets the qualification requirements for the licence type as regards the applicant's age, health, knowledge, skills, training and experience. In addition, the Finnish Transport Safety Agency saves the information on the licence in the transport register and issues necessary licences and certificates needed for verification. Medical certificates may, however, be issued by aeromedical examiners, aeromedical centres or the Finnish Transport Safety Agency. Cabin crew medical reports are issued by occupational physicians, aeromedical examiners or aeromedical centres approved by the Finnish Transport Safety Agency.

A licence will not, however, be issued if the applicant is not suitable for holding it. An applicant may be regarded as unfit to hold a licence if he or she:

- 1) continues violating aviation rules or regulations regardless of a reminder or warning;
- 2) by fundamentally or repeatedly violating aviation rules or regulations demonstrates an unwillingness or inability to observe them; or
- 3) has previously demonstrated such general indifference towards rules or regulations that gives reason to suspect that the applicant is unwilling or unable to observe the rules and regulations essential for aviation safety.

The licence shall specify the duties the licence holder is entitled to perform. The licence may contain any conditions necessary to maintain flight safety.

Notwithstanding the provisions of the Language Act (423/2003) on the use of languages before authorities, the Finnish Transport Safety Agency may arrange theoretical knowledge examinations and skill tests for obtaining a licence in the English language.

To ensure flight safety, the Finnish Transport Safety Agency may, based on the standards and recommendations referred to in the Chicago Convention and with regard to the EASA Regulation and the Commission regulations issued by virtue of it, issue further regulations on the qualification requirements for and validity of licences.

Section 3 (301/2018)

Requirements for issuing medical certificates

For the issue of a medical certificate, it is required that the applicant meets the medical requirements imposed by the Finnish Transport Safety Agency based on the standards and recommendations referred to in the Chicago Convention and on the provisions of the EASA Regulation and the Commission regulations issued by virtue of it.

A medical certificate shall be issued for a fixed period in accordance with the standards or recommendations referred to in subsection 1 above, unless there are special reasons for an exception. The issue and renewal of a medical certificate requires that the applicant has been approved in an examination carried out by an aeromedical examiner.

Section 4 (301/2018)

Foreign licences

The Finnish Transport Safety Agency will recognise personal licences issued abroad and required for the duty in accordance with international obligations binding on Finland.

The Finnish Transport Safety Agency may validate a licence issued abroad if the requirements laid down in this chapter are satisfied.

Section 5 (301/2018)

Student pilot

A student pilot is allowed to fly solo provided that:

- 1) the flight instructor gives his or her permission for the flight and supervises it;
- 2) the student pilot has reached the age of 16 before a solo flight on an aeroplane, helicopter, autogyro or airship, and 14 years before a solo flight on a sailplane or balloon; and
- 3) he or she holds a medical certificate.

Section 6 (301/2018)

Aircrew training

The EASA Regulation and the Aircrew Regulation lay down provisions on flight and theoretical knowledge instruction associated with the issue or continued validity of aircrew licences, certificates of competence, ratings or approvals. To the extent that these regulations are not applicable, a licence issued by the Finnish Transport Safety Agency is required for aircrew training (*training licence*). The Finnish Transport Safety Agency will issue a training licence to an applicant which has at its disposal the organisation and personnel required for safe and appropriate provision of training and the aircraft fleet, premises and teaching equipment suitable for the intended operations.

The Finnish Transport Safety Agency may allow provision of training referred to in subsection 1 subject to declaration or without a licence if corresponding training activities may be carried out subject to declaration or without a licence under European Union legislation and if a licence is not necessary for ensuring safety.

The Finnish Transport Safety Agency may issue further regulations on aircrew training which may relate to:

- 1) training activities referred to in subsection 2 where a training declaration is sufficient for carrying out training;
- 2) the size and professional skills of the organisation and staff of the training licence holder or the party which has given a training declaration;
- 3) aircraft fleet, teaching premises and other teaching equipment used in training;
- 4) operating manuals, operating procedures and training programmes of the training licence holder and the party which has given a training declaration;
- 5) information on training to be submitted to the authorities.

PART II A (579/2018)

TRAFFIC CONTROL AND MANAGEMENT

Chapter 1 (579/2018)

Road traffic control and management services

Section 1 (579/2018)

Organising road traffic control and management services

Road traffic control and management services may be provided on the state road network and on streets managed by municipalities, as well as on private roads. The Finnish Traffic Agency shall, in the capacity of road authority, be responsible for organising traffic control and management services for the road network under its management as required by the transport services operated on the road network and ensure the quality and fairness of traffic control and management services. Road authorities may organise the road traffic control and management services referred to in section 2 below themselves or acquire them from public or private service providers.

Another road or street network owner may agree on the organisation of traffic control with a traffic control and management service provider. Road and street network owners must agree on the practical arrangements for transport services and traffic control when routes are interconnected and transport operations take place between them. The Finnish Transport Agency may, in cooperation with actors representing municipalities and private road owners, coordinate road traffic control and management services to be offered on roads, streets and private roads.

Section 1 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 2 (579/2018)

Tasks included in road traffic control and management services

A road traffic control and management service provider shall be responsible for maintaining the monitoring of the traffic situation on traffic routes (traffic situation picture) and a notification and information service for accidents, incidents and situations affecting traffic flow. A road traffic control and management service provider shall also give traffic-related meteorological data and information on conditions, as well as on traffic flow and intensity, on the condition and usability of equipment for road maintenance and traffic, on other issues affecting traffic safety and traffic flow, as well as on other issues related to the safe operation, control or management of vehicles. Information may also be provided via an open interface as referred to in chapter 2, section 3 below.

A road traffic control and management service provider shall also be responsible, in accordance with regulations issued by the Finnish Transport Safety Agency, for traffic arrangements that are necessary for preventing incidents and accidents and ensuring traffic flow. A road traffic control and management service provider may, for a maximum duration of one day,

- 1) close a tunnel and give information on an alternative route;
- 2) indicate a replacing route when a road or tunnel is closed or when a road is otherwise temporarily unsuitable for transport operations;
- 3) indicate a meeting point;
- 4) indicate an overtaking point and issue an overtaking ban;
- 5) indicate a stopping point or issue a stopping ban;
- 6) space out traffic in respect of time or distance;
- 7) indicate a route for vehicles transporting dangerous goods and for special transportation;
- 8) take other necessary measures to ensure traffic safety and traffic flow.

The Finnish Transport Safety Agency may issue more detailed regulations on the traffic arrangements referred to in subsection 2. The regulations need to consider the mandates of different authorities and the cooperation the control and management service provider is obliged to carry out with the authorities when it implements measures. A road traffic control and management service provider shall save information on the measures it has carried out as referred to in subsection 2. The Finnish Transport Safety Agency may, if necessary, review a measure referred to in subsection 2 carried out by the traffic control and management service provider. The Finnish Transport Safety Agency may decide on the discontinuation of the measure or on its extension if it is needed for a period exceeding one day.

Section 2 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 3 (579/2018)

Requirements for road traffic control and management service providers

A road traffic control and management service provider shall be reliable and have the right to carry out business in Finland as well as possess the technical, financial, professional and operational resources required for the task.

A service provider cannot be regarded as reliable if the provider is under a ban on business operations under the Trading Prohibition Act or a ban on business has been imposed on the provider during the past five years, the provider has been sentenced to imprisonment during the past five years or to a fine during the past three years for seriously violating the provisions or regulations concerning employment relationships, carrying out of business activities, accounting or debt relations, or has been sentenced to imprisonment during the past five years for another serious offence that can be estimated to affect reliability or regarded as an indication of the person being clearly unsuitable to carry out the tasks referred to in this chapter. The assessment of the service provider's reliability applies to persons in charge of the service provider's management and to persons responsible for the tasks referred to in section 2.

A road traffic control and management service provider shall keep an operations manual. The operations manual shall define the tasks and measures related to the maintenance of the service provider's activities and technical systems as well as preparedness for maintaining the service in exceptional circumstances.

Road traffic control and management service providers shall ensure that the persons employed by them have the necessary expertise for performing their tasks and are capable of carrying out safe and efficient road traffic control.

Provisions on criminal liability for acts in office shall apply to road traffic controllers employed by a road traffic control and management service provider when they are performing the tasks referred to in section 2. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Section 3 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 4 (579/2018)

Preparedness for emergencies and disruptions during normal conditions

A road traffic control and management service provider must be prepared for emergencies and ensure that its operations continue with as few disruptions as possible also in the case of emergencies referred to in the Preparedness Act and in disruptions during normal conditions.

A road traffic service provider must participate in emergency planning as required by its operations and plan in advance operations in emergencies and in disruptions during normal conditions.

In addition to the provisions laid down in the Preparedness Act on the competence of the Government and the Ministry, more detailed provisions on the organisation of emergency planning required to prepare for emergencies and disruptions during normal conditions may be issued by government decree.

Section 4 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 5 (579/2018)

Information security

A road traffic control and management service provider shall ensure management of risks to communication networks and information systems it uses which are significant in respect of traffic safety.

A road traffic control and management service provider shall forthwith inform the Finnish Transport Safety Agency of significant information security-related disturbances to its systems which may considerably

endanger traffic safety. The Finnish Transport Safety Agency may issue more detailed regulations on the content, form and delivery of notifications.

If informing of the occurrence is in the interest of the general public, the Finnish Transport Safety Agency may oblige the service provider to inform of the matter or, after having consulted the party responsible for providing information, inform of the matter itself.

The Finnish Transport Safety Agency shall evaluate whether the disturbance referred to in subsection 1 concerns other member states of the European Union and, if necessary, inform the relevant member states.

A road traffic control and management service provider shall save and keep a road traffic situation picture in a manner protecting records from unauthorised access. Records must be kept for 14 days.

Section 5 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 6 (579/2018) **Occurrence notifications**

A road traffic control and management service provider shall inform the following parties of relevant issues related to accidents and incidents, infrastructure management, traffic safety, environmental protection, rescue operations, territorial surveillance or customs control it has detected or of which it has been notified:

- 1) traffic, rescue, environment, territorial surveillance, police or customs authorities, the Border Guard and the Emergency Response Centre Agency,
- 2) owners of infrastructure network,
- 3) port authorities or other terminals,
- 4) traffic controllers referred to in chapter 3 of the Road Traffic Act (267/1981) and traffic supervisors referred to in chapter 7 of the same Act,
- 5) other actors whose actions may prevent or minimise the occurrence of danger or damage.

A road traffic control and management service provider shall also inform the parties referred to in subsection 1 of measures it carries out under section 2(2) of this chapter, if the measures may influence the performance of the tasks of the party referred to in subsection 1.

The Finnish Transport Safety Agency may issue more detailed regulations on the content of the notification obligation referred to in subsection 1 and on the notification method.

Section 6 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 7 (579/2018) **Notifying road traffic incidents and accidents**

The Emergency Response Centre Agency shall notify road traffic control and management service providers, without undue delay, of traffic incidents that essentially endanger traffic safety or traffic flow. Notifying shall take place automatically via an interface or otherwise by electronic means.

Section 7 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 8 (579/2018) **Assistance to road traffic control and management service providers**

The Police, Rescue Services, Emergency Response Centre Agency and the Finnish Meteorological Institute shall assist, free of charge, road traffic control and management service providers when they perform their tasks laid down in this Act by giving them necessary information or other support if, considering the seriousness and special nature of the situation, this is necessary and the authorities' duties do not prevent the provision of assistance.

Section 8 added by the Act of 579/2018 will enter into force on 1 January 2019.

Chapter 1 added by the Act of 579/2018 will enter into force on 1 January 2019.

Chapter 2 (579/2018)

Information management of traffic control and management service providers

Section 1 (579/2018)

Right to obtain information from authorities

In addition to what is provided elsewhere in the law, authorities may, notwithstanding secrecy provisions, disclose information to traffic control and management service providers that is necessary for the performance of their statutory duties. The authorities may make disclosure of confidential information subject to information security evaluation. Confidential information may not be disclosed further, unless the disclosing authority has separately authorised this.

The information will be submitted free of charge via an interface or otherwise by electronic means.

A traffic control and management service provider may also use information it has obtained for tasks laid down in different acts for the performance of other statutory duties, if the same service provider provides control and management services for different transport modes.

Section 1 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 2 (579/2018)

Right to obtain other information

In addition to what is provided elsewhere in the law, a traffic control and management service provider has the right to obtain, notwithstanding secrecy provisions or business or professional secrecy, information that is necessary for the traffic control and management service provider for the performance of its statutory duties. The right to obtain information covers information on traffic control equipment and their functioning, on traffic incidents and accidents, on disturbances in traffic and communication networks, on vehicle locations, meteorological data and information on conditions, as well as other information for forming a traffic situation picture and pertaining to traffic safety and traffic flow. A traffic control and management service provider has the right to obtain information from:

- 1) public or private actors which perform repair and maintenance activities and construction work for the infrastructure network;
- 2) communication network administrators on disturbances in the communications network;
- 3) pilotage service providers and port authorities;
- 4) other traffic control and management service providers;
- 5) train, vessel and aircraft owners, traffic operators or their representatives;
- 6) on a separate request from other actors whose actions influence traffic safety or traffic flow.

A traffic control and management service provider may not disclose further confidential information or information regarded as business or professional secrets, unless this is necessary for ensuring public safety or traffic safety or for preventing serious environmental damage. In this case, the information must be in a

format that makes it impossible to identify individual users and does not compromise business or professional secrets. The foregoing does not preclude disclosure of information to authorities as referred to in section 4 below.

The information will be submitted via an interface or otherwise by electronic means. Access to information and information systems offered via an interface and any support services, terms and conditions of use, software, licences and other services that may be required to access them shall be offered on fair, reasonable and non-discriminatory terms.

A traffic control and management service provider may also use information it has obtained for tasks laid down in different acts for the performance of other statutory duties, if the same service provider provides control and management services for different transport modes.

Section 2 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 3 (579/2018)

Disclosure of information via an open interface

A traffic control and management service provider shall open the following up-to-date information in a machine-readable format via an open interface for free use in order to perform its task referred to in chapter 1, section 2(1):

- 1) traffic-related meteorological data and weather forecasts;
- 2) information on traffic-related conditions;
- 3) measurement data on traffic amounts;
- 4) information on traffic flow and travelling times;
- 5) information on disturbances and exceptional circumstances;
- 6) information on changing speed limits and other changing traffic rules;
- 7) information on vehicle locations, if available;
- 8) other public information produced through public funding and referred to in the Act on the Openness of Government Activities (621/1999), unless the disclosing authority prohibits its opening as open data.

Provisions on air traffic flow management are laid down in Commission Regulation (EU) No 255/2010 laying down common rules on air traffic flow management. Provisions on the obligation of providers of meteorological services for aviation to provide meteorological data are laid down in Commission Implementing Regulation (EU) No 1035/2011 laying down common requirements for the provision of air navigation services and amending Regulations (EC) No 482/2008 and (EU) No 691/2010.

A traffic control and management service provider shall open the following static information in a machine-readable format for free use via an open interface:

- 1) history information on traffic flow and travelling times;
- 2) history information on traffic and measurement data;
- 3) history information on conditions;
- 4) other statistical data.

Access to information and information systems offered via an open interface and any support services, terms and conditions of use, software, licences and other services that may be required to access them shall be offered on fair, reasonable and non-discriminatory terms. In so far as the opening of information is based on an agreement with the Finnish Transport Agency or another authority, the information must be opened free of charge. A fee may be charged for processed information on commercial grounds. The information to be opened must be in a format that makes it impossible to identify a natural person and does not compromise business or professional secrets.

Section 3 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 4 (579/2018)

Disclosure of information to authorities and other parties performing a public duty

A traffic control and management service provider shall, notwithstanding business and professional secrecy, disclose information to authorities or other parties responsible for statutory duties that is necessary for the performance of their statutory duties. The information shall be disclosed free of charge via an interface or otherwise by electronic means.

Provisions on the disclosure of information with regard to air traffic are laid down in the Commission Regulation laying down common rules on air traffic flow management referred to in section 3(2).

Section 4 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 5 (579/2018)

Interoperability of traffic control and management services

A traffic control and management service provider shall ensure that the information it has obtained under section 1 or 2 will be, without undue delay, available to other traffic control and management service providers offering similar services under the law via an interface free of charge, unless the disclosing authority has prohibited or restricted the disclosure of information.

Traffic control and management service providers must, when developing their services, systems and information contents, ensure their interoperability with other similar services. More detailed provisions on how to ensure interoperability may be issued by government decree.

Section 5 added by the Act of 579/2018 will enter into force on 1 January 2019.

Section 6 (579/2018)

Use of information for providing value-added services

A traffic control and management service provider may use the information it has obtained under sections 1 and 2 when providing services other than the statutory services, but information may not, upon the provision of services, be disclosed contrary to the provisions of this chapter and the service may not reveal confidential information. Neither may the traffic control and management service provider use the confidential information it has obtained under section 2 in a way that would damage the economic interests of the disclosing party.

Section 6 added by the Act of 579/2018 will enter into force on 1 January 2019.

Chapter 2 added by the Act of 579/2018 will enter into force on 1 January 2019.

Part II A added by the Act of 579/2018 will enter into force on 1 January 2019.

PART III SERVICES

Chapter 1

Passenger transport services

Section 1

Obligation to provide information

A licence holder who provides passenger transport services as well as a provider of brokering and dispatch services or integrated mobility services shall ensure that at minimum the following information is available to the passengers in an electronic format:

- 1) information on whether the passengers and goods transport services are provided subject to a licence or if the service has been exempt from having a licence;
- 2) the primary operating area, the services provided including times of service, as well as any changes or cancellations;
- 3) prices or the basis for calculating the prices;
- 4) the payment methods in use;
- 5) services and assistance available for disabled passengers, accessibility of the fleet, and equipment that facilitates passengers in boarding the vehicle and interaction with the driver; and
- 6) instructions for providing customer feedback and procedures in case of errors.

A licence holder who provides passenger transport services does not, however, need to provide the information in an electronic format if this is not appropriate or reasonable due to the small size or local operating area of the company. In this case, however, the information shall be publicly available in a printed format.

In order to ensure that the information is commensurable and comparable, the Finnish Transport Safety Agency may give more detailed orders on providing access to the data.

Section 2

Obligations applicable to taxi and vehicle -for-hire services

A licence holder who provides passenger transport services is responsible for ensuring that when taxi or vehicle-for-hire services are provided:

- 1) the driver has the taxi driving licence referred to in Part II, chapter 3, section 1;
- 2) the driver ensures that the passengers can board and alight safely and offers the passengers any assistance that may be required;
- 3) the driver has sufficient interaction and language skills;
- 4) the driver has the ability to take into consideration any special needs arising from a passenger's restricted functional capacity;
- 5) the name and contact details of the licence holder and the driver's name are posted in a location where the passenger can see them;
- 6) the driver chooses the route that is the most inexpensive and appropriate for the passenger when the price is calculated on the basis of the length or duration of the journey, if the passenger leaves the choice to the driver, or the driver follows the route approved or suggested by the passenger in advance, when the journey was booked; and
- 7) the passenger has the right to pay for the journey in cash and using the most commonly accepted payment cards, unless a certain method of payment has been clearly specified as referred to in section 1, and this method was accepted by the passenger when the journey was ordered or booked.

Section 3

Pricing of taxi and vehicle-for-hire services

A passenger transport licence holder and a provider of brokering and dispatch services shall, before the taxi journey begins or the order is confirmed, inform the passenger of the total price including tax of the taxi journey or, if it is not possible to give an accurate price in advance, the basis for calculating the price including tax. The total price, or the basis for calculating the price, shall be announced in a clear and

unambiguous manner that is easy for passengers to understand. Information on prices shall be presented so that it can be easily noticed by the passenger.

The Finnish Transport Safety Agency may issue more detailed orders on informing consumers of prices as referred to in subsection 1 and on advertising price information.

The Finnish Transport Safety Agency shall monitor the pricing of taxi and vehicle-for-hire services offered to passengers. The Finnish Transport Safety Agency may issue more detailed orders on the total price of a taxi and vehicle-for-hire service which, when this price is exceeded or it is expected that it will be exceeded, obliges the taxi and vehicle-for-hire-service provider to expressly agree on the price. In the determination of the aforementioned price, the Finnish Transport Safety Agency shall take into consideration the general price level of taxi and vehicle-for-hire services, the different pricing models of taxi and vehicle-for-hire-services, the general consumer price level, and the general income level of the population. The determined total price shall be reviewed once a year.

If a dispute arises on whether the price has been expressly agreed on, the service provider shall be able to show proof of this claim. If the price has not been agreed on expressly, it cannot exceed the total price determined by the Finnish Transport Safety Agency referred to in subsection 3.

The Finnish Transport Safety Agency may set a maximum price for the most commonly used taxi and vehicle-for-hire-services, including services provided for special groups, if the rise in total prices is not significantly greater than the development of the general consumer price index and taxi transport cost index. The maximum price set by the Finnish Transport Safety Agency shall be based on costs, including a reasonable profit margin. The maximum price shall be reviewed once a year.

Section 4 (301/2018)

Responsibility towards aircraft, passengers and goods

The commander and the crew are obliged to attend to the aircraft as well as to the passengers and goods carried on board. If the aircraft gets into distress, the commander and the crew shall, by any means available, protect the aircraft and the persons and goods on board.

Chapter 2

Interoperability of information and information systems

Section 1

Essential data concerning mobility services

Regardless of the mode of transport, a provider of passenger mobility services shall ensure that essential, up-to-date data on its services is freely available from an information system (open interface) in a standard, easy to edit, and computer-readable format. At minimum, this essential data shall include information on routes, stops, timetables, prices, availability and accessibility.

The Finnish Transport Safety Agency shall be notified of the web addresses of an interface referred to in subsection 1 above and web addresses of any additional information needed to use the interface as well as any address updates before operation is initiated or, with regard to updates, as soon as a new address is known.

The Finnish Transport Agency shall offer a technical service through which the data referred to in subsection 1 may alternatively be provided.

More detailed provisions on essential data referred to in subsection 1 and the requirements for keeping this information up to date, as well as on technical interoperability may be laid down by a government decree.

Section 2

Interoperability of ticket and payment systems

Providers of road and rail passenger transport services, providers of brokering and dispatch services, or actors managing a ticket or payment system on behalf of these shall give mobility service providers and providers of integrated mobility services access to the sales interface of their ticket and payment systems, through which it is possible to: (1056/2017)

1) purchase a ticket product at a basic price that, at minimum, entitles the passenger to a single trip; the travel right based on this ticket shall be easily verifiable using generally applied technology; or

2) reserve a single trip or a transportation, the exact price of which is unknown when the service begins or which for some other reason will be paid by mutual agreement after the service has been provided.

A service provider who only provides passenger transport services other than those procured by the competent authority referred to in Part IV, chapter 1, sections 4 and 5 of this Act, the Act on Public Procurement and Concession Contracts (1397/2016), hereinafter referred to as the Public Procurement Act, or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors (1398/2016), may deviate from the requirement in subsection 1 if requirement is not technically feasible or reasonable due to the company's small size or operating area.

A service provider obligated to open a ticket and payment system interface pursuant to subsection 1 and a mobility and integrated mobility services provider that utilises the interface shall work in co-operation to facilitate the necessary practical arrangements.

Section 2a (301/2018)

Authorisation to act on behalf of another party

Mobility or integrated mobility service providers or actors managing a ticket or payment system on behalf of these shall give mobility or integrated mobility service providers access to the sales interface of their ticket and payment systems, or, if necessary, provide access to the systems via another electronic transaction channel and allow the mobility or integrated mobility service providers with the right of access to purchase ticket products at the service user's request on his or her behalf or other products entitling them to use the mobility services using the identification and user information of the service user's existing user account.

The issuer of a ticket which includes a discount, reimbursement or a special condition related to the mobility service shall give the mobility or integrated mobility service providers access to the system via an interface or another electronic transaction channel and thereby allow the mobility or integrated mobility service providers with the right of access to purchase, at the service user's request on his or her behalf, ticket products entitling them to use the discount, reimbursement or other special condition or other products entitling them to use the service using the identification and user information of the service user's existing user account. If the controller of a register related to the criteria for a discount, reimbursement or special condition is a party other than the ticket issuer, the controller and the ticket issuer shall together ensure that the information related to the criteria are available to the extent required for carrying out a transaction on behalf of another party.

Personal data may be processed in connection with the transaction on behalf of another party referred to in subsections 1 and 2 above only to the extent that is necessary for verifying the identity and performing the transaction on behalf of another party. In addition to what is provided elsewhere in the law, identity must be verifiable in a particularly reliable manner when the relationship for acting on behalf of another party is established or substantially changed. Identity must also be verifiable in connection with a transaction on behalf of another party.

The access to an interface or system referred to in subsections 1 and 2 above must be provided without any conditions restricting the use. The mobility or integrated mobility service provider referred to in subsection 1 above and the actor managing a ticket and payment system on behalf of these as well as the issuer of a ticket which includes a discount, reimbursement or special condition related to the mobility service as referred to in subsection 2 has, nevertheless, the right to evaluate the reliability of the mobility or integrated mobility service provider with the right of access according to pre-determined evaluation criteria and conditions. Access to information may not be denied if the operator applying for access has a licence, approval, authorisation or certification issued by an authority or by a third party authorised by an authority for a corresponding purpose or its operations have otherwise been demonstrated to correspond to generally applied standards or generally accepted conditions in the sector. If access is denied, the applicant must be presented appropriately justified reasons for denial.

The mobility or integrated mobility service provider referred to in subsection 1 above and the actor managing a ticket and payment system on behalf of these as well as the issuer of a ticket which includes a discount, reimbursement or special condition related to the mobility service as referred to in subsection 2, providing only passenger transport services other than those acquired by the competent authority referred to in part IV, chapter 1, sections 3 and 4 pursuant to this Act and the Act on Public Procurement or acquired by entities operating in the water, energy, transport and postal services sectors pursuant to the said Act, may deviate from the requirement of subsection 1 or 2 if its implementation is not technically appropriate and reasonable due to the small size or sphere of operations of the undertaking.

The service provider obligated to open an interface pursuant to subsections 1 and 2 and the mobility or integrated mobility service provider that uses the interface shall cooperate to facilitate the necessary practical arrangements. The scope of access must be adequately extensive so that mobility and integrated mobility service providers can provide their services efficiently without restrictions.

Section 2 a added by the Act of 301/2018 will enter into force on 1 January 2019.

Section 3

Promoting interoperability in public procurements

When procuring mobility services or ticket or payments systems associated with them pursuant to this Act, the Public Procurement Act, or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors, a competent authority referred to in Part IV, chapter 1, section 4 and 5 of this Act shall see to it that the invitation to tender, the contract notice and the contract contain the following requirements:

- 1) the service provider has described how they have fulfilled their obligations outlined in section 1;
- 2) verifying the travel rights based on the service provider's ticket products shall be made possible by contacting a back office system through a telecommunication network shall be possible, and generally applied technologies shall be used for the verification; and
- 3) where the travel right is verified by contacting the back office system of another service provider, communication between the back office systems shall be possible through an interface.

A competent authority shall approve all such systems used by service providers that meet the requirements listed in subsection 1, paragraph 2. Additionally, a competent authority shall ensure that its activities promote interoperability of the ticket and payment systems also in other respects.

Section 4 (301/2018)

General requirements for opening interfaces

Access to information and information systems offered through the open interfaces referred to in sections 1, 2 and 2a above and any support services, terms and conditions of use, software, licences and other services that may be required to access them shall be offered on fair, reasonable and non-discriminatory terms.

The service providers required to open interfaces referred to in sections 1, 2 and 2a above shall ensure that they can be opened without compromising the service's information security and privacy. The mobility or integrated mobility service providers with the right of access as referred to in section 2a above shall ensure the level of information security and data protection in connection with their own services so that transactions on behalf of another party may be performed without compromising these.

Section 4 added by the Act of 301/2018 will enter into force on 1 January 2019. Previous form of wording:

Section 4

General requirements for opening interfaces

Access to information and information systems offered through the open interfaces referred to in sections 1 and 2 above and any support services, terms and conditions of use, software, licences and other services that may be required to access them shall be offered on fair, reasonable and non-discriminatory terms.

The service providers required to open interfaces referred to in sections 1 and 2 above shall ensure that they can be opened without compromising the service's information security and privacy.

Section 5

Interoperability of services that link services and interfaces

Service providers who provide technical links between the open interfaces on which provisions are laid down in this chapter and the actors responsible for maintaining back office systems associated with verifying travel rights shall, when developing their services and systems, ensure that they are interoperable with other similar services. The service providers referred to above shall also in other respects work together in order to deliver the technical interoperability required to form travel chains.

Providers of integrated mobility services shall open the interfaces needed to verify travel rights and ensure that the travel rights may be verified using generally applied technologies.

More detailed provisions on ensuring the interoperability referred to in subsection 1 and 2 may be laid down by a government decree.

Section 6

Deployment of intelligent transport systems

The principles adopted in Annex II to Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of ITS in the field of road transport and for interfaces with other modes of transport (the ITS Directive) shall be complied with in the application of the specifications adopted by the Commission under Article 6 concerning the priority areas referred to in Article 2 and priority actions referred to in Article

3.

The Finnish Transport Safety Agency shall assess and ascertain whether the service providers, authorities and other operators implementing the priority areas referred to in Article 2 and the priority actions referred to in Article 3 of the ITS Directive comply with the requirements laid down in and by virtue of the directive.

Where necessary, the Finnish Transport Safety Agency will issue more detailed technical orders on how actors may demonstrate that they fulfil the requirements referred to in subsection 2 and how they may apply for an assessment.

Section 7 (286/2018)

Obligation of an operator of an intelligent transport system to ensure risk management of communications networks and information systems, and notifying of disturbances related to information security

An operator of an intelligent transport system shall ensure the risk management of its communications networks and information systems.

An operator of an intelligent transport system shall notify without delay the Transport Safety Agency of any significant information security-related disturbance to its communications networks or information systems.

If notifying of the disturbance is in the interest of the general public, the Transport Safety Agency may oblige the service provider to inform of the matter or, after having consulted the party responsible for providing information, inform of the matter itself.

The Finnish Transport Safety Agency shall assess whether the disturbance referred to in subsection 2 concerns other Member States of the European Union and, if necessary, inform the relevant Member States.

Notwithstanding secrecy provisions or other restrictions on the disclosure of information, the Transport Safety Agency has the right to supply documents that they have received or drawn up in the course of performing their duties laid down in this section or disclose confidential information to the Finnish Communications Regulatory Authority, if this is necessary for performing duties related to information security.

The Transport Safety Agency may issue further regulations on the significance of a disturbance referred to in subsection 1 as well as on the content, form, and delivery of the notification.

Chapter 3

Contract award procedures and the awarding of exclusive rights

Section 1

Contract award procedures

The contract award procedures set out in this chapter shall be applied when concluding concession contracts that concern road transport and track-guided transport other than rail transport. The contract award procedures set out in this chapter shall be applied when concluding contracts on rail transport, regardless of whether they are concession contracts or other public service contracts referred to in

regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (the Public Service Contract Regulation). Provisions on awarding a contract without a competitive tendering procedure are contained in Articles 4–8 of the Public Service Contract Regulation.

To public service contracts other than those referred to in subsection 1, procurement procedures laid down in the Public Procurement Act or the Act on public contracts and concessions of entities operating in the water, energy, transport and postal services sectors shall be applied. The Public Service Contracts regulation shall apply to these contracts, excluding the provisions in its Articles 5(2–6) and 8(2–4).

The competent authorities referred to in Part IV, chapter 1, sections 4 and 5 of this Act may, when awarding concession contracts, follow a procedure where all operators referred to in the Public Service Contract Regulation may submit a tender (single-stage procedure) or a procedure where all the cited operators may submit a request to participate, after which the competent authority selects from among the operators who have submitted a request to participate those candidates who can submit a tender in the next phase of the procedure (*twostage procedure*).

Section 2

Publication of the contract and minimum deadlines

In addition to the provisions in Article 7 of the Public Service Contract Regulation, the competent authority shall make public any concession contracts to be entered into following the procedures set out in section 1, subsection 3. The notices shall be submitted for publication to the website www.hankintailmoitukset.fi. Additionally, the provisions laid down in chapter 8 of the Public Procurement Act shall be applied to information exchange related to procurements.

When setting the deadlines for contract award procedures, the scale of the procurement, the duration of the contract as well as the time required to prepare and submit tenders shall be taken into account. The deadlines shall be calculated from the day following the date on which the contract notice was sent for publication. If a two-stage procedure is used by the competent authority, the time limit for submitting tenders shall be calculated from the date on which the invitation to tender is sent out.

In a two-stage procedure, at minimum 30 days shall be reserved for submitting requests to participate. In a single-stage procedure, the time limit for submitting tenders shall be at minimum 35 days, and in a two-stage procedure, at minimum 30 days. (301/2018)

The time limits for submitting tenders referred to in subsection 3 above may be shortened by five days if the competent authority accepts electronic submission of tenders as referred to in section 62(1) of the Act on Public Procurement. (301/2018)

The time limits laid down in subsection 3 above may be shortened if compliance with the time limits in these procedures is not possible in practice, owing to an urgency that is duly substantiated by the competent authority. The tendering period shall nevertheless be not less than 15 days in a single-stage procedure. In a two-stage procedure, at minimum 15 days shall be reserved for submitting requests to participate. The tendering period shall be not less than 10 days in a two-stage procedure. (301/2018)

The tendering period may be shortened to not less than 15 days in a single-stage procedure and to not less than 10 days in a two-stage procedure if the competent authority has sent a prior information notice for publication as specified in section 61 of the Act on Public Procurement. (301/2018)

Section 3

Invitation to tender

The invitation to tender shall be prepared in writing and so clearly that commensurable and comparable tenders may be submitted on its basis. In the invitation to tender, operators are requested to submit their tenders by the deadline.

The invitation to tender and, where applicable, the contract notice, shall contain:

- 1) a definition of the contract subject and minimum requirements set on its quality;
- 2) a reference to the published contract notice;
- 3) the deadline for submitting tenders;
- 4) the address to which written tenders should be submitted;
- 5) the language or languages in which the tenders should be prepared;
- 6) the requirements concerning the operators' economic and financial standing, technical and professional capacity and other requirements and a list of documents to be submitted;
- 7) tender selection grounds; and
- 8) the period of validity of tenders.

In addition, provisions laid down in sections 71–74 of the Public Procurement Act shall be applied to procurements; these provisions apply to the description of the procurement, the use of labels in the description of the procurement and to proving compliance with requirements. Additionally, the provision on the obligation to publish the contract award notice contained in section 58 of the aforementioned Act shall apply to contracts on rail transport other than concession contracts.

Section 4

Selection of tenderers

In a two-stage procedure, the tenderers shall be selected, and in a single-stage procedure, tenderer eligibility shall be assessed, on the basis of grounds related to the tenderer's economic and financial standing, technical capacity, and professional competence and/or on the basis of other objective and non-discriminatory grounds.

Transport operators who do not have the technical, financial or other capacities for fulfilling the contract, or who have been guilty of offences referred to in section 80 of the Public Procurement Act, shall be excluded from the tendering process. A transport operator may be excluded under section 81 of the aforementioned act.

Section 5

Negotiations after tender submission

Pursuant to Article 5(3) of the Public Service Contract Regulation, a competent authority may initiate negotiations with transport operators who have submitted tenders where it was not possible to draw up the invitation to tender with adequate accuracy to allow the selection of the best tender, or if the contents of the tenders do not comply with the invitation to tender. An additional requirement is that no essential modifications are made in the contract terms stated in the invitation to tender.

The purpose of the negotiations referred to in subsection 1 above is to select the best tender. The competent authority shall engage in negotiations in order to modify tenders to meet the requirements stated in the contract notice or the invitation to tender. The negotiations can be completed in stages, applying the tender selection grounds in order to restrict the number of participating transport operators during the negotiations.

Section 6

Tender selection

The tender that, on the basis of comparison grounds associated with the contract subject, is the most economically advantageous for the competent authority, or the one offering the cheapest price, shall be selected. Comparison criteria for selecting the most economically advantageous tender may comprise the requirements that apply to the service, including the quality of the tendered service, the quality of the fleet, accessibility, service integration, price, the volume of supply, passenger prices, environmental friendliness and compliance with environmental requirements.

When using economical advantageousness as selection grounds, the comparison criteria and their relative weightings shall be given in the contract notice or in the invitation to tender documents. The weightings may also be expressed by giving a reasonable range. If giving the relative weightings of the comparison criteria is not possible for some justified reason, the criteria shall be listed in order of importance.

Section 7

Additional orders and extending the contract period

A competent authority may place an additional order without proceeding to a competitive tendering process if the additional order corresponds to a contract awarded previously in a single-stage or two-stage procedure. An additional requirement is that the contract notice for the original contract contained a reference to a potential later contract that may be awarded directly and that the contract duration, including the period of the additional order, does not exceed the maximum duration laid down in Article 4 section 3 of the Public Service Contract Regulation.

A concession contract may contain contract terms related to the targets towards which the operations will be developed during the contract period. The targets may be relevant to implementing a service level or increasing passenger numbers. The selection of the methods needed to achieve the targets may be left to the transport operator, either partly or fully, in the contract terms.

The original duration of a concession contract may be extended if the contract contains terms referred to in subsection 2 and the targets set in the terms have been fully or partly achieved by measures taken by the transport operator. An additional requirement is that the contract notice for the original contract contained a reference to the possibility of extending the contract, the contract duration, including the extended duration, does not exceed the maximum duration laid down in subsection 1, and the operator receives no other reimbursement for reaching the target achievement.

Section 8

The contract award decision and publicity of documents

The contracting entity shall make a justified written decision on any rulings that affect the position of the candidates and tenderers, and the contract award decision. The decision or documents attached to it shall clearly show any factors that had an essential impact on the decision, which include, at minimum, the grounds for rejecting a candidate, a tenderer or a tender as well as the grounds on which the comparison of accepted tenders was made. The decision or the documents attached to it shall also indicate the period after which the contract may be concluded. Sections 126 and 127 of the Public Procurement Act shall also apply to a decision concerning a contract.

Following a contract award decision, a competent authority shall conclude a public service contract referred to in article 3(1) of the Public Service Contracts Regulation. Provisions on the mandatory content of the public service contract are contained in article 4 of the said Regulation. A public service contract may be concluded and a contract award decision may be implemented no earlier than 14 days after the date on which transport operators who participated in the competitive tendering process received, or they are deemed to have received, notification of the decision and the instructions for appeal. However, the

contract may be concluded earlier, if this is essential for compelling reasons of public interest or due to an unexpected reason beyond the competent authority's control. The delay need not be observed if the public service contract is concluded with the only transport operator that has submitted an acceptable tender and no other tenderers or candidates remain in the competitive tendering process whose position would be affected by the selection of the contracting partner.

Section 138 of the Public Procurement Act shall apply to the publicity of contract documents.

Section 9

The obligation to keep separate accounts

A transport operator subject to the obligation to keep separate accounts as referred to in Annex 5 of the Public Service Contract Regulation shall provide detailed information on the methods used to allocate the profits and costs to different activities. The information to which this obligation to provide information is relevant shall be kept on file for a minimum of ten years after the end of the financial year.

The profit and loss accounts pertaining to the separate accounts referred to in paragraph 5 of the Public Service Contract Regulation are public, and they shall be included in the attachments to the final accounts of a transport operator subject to the obligation to keep separate accounts.

Notwithstanding the non-disclosure provisions in the Act on the Openness of Government Activities (621/1999), the Ministry of Transport and Communications as well as the competent authorities referred to in Part IV, chapter 1, sections 4 and 5 of this Act have the right to obtain the information referred to in the Public Service Contract Regulation from a transport operator subject to the obligation to keep separate accounts in order to perform their tasks referred to in the Regulation.

Notwithstanding the non-disclosure provisions, the Ministry of Transport and Communications also has the right to make the information it has obtained under subsection 3 available to the European Commission within the scope of the obligation of transparency laid down in the Public Service Contract Regulation in order to assess whether the compensation paid is in compliance with the said Regulation.

Section 10

Decision to apply the Public Service Contract Regulation and award of exclusive rights

The competent authority referred to in Part IV, chapter 1, sections 4 and 5 of this Act may make a decision to arrange the passenger transport services in its area of authority or part of it pursuant to the Public Service Contract Regulation in order to ensure the provision of public services that are, among other things, more frequent, more reliable, higher in quality or lower in price than services that could be provided on market terms alone.

Additionally, the competent authority may, when necessary, make a decision on awarding exclusive rights pursuant to the Public Service Contract Regulation. A decision to award exclusive rights grants a separately chosen public transport operator the opportunity to operate public passenger transport on certain routes, in a certain network or in certain areas, excluding other possible transport operators. A competent authority shall publish the decision to award exclusive rights on its website.

Exclusive rights can be awarded in connection with all types of contracts that apply to public procurements.

Section 11 (301/2018)

Public service obligation for air services

The Finnish Transport Agency will decide on the imposition of a public service obligation referred to in article 16 of the Air Services Regulation. The Finnish Transport Agency may impose restrictions in accordance with the Air Services Regulation on a route falling within the scope of the public service obligation if the restrictions are necessary for ensuring services on the route.

Chapter 4

Public support for transport services

Section 1

Uses of central government funding

Appropriations allocated to the procurement and development of the services referred to in this Act in the central government budget may be paid out as compensation, support or subsidies for the following purposes:

- 1) to transport operators as provided in European Union legislation;
- 2) to transport service users, where the competent authority undertakes to compensate the costs of a transport service up to a pre-determined value; and
- 3) to parties other than transport operators for development, planning and research related to transport services. (301/2018)

More detailed provisions on the purpose and allocation procedure of discretionary government grants referred to in subsection 1 may be issued by a government decree.

Section 2

Allocation and use of appropriations

The Ministry of Transport and Communications may use the appropriations contained in the central government budget for purposes referred to in section 1, subsection 1, paragraph 1 within the limits of its competence laid down in Part IV, chapter 1, section 5, subsection 1 of this Act and for a purpose referred to in section 1, subsection 1, paragraph 3 of this chapter for projects of strategic importance.

The Finnish Transport Agency shall make the decisions on granting the appropriation or parts thereof to competent Centres for Economic Development, Transport and the Environment and, where necessary, decide on its allocation to purposes other than those laid down in subsection 1 cited in section 1, subsection 1. The Finnish Transport Agency may itself use the appropriation for purposes referred to in section 1, subsection 1, paragraph 3. It may also grant discretionary government transfers to a municipality or a joint municipal authority for the same purpose.

Competent Centres for Economic Development, Transport and the Environment may use the appropriation allocated to them by the Finnish Transport Agency for the purposes referred to in section 1, subsection 1, paragraphs 1–3. They may also grant a state subsidy to a municipality or a joint municipal authority for the purposes stated in the aforementioned section.

Section 3

The recovery of paid compensation

The competent authority shall order that the payment of compensation out of a central or local government budget be terminated and the compensation amounts already paid be recovered fully or in part if the beneficiary has:

- 1) failed to return a compensation amount or part thereof that has been paid to it by error, in excess or manifestly without grounds;
- 2) provided incorrect or misleading information for the purposes of the granting, payment or supervision of compensation, and this practice has had an essential influence on the granting, amount, or terms of the compensation, or if it has concealed information on an essential matter;
- 3) essentially used the compensation for a purpose other than that for which it was paid; or
- 4) in a manner comparable to that stated in paragraphs 1–3, otherwise infringed the rules of the compensation or terms related to its payment.

A competent authority may order that the payment of compensation out of a central or local government budget be terminated and that the compensation amounts already paid be recovered fully or in part if:

- 1) the beneficiary has refused to provide the information, documents and other material or assistance required for the payment and control of the compensation in an act or an agreement; or
- 2) the compensation has been paid on incorrect grounds or groundlessly, in a manner other than what is stated in subsection 1.

The beneficiary shall pay annual interest on the amount to be repaid or recovered starting from the date on which the compensation was paid, as indicated in section 3(2) of the Interest Act (633/1982), increased by three percentage points.

If the amount to be recovered is not paid at the latest on the due date set by the competent authority, annual interest on it is due as provided in section 4 of the Interest Act.

Chapter 5 (301/2018)

Brokering and dispatch services and integrated mobility services

Section 1 (301/2018)

Notification obligation

A provider of brokering and dispatch services and integrated mobility services shall notify the Finnish Transport Safety Agency of its activities. The notification must describe the services provided and include the service provider's contact information.

Section 2 (301/2018)

Special information obligation of brokering and dispatch service and integrated mobility service providers

In addition to the provisions on the rights of passengers laid down in other acts, the brokering and dispatch service and integrated mobility service provider shall provide passengers, upon the conclusion of a contract, information about the party the passengers may contact at various points of the travel chain and after its completion if the service has not been implemented as stated in the confirmation given to the passenger.

PART IV:

AUTHORITIES AND SUPERVISION

Chapter 1

Activities of the authorities

Section 1

Finnish Transport Safety Agency as a general supervisory authority

Unless otherwise provided in this Act, the Finnish Transport Safety Agency shall supervise compliance with this Act and the provisions, orders and decisions issued by virtue of it.

The Finnish Transport Safety Authority assesses the effectiveness of the transport system and the impacts of this Act and regularly reports on the status of the transport system.

Section 2

Monitoring and coordination duties of the Finnish Transport Agency

The Finnish Transport Agency shall monitor the demand for and supply of mobility services and coordinate their development.

Regardless of business and professional secrets, a transport service provider has the obligation to periodically submit information on the offer of and actual demand for the transport services provided by them to the Finnish Transport Agency for the performance of the tasks referred to in subsection 1 and for statistical and research purposes. A provider of passenger transport services shall also regularly notify the Finnish Transport Agency of beginning and discontinuing a service and of any essential changes to it at the latest 60 days before the plan is put into effect insofar as this information is unavailable across the interfaces referred to in Part III, chapter 2, section 1. The information shall be supplied free of charge. (632/2018)

Notwithstanding the duty of non-disclosure, the Finnish Transport Agency has the right to disclose information obtained by it to another authority if the information is essential in order for this authority to perform its statutory duties. The Finnish Transport Agency may disclose information across a technical interface or by other electronic means. Notwithstanding the duty of non-disclosure, the Finnish Transport Agency has the right to obtain information from another authority that is essential in order for it to be able to perform its duties referred to in subsection 1.

The Finnish Transport Agency shall open the data it has received as well as statistics and studies compiled and conducted by it through an open interface in a machine-readable format to make them freely available. The data that are opened must be in a format that makes it impossible to identify individual users and does not compromise business or professional secrets. (301/2018)

Section 3

The Police, the Customs and the Border Guard as road traffic supervisory authorities

The Police, the Customs and the Border Guard supervise compliance with this Act, each in their own areas of responsibility.

Section 4

Competent authorities in road transport referred to in the Public Service Contract Regulation

The competent authorities in road transport referred to in the Public Service Contract Regulation include the competent Centres for Economic Development, Transport and the Environment as well as the local authorities referred to in subsection 2 and the regional authorities referred to in subsection 3.

Hyvinkää, Imatra, Kajaani, Kokkola, Kouvola, Lappeenranta, Mikkeli, Rauma, Riihimäki, Rovaniemi, Salo, Savonlinna, Seinäjoki and Vaasa are competent authorities in road transport referred to in the Public Service Contract Regulation, each in their own area.

The following regional authorities are competent authorities in road transport referred to in the Public Service Contract Regulation, each in their geographical area of competence:

1) the joint municipal authority of Helsinki Region Transport Authority in the area consisting of the municipalities of Espoo, Helsinki, Kauniainen, Kerava, Kirkkonummi, Sipoo, Siuntio, Tuusula and Vantaa; (301/2018)

2) the City of Hämeenlinna in the area consisting of the municipalities of Hattula, Hämeenlinna and Janakkala;

3) the City of Joensuu in the area consisting of the municipalities of Joensuu, Kontiolahti and Liperi;

4) the City of Jyväskylä in the area consisting of the municipalities of Jyväskylä, Laukaa and Muurame;

5) the City of Kotka in the area consisting of the municipalities of Hamina, Kotka and Pyhtää;

6) the City of Kuopio in the area consisting of the municipalities of Kuopio and Siilinjärvi;

7) the City of Lahti in the area consisting of the municipalities of Asikkala, Hartola, Heinola, Hollola, Hämeenkoski, Kärkölä, Lahti, Nastola, Orimattila, Padasjoki and Sysmä;

8) The regional municipal public transport authority of Meri-Lappi in the area consisting of the municipalities of Kemi, Keminmaa, Simo, Tervola and Tornio;

9) the City of Oulu in the area consisting of the municipalities of Ii, Kempele, Liminka, Lumijoki, Muhos, Oulu and Tyrnävä;

10) the City of Pori in the area consisting of the municipalities of Harjavalta, Kokemäki, Nakkila, Pori and Ulvila;

11) the City of Tampere in the area consisting of the municipalities of Kangasala, Lempäälä, Nokia, Orivesi, Pirkkala, Tampere, Vesilahti and Ylöjärvi;

12) the City of Turku in the area consisting of the municipalities of Kaarina, Lieto, Naantali, Raisio, Rusko and Turku.

If the competent authorities operate in the field of public passenger transport as referred to in Part III, chapter 3, section 10, they shall primarily plan the services as subregional or regional entities and strive for the coordination of all forms of passenger transport. As part of the planning, services generated on market terms responding to the customers' mobility needs and publicly procured services shall be coordinated. When planning mobility services, the authorities shall consult the providers of passenger transport services operating in the area and work together with other authorities and municipalities.

The competent authority has the right to include information obtained from the Finnish Transport Authority in compliance with section 2, subsection 3 in an invitation to tender for a competitive tendering procedure that concerns the provision of transport services. However, the invitation to tender may not disclose the business or professional secrets of individual companies. (632/2018)

A municipality or a joint municipal authority other than those referred to in subsections 2 or 3 may procure the transport services referred to in the Public Service Contract Regulation in compliance with the Act on Public Procurement and Concession Contracts in order to complement the mobility services in its area.

A transport service organised by a competent municipal authority may to a minor degree extend to beyond the authority's actual competence area.

Section 5

Competent authorities in rail transport referred to in the Public Service Contract Regulation

The Ministry of Transport and Communications and the joint municipal authority of Helsinki Regional Transport Authority in its area of competence are the competent authorities referred to in the Public Service Contract Regulation in matters that concern rail transport. In matters that concern transport by other track-based modes, the competent authorities are the local and regional authorities listed in section 4, subsections 2 and 3 in their areas of competence.

If the competent authorities operate in the field of public passenger transport as referred to in Part III, chapter 3, section 10, they shall primarily plan the services as subregional or regional entities and strive for the coordination of all forms of passenger transport. As part of the planning, services generated on market terms on the basis of the customers' mobility needs and publicly procured services shall be coordinated. When planning the transport operation, the authorities shall consult the providers of passenger transport services operating in the area and work together with other authorities and municipalities.

Section 6

Competent authorities referred to in the EU Road Transport Operator Regulation

The Finnish Transport Safety Agency and the relevant competent authority in the region of Åland are competent authorities referred to in Article 10 of the EU Road Transport Operator Regulation. In addition, the Police, the Occupational Safety and Health Administration, the Tax Administration and the Customs may take part in the checks referred to in paragraph 1(d) of the said Article, exercising the competence they have under other acts. The Finnish Transport Safety Agency shall serve as the national contact point referred to in Article 18 of the Regulation.

The Finnish Transport Safety Agency may use an external expert to draw up assignments for and organise a compulsory examination for demonstrating professional competence referred to in Article 8 of EU Road Transport Operator Regulation. Persons who fulfil the requirements cited in Article 9 of the EU Road Transport Operator Regulation do not need to take the examination referred to in Article 8(1).

Documents referred to in Article 19(1) and certificates referred to in Article 19(2) of the EU Road Transport Operator Regulation are issued by the Police in the company's true and permanent place of business.

A certificate referred to in Article 21(1) of the EU Road Transport Operator Regulation shall be issued by the Finnish Transport Safety Agency and a competent authority in Åland to persons who have acceptably passed an examination organised by the Agency, or who have a university of applied sciences degree that contains the studies in the field of logistics required under the Regulation.

Section 7

Competent authorities referred to in the EU Regulation on International Coach and Bus Services

The competent authorities referred to in the EU Regulation on International Coach and Bus Services are the Finnish Transport Safety Agency and the competent authority of the County of Åland. The competent inspection authorities referred to in articles 4(3), 18(2) and 19 of the Regulation are the Police, the Customs and the Border Guard. (301/2018)

The Finnish Transport Safety Agency is the competent authority responsible for regular services referred to in chapter III of the EU Regulation on International Coach and Bus Services. In the region of Åland, authorisations for regular services are granted by the competent authority in Åland.

Section 8 (301/2018)

Authority that requests a cabotage safeguard procedure

The authority that requests a cabotage safeguard procedure referred to in article 1 of the EU Road Haulage Regulation is the Ministry of Transport and Communications. Further provisions on the measures that, under paragraph 4 of the said article, shall be taken in respect of resident hauliers during the safeguard procedures adopted by the Commission may be issued by government decree.

Section 9

Authorities supervising passenger and consumer rights (301/2018)

In addition to the provisions laid down on the competence of the Finnish Transport Safety Agency above, the Consumer Ombudsman supervises compliance with the provisions of this Act to the extent that they apply to consumer protection as provided in the Consumer Protection Act (38/1978).

In addition to the provisions laid down elsewhere in the law on the competence of the Consumer Disputes Board and the board pursuant to section 30(10) of the Act on the Autonomy of Åland (1144/1991), the Consumer Ombudsman and the Finnish Transport Safety Agency are:

- 1) the competent authorities referred to in articles 28(1) and 28(3) of the EU Regulation on the Rights of Passengers in Bus and Coach Transport;
- 2) the bodies responsible for enforcement referred to in article 16(1) of Regulation (EC) No 261/2004 of the European Parliament and of the Council establishing common rules on compensation and assistance to passengers in the event of denied boarding and of cancellation or long delay of flights, and repealing Regulation (EEC) No 295/91;
- 3) the bodies referred to in article 30(1) of Regulation (EC) No 1371/2007 of the European Parliament and of the Council on rail passengers' rights and obligations;
- 4) the competent bodies referred to in article 25(1) of Regulation (EU) No 1177/2010 of the European Parliament and of the Council concerning the rights of passengers when travelling by sea and inland waterway and amending Regulation (EC) No 2006/2004. (301/2018)

The Finnish Transport Safety Agency is the body responsible for enforcement referred to in article 14(1) of Regulation (EC) No 1107/2006 of the European Parliament and of the Council concerning the rights of disabled persons and persons with reduced mobility when travelling by air. (301/2018)

The Consumer Ombudsman generally supervises compliance with the EU regulations on passenger rights referred to in subsection 2 in respect of consumer passengers. The Finnish Transport Safety Agency generally supervises compliance with the regulations referred to in subsections 2 and 3 in respect of the rights of business passengers, disabled passengers and passengers with reduced mobility. In addition, the Finnish Transport Safety Agency is competent to give a recommended decision on complaints which concern the rights of passengers who are not consumers and the rights of disabled passengers and passengers with reduced mobility and have been filed under the EU regulations concerning the rights of passengers. A recommended decision given by the Finnish Transport Safety Agency is not subject to appeal. (301/2018)

The Finnish Transport Safety Agency is also competent to handle passenger complaints related to violations of the provisions laid down in Part III, chapter 1, unless the Consumer Disputes Board is competent to give a recommended decision in the matter pursuant to the Act on the Consumer Disputes Board (8/2007). (301/2018)

Section 10

Designation of terminals referred to in the EU Regulation on the rights of passengers in bus and coach transport

The bus and coach terminals where assistance for disabled persons and persons with reduced mobility shall be provided referred to in Article 12 of the EU Regulation on the rights of passengers in bus and coach transport shall be appointed by the Finnish Transport Safety Agency after consulting the competent authorities referred to in section 4, terminal managing bodies and the representatives of local disability organisations.

Section 11

National authority referred to in the ITS Directive

The Finnish Transport Safety Agency is the competent national authority for priority areas referred to in Article 2 and priority actions referred to in Article 3 of the ITS Directive.

Section 12

Authorities referred to in the Interbus Agreement

The Finnish Transport Safety Agency shall issue control documents for occasional services exempted from the authorisation referred to in Article 6 of the Interbus Agreement on the international occasional carriage of passengers by coach and bus and authorisations referred to in Article 15 of the Agreement and enter into a contract referred to in Council Decision 2002/917/EC on the conclusion of the Interbus Agreement. The inspecting authorities referred to in Article 18 of the Agreement shall be the Police, the Customs and the Border Guard.

Section 13 (301/2018)

Authority referred to in bilateral road transport agreements

The Finnish Transport Safety Agency shall issue transport licences based on a bilateral agreement between Finland and another state for occasional international bus and coach services abroad, licences based on bilateral agreements for cross-border routes and licences for transport of goods.

Section 14

Authorities supervising a goods transport customer's obligation to check

The Police and the Customs shall supervise compliance with the customer's duty to check referred to in Part II, chapter 1, section 12.

Section 15 (301/2018)

Authorities dealing with and supervising social legislation relating to road transport, recording equipment in road transport and the working time of self-employed drivers

Unless otherwise provided elsewhere, the Finnish Transport Safety Agency shall be responsible for official duties in respect of the following European Union regulations and agreements:

- 1) the Tachograph Regulation;
- 2) the Driving Time and Rest Periods Regulation;
- 3) the European Agreement concerning the Work of Crews of Vehicles engaged in International Road Transport, hereinafter the *AETR Agreement*.

The Police, Customs, Border Guard and occupational safety and health authorities act as supervisory authorities in respect of the European Union regulations and the AETR Agreement referred to in subsection 1 above.

The occupational safety and health authorities supervise the provisions of part II, chapter 4, sections 8 to 11 regarding self-employed drivers.

Section 16 (301/2018)

Competent authorities referred to in the Road Transport Qualification Directive

The Ministry of Education and Culture, the Finnish Transport Safety Agency and the Defence Forces are the competent authorities referred to in the Road Transport Qualification Directive.

The Ministry of Education and Culture shall be responsible for the supervision of training centres it has approved but it may delegate this duty to the Finnish National Agency for Education. A working life committee referred to in section 120(3)(1) of the Act on Vocational Education and Training shall, under the supervision of the Finnish National Agency for Education, be responsible for organising and supervising the tests related to the training provided by the training centres approved by the Ministry of Education and Culture and for issuing certificates referred to in part II, chapter 3, section 7(2).

The Finnish Transport Safety Agency shall be responsible for the supervision of training provided at the training centres approved by it as well as for the organisation and supervision of the tests related to the training. The Finnish Transport Safety Agency may organise the evaluation and supervision of the tests and the issue of certificates in connection with the driver testing activities or separately by acquiring the necessary services in accordance with the provisions on the driver testing activities as a service task in the Act on Organising Driver Testing Activities (535/1998). The Agency may combine the supervisory duty of the training centre with the service relating to the evaluation and supervision of tests.

The Defence Forces may organise and supervise the test referred to in part II, chapter 3, section 7, if the unit providing driver instruction at the Defence Forces as referred to in section 10(1) of the said chapter has acted as the training centre.

The supervisory authority referred to in subsections 2 to 4 above and the representatives of the parties acting under an agreement are entitled to observe instruction and obtain the information required for supervision. The representatives of the authority have the right to observe the test in order to ensure its proper implementation. The training centre must provide conditions which allow for a proper conduct of inspections. Inspections may not be conducted in premises used for residence of a permanent nature. Section 39 of the Administrative Procedures Act (434/2003) shall be complied with in inspection.

Further provisions on the organisation of supervision may be issued by government decree.

Section 17 (301/2018)

Competent authority referred to in the STCW Convention and the Directive on Minimum Level of Training of Seafarers

Unless otherwise provided elsewhere, the Finnish Transport Safety Agency is the competent authority referred to in the STCW Convention and in the Directive on Minimum Level of Training of Seafarers. In carrying out its duties, the Agency shall consult the Advisory Board on Seamen's Affairs referred to in section 23 of the Seafarers' Employment Contracts Act (756/2011) in issues falling within its competence.

The Finnish Transport Safety Agency shall submit the notifications required in the STCW Convention and the Directive on Minimum Level of Training of Seafarers to the IMO, European Commission, European Union member states and to other contracting parties of the STCW Convention.

Further provisions on the notifications to be submitted may be issued by government decree.

Section 18 (301/2018)

Issuers of certain licences referred to in the Aircrew Regulation

Aeromedical examiners, aeromedical centres or the Finnish Transport Safety Agency shall issue medical certificates referred to in the Aircrew Regulation to pilots.

Cabin crew medical reports are issued by occupational physicians, aeromedical examiners or aeromedical centres.

A certified aeromedical examiner or occupational physician shall submit any report related to a medical assessment, as well as a copy of the medical certificate or cabin crew medical report, to the Finnish Transport Safety Agency.

Cabin crew attestations are issued by the Finnish Transport Safety Agency or by an organisation that has been approved by the Finnish Transport Safety Agency for this purpose.

Chapter 2

Performance of official duties

Section 1

The Finnish Transport Safety Agency's right to inspect

In order to perform its duties referred to in this Act and to supervise compliance with the law and EU regulations, the Finnish Transport Safety Agency has the right to access the premises and areas of a service provider referred to in this Act as well as the means of transport and facilities used in commercial transport in order to carry out an inspection. However, the right of access does not apply to premises used for residence of a permanent nature. Section 39 of the Administrative Procedures Act shall be complied with in inspection. (301/2018)

The service provider shall make available the facilities and equipment required for carrying out the inspection and also otherwise assist in the inspection.

The Finnish Transport Safety Agency shall have the right to take possession of documents to be inspected, or a copy of such documents, for an inspection carried out elsewhere if this is essential with regard to assessing the circumstances that are the object of the inspection and possible without causing unreasonable inconvenience. The documents shall be returned as soon as they are no longer needed.

The Finnish Transport Safety Agency may use an external expert to assist in supervision if this is necessary for performing supervision. The external expert must be familiar with the area to be supervised. An external expert may not carry out an inspection in premises used for residence of a permanent nature. The Finnish Transport Safety Agency shall remain responsible for supervision. The Finnish Transport Safety Agency and the expert shall make a contract to agree on the content of duties and other issues necessary for performing the duty. The Finnish Transport Safety Agency supervises the external expert when the expert performs the duties assigned to him or her. If the expert does not, while carrying out his or her duties, comply with the contract between the Agency and the expert or with other instructions given in

connection with supervision or otherwise fails to perform his or her duties appropriately or acts contrary to the law, the Agency shall terminate the contract with the expert. (301/2018)

The external expert is entitled to adequate remuneration for the duties performed from the Finnish Transport Safety Agency. (301/2018)

Section 2

General right of supervisory authorities to obtain information

Notwithstanding the non-disclosure provisions, the Ministry of Transport and Communications, the Finnish Transport Safety Agency, the Consumer Ombudsman and any other authority supervising compliance with the provisions of this Act shall have the right to obtain information essential for the performance of its duties laid down in this Act from service providers and licence holders and other actors and persons whose rights and obligations the provisions of this Act concern.

The information shall be handed over without delay, in the format requested by the authority, and free of charge.

Notwithstanding secrecy provisions, the Finnish Transport Safety Agency also has the right to obtain, free of charge from an authority and a party performing a public duty, information that is essential for carrying out its duties laid down in this Act on an applicant and a holder of an operator's licence, a person responsible for transport services, a company's managing director, a general partner, an applicant and a holder of a personal licence and on an organisational person referred to in section 2(2) of the Act on the Grey Economy Information Unit, and on an organisation referred to in subsection 1 of this section where the applicant's organisational person is or has been in the position of an organisational person. Notwithstanding secrecy provisions, the Finnish Transport Safety Agency further has the right to obtain, free of charge from an authority and a party performing a public duty, corresponding information on a service provider referred to in part II, chapter 1, section 14 which is engaged in commercial transport services of goods and subject to registration, on an urban rail traffic operator as referred to in chapter 6, on an operator engaged in operations subject to notification referred to in chapter 12, section 8 and chapter 13, section 6, as well as on a provider of brokering and dispatch services and integrated mobility services subject to notification referred to in part III, chapter 5, section 1. The right to obtain information also applies to the criminal records and the register of fines. The information will be submitted through the interface or otherwise in electronic format. (301/2018)

Additionally, the Finnish Transport Safety Agency shall have the right to receive from the Police information that is essential for assessing compliance with the licence requirements related to the service users' safety or when performing other inspection or supervision duties referred to in this Act.

Section 3 (301/2018)

Right to impose tests or other checks

If the Finnish Transport Safety Agency has specific grounds to suspect that a holder of a personal licence does not satisfy the requirements concerning knowledge, skills or health for issuing or maintaining the licence, the Agency may require the licence holder to demonstrate by test, medical examination or another examination that the requirements are still met and submit a certificate or other evidence of such test, medical examination or other examination to the Agency within a time limit.

The applicant and holder of a personal licence shall inform the Finnish Transport Safety Agency of any issues of which he or she has become aware that influence his or her competence. If issues influencing the licence holder's competence affect his or her ability to perform the duties referred to in this chapter, the licence holder shall inform his or her employer of any changes in his or her competence. The holder of a

personal licence is obligated to communicate any issues of which he or she has become aware that influence his or her competence to a railway doctor referred to in part IV, chapter 3, section 1, a railway psychologist referred to in section 2, a medical examiner of seafarers referred to in section 3, an aeromedical examiner or occupational physician referred to in section 4 or to the Finnish Transport Safety Agency, depending on which physician or psychologist needs to assess his or her competence.

The licence applicant or holder shall be responsible for any fees and other costs of the checks, examinations and tests referred to in subsections 1 and 2.

Section 3a (301/2018)

Loss or destruction of personal licence certificates

The taxi driver licence referred to in part II, chapter 3, section 1 above and the qualification card and endorsement referred to in section 13 as well as the driver's licence referred to in chapter 7, section 3 are issued in one original copy. The Finnish Transport Safety Agency may issue a duplicate of such document if its holder has reported the document lost, stolen or destroyed and requests for a duplicate.

If the certificate of competency, certificate of proficiency or endorsement referred to in part II, chapter 10, section 3, issued by the Finnish Transport Safety Agency, or the personal licence document for aviation referred to in chapter 13, section 1 is lost, stolen or destroyed, the Finnish Transport Safety Agency shall give a new document corresponding to the original.

The Finnish Transport Safety Agency may issue further regulations on the reporting of personal licences lost, stolen or destroyed and on the cancellation of original documents.

Section 4

Performance of duties of certain other authorities (301/2018)

In addition to the duties that the Police, the Customs and the Border Guard have pursuant to the EU Road Haulage Regulation and the EU Regulation on International Coach and Bus Services, the Police, the Customs and the Border Guard have the right to inspect the documents required for transport operation under this Act and EU regulations that apply to operations referred to in this Act if the information is not available across a technical interface or by other electronic means.

The Police, the Customs and the Border Guard may interrupt a transportation if the documents or information referred to in subsection 1 above are not available, unless there is a specific reason to allow the transport to continue.

Notwithstanding the non-disclosure provisions, the Police shall notify the Finnish Transport Safety Agency without delay of any matters coming to their knowledge that may lead to the withdrawal of a licence referred to in Part II, chapter 1 or the issuance of a reprimand or a warning.

When supervising the provisions on the driving time of self-employed drivers laid down in part II, chapter 4, sections 8 to 11, the occupational safety and health authority shall observe the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006). (301/2018)

The Police, Customs, Border Guard and occupational safety and health authorities may disclose to the competent authorities of the EEA member states and states which have acceded to the AETR Agreement information from tachographs, tachograph sheets and driver cards and any other information necessary for specifying and identifying an offence, vehicle and its driver and the driver's employer as well as information on sanctions imposed for offences which they are entitled or obligated to disclose under the provisions of

EU legislation or international treaties binding on Finland. The Police and occupational safety and health authorities may also disclose the corresponding information on a suspected offence if a competent authority of another state requests this in order to investigate an offence committed in that state. The Police and occupational safety and health authorities may also request corresponding information from the said authorities of other states to investigate offences committed in Finland. (301/2018)

Section 5

Right to executive assistance

In order to perform a duty assigned to it under this Act, the Finnish Transport Safety Agency has the right to receive executive assistance from the Police, the Border Guard, the Customs, the Occupational Safety and Health Administration, and the Tax Administration.

Section 6 (301/2018)

Coercive measures to ensure compliance with social legislation relating to road transport

If there are probable grounds to suspect that an offence referred to in part IV, chapter 2, section 6 has been committed, the police may conduct a general search of a domicile or a search of an area referred to in the Coercive Measures Act (806/2011) in a vehicle or in a place where tachograph sheets, driver cards or driving logs are probably kept in order to find a sheet, card or driving log or other documentary evidence referred to in article 36 of the Tachograph Regulation, notwithstanding the provisions of chapter 8, section 2(1) and section 4 of the Coercive Measures Act.

If there are reasonable grounds to suspect that the driver has violated the provisions on driving times, breaks or rest periods laid down in the Driving Time and Rest periods Regulation and the Tachograph Regulation or the provisions of the AETR Agreement, a police, customs or border guard officer may prevent the driver from continuing driving until he or she has taken the required break or rest time. A police, customs or border guard officer may also prevent a driver from continuing driving if the driver does not produce the information referred to in article 36 of the Tachograph Regulation or in article 12(1) of the AETR Agreement to the supervisory authority.

The Police may confiscate a driver, company or workshop card if there are reasonable grounds to suspect that the conditions for cancelling a card under part IV, chapter 2, section 2b are met.

Section 7 (301/2018)

Liability of persons exercising public authority

Provisions on criminal liability for acts in office shall apply to test examiners referred to in part II, chapter 3, section 11 above, a competence demonstration examiner referred to in chapter 8, section 2, and to aeromedical examiners and occupational physicians referred to in chapter 1, section 18 of this part as well as to persons referred to in section 1(4) of this chapter and in chapter 3, sections 1 to 4. Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

Chapter 3 (301/2018)

Doctors in connection with transport services

Section 1 (301/2018)

Approval of railway doctors

The Finnish Transport Safety Agency shall, on application, approve a railway doctor for a maximum of five years to perform medical examinations on drivers and to assess their ability to serve in railway traffic if:

- 1) the applicant is a doctor licenced under the Health Care Professionals Act (559/1994) and has obtained the right to practice as a medical specialist in the relevant field of medicine;
- 2) the applicant is familiar with the content of drivers' duties, working environment and traffic safety risks associated with the duty as well as with the health requirements of drivers.

The Finnish Transport Safety Authority may renew the railway doctor's approval if he or she satisfies the qualification requirements laid down in subsection 1 and has appropriately maintained his or her competence.

The Finnish Transport Safety Agency may issue further regulations on the qualification requirements of railway doctors and the maintenance of competence.

Section 2 (301/2018)

Approval of railway psychologists

The Finnish Transport Safety Agency shall, on application, approve a railway psychologist for a maximum of five years to perform psychological personality assessments of drivers if:

- 1) the applicant is a psychologist licenced under the Health Care Professionals Act;
- 2) the applicant has adequate knowledge on occupational and organisation psychology and psychological personality assessment;
- 3) the applicant is familiar with assessing psychological characteristics required from drivers and has practical experience from the assessment of psychological characteristics;
- 4) the applicant is familiar with the content of drivers' duties, working environment and traffic safety risks associated with the duty and the psychological requirements of drivers' duties.

The Finnish Transport Safety Authority may renew the railway psychologist's approval if he or she satisfies the qualification requirements laid down in subsection 1 and has appropriately maintained his or her competence.

The Finnish Transport Safety Agency may issue further regulations on the qualification requirements of railway psychologists and the maintenance of competence.

Section 3 (301/2018)

Approval of medical examiner of seafarers'

The Finnish Transport Safety Agency shall, on application, approve a medical examiner of seafarers for a maximum of five years to perform medical examinations of seafarers and assess their seafaring abilities if:

- 1) the applicant is a doctor licenced under the Health Care Professionals Act (559/1994) and has obtained the right to practice as a medical specialist in the relevant field of medicine;
- 2) the applicant has completed training on working conditions and medical requirements in the maritime field in Finland.

The Finnish Transport Safety Authority may renew the medical examiner of seafarers' approval if he or she satisfies the qualification requirements laid down in subsection 1 and has appropriately maintained his or her competence.

The Finnish Transport Safety Agency may issue further regulations on the qualification requirements of medical examiners of seafarers and the maintenance of competence as well as on the standard medical certificate for seafarers.

Section 4 (301/2018)

Approval of aeromedical examiners and aeromedical centres

The Finnish Transport Safety Agency will approve aeromedical examiners and aeromedical centres in compliance with the Aircrew Regulation.

Section 5 (301/2018)

Notifications relating to the state of health and psychological fitness

A doctor and aeromedical centre referred to in sections 1, 3 and 4 that have performed a medical examination on an applicant or holder of a personal licence and a psychologist referred to in section 2 who has performed a personality assessment shall, notwithstanding secrecy provisions, disclose information on any issues which may influence the issue or validity of the licence to the Finnish Transport Safety Agency at its request.

The party referred to in subsection 1 above shall, notwithstanding secrecy provisions and also without request, inform the Finnish Transport Safety Agency if it suspects that a licence applicant or holder does not satisfy the medical requirements for obtaining a licence.

Other health care professionals referred to in the Health Care Professionals Act also have the right, notwithstanding secrecy provisions, to inform the Finnish Transport Safety Agency if they suspect that a personal licence applicant or holder does not satisfy the medical requirements. They must, without undue delay, inform the Finnish Transport Safety Agency if they suspect that the person's state of health causes an immediate threat to traffic safety. The licence applicant or holder shall, prior to the submission of a notification, be informed of the right to submit a notification and of the influence of his or her state of health on his or her ability to function.

Only the following information may be given in the notification referred to in subsection 3 above:

- 1) the person whom the notification concerns does not necessarily satisfy the health requirements for the licence; and
- 2) proposed further measures for a closer examination of the state of health or its effects on the ability to function.

Chapter 4 (301/2018)

Delegation of public administrative tasks to others than the authorities

Section 1 (301/2018)

Delegation of tasks

The Finnish Transport Safety Agency may, in the capacity of the licencing, registration and supervisory authority of transport services, delegate by contract tasks that support its own activities or other administrative tasks specified below to a private or public service provider.

The tasks may be combined with another service acquired by the Finnish Transport Safety Authority.

The Act on Public Procurement applies to acquisition of services if only some of the service providers may participate in the provision of a certain service.

Section 2 (301/2018)

General provisions

Provisions on criminal liability for acts in office shall apply to persons performing public administrative tasks referred to in this chapter. Provisions on liability for damages are laid down in the Tort Liability Act.

Service providers or persons employed by them may not disclose confidential information they have obtained while performing a task referred to in this chapter to a third party.

The Finnish Transport Safety Agency maintains a list of service providers referred to in this chapter.

Provisions on the criteria for charges are laid down in the Act on Criteria for Charges Payable to the State (150/1992).

Section 3 (301/2018)

Tasks related to licencing and registration

The Finnish Transport Safety Agency may delegate the following support tasks related to licencing and registration:

- 1) receipt of application documents and registration notifications;
- 2) entry of data in the register;
- 3) submission of documents for digitalisation and filing to the Finnish Transport Safety Agency;
- 4) production of certificates, documents and identifiers and their delivery to customers and reception of cards or licences returned by customers;
- 5) collection of fees relating to the tasks and their transmission to the Finnish Transport Safety Agency;
- 6) provision of advice and information on application procedures and recordkeeping;
- 7) other similar technical tasks.

A service provider may not assess whether the requirements for registration or issuing a licence are met or delete a means of transport permanently from the register but it must transfer such applications or registration notifications to the Finnish Transport Safety Agency for decision.

The Finnish Transport Safety Agency may delegate the evaluation and supervision of tests for assessing professional competence and the issue of certificates as support tasks related to the verification of professional competence.

The Finnish Transport Safety Agency may delegate the issue of driver and company cards referred to in the tachograph regulation as a distribution task.

The Finnish Transport Safety Agency may delegate the following aviation-related tasks which concern the verification of competence referred to in part II, chapter 13, section 2:

- 1) organisation and approval of language proficiency tests;
- 2) evaluation and approval of the competence of check pilots.

Section 4 (301/2018)

Requirements for service providers

A service provider shall be reliable and have the right to carry out business in Finland as well as possess the technical, financial, professional and operational resources and personnel required for the task as separately provided by law.

A service provider cannot be regarded as reliable if the provider is under a ban on business operations under the Trading Prohibition Act or a ban on business has been imposed on the provider during the past five years, the provider has been sentenced to imprisonment during the past five years or to a fine during the past three years for seriously violating the provisions or regulations concerning employment relationships, carrying out of business activities, accounting or debt relations, has been sentenced to imprisonment during the past five years for another serious offence that can be estimated to affect reliability or regarded as an indication of the person being clearly unsuitable to carry out the tasks referred

to in this chapter. The assessment of the service provider's reliability applies to persons in charge of the service provider's management and to persons responsible for the tasks referred to in this chapter.

An issuer of tachographs, a person employed by it or a person otherwise dependent with the service provider may not carry out transport operations subject to the Tachograph Regulation and may also not be commercially, financially or otherwise dependent on a company carrying out such transport operations or on a corporation, foundation or an institution governed by public law established by operators engaged in such activities.

The provisions of section 28(1)(4) of the Administrative Procedures Act do not apply to service providers and their personnel when they perform the registration tasks referred to in section 2.

Section 5 (301/2018)

Contracts with service providers

In addition to the provisions laid down in article 28(3) of Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, hereinafter the *European Union General Data Protection Regulation*, at least the following shall be agreed upon in a contract to be concluded with a service provider:

- 1) other tasks of the service provider than personal data processing;
- 2) the term of contract, commencement of activities and termination of contract during contract term;
- 3) the service provider's sphere of operations and offices as well as service times;
- 4) procedures for ensuring adequate professional skills of persons performing the tasks;
- 5) storage and filing of documents related to activities;
- 6) collection and transfer of payments;
- 7) remuneration paid by the Finnish Transport Safety Agency to the service provider.

The contract must specify the parties' statutory rights and obligations in respect of supervision and notification obligation as well as sanctions for deficiencies and neglect.

The Finnish Transport Safety Agency may terminate or cancel the contract if the service provider no longer satisfies the general requirements imposed on it or if the service provider substantially fails to perform the tasks agreed on in the contract or otherwise violates the contract or substantially and repeatedly acts contrary to the law.

The service provider shall forthwith inform the Finnish Transport Safety Agency of any changes to its activities which may essentially influence the performance of tasks entrusted with it.

Section 6 (301/2018)

Other transferable tasks

In addition to the provisions of this chapter, the Finnish Transport Safety Agency may delegate tasks relating to the first certification or continuous supervision of persons or organisations to competent units in accordance with the provisions specified in the EASA Regulation and in the Commission regulations adopted by virtue of it.

Section 7 (301/2018)

Supervision

The Finnish Transport Safety Agency supervises the activities of service providers. For supervision purposes, the Agency has the right to conduct inspections in the service providers' premises and to obtain,

notwithstanding secrecy provisions, information from documents related to service tasks. Supervision may not be carried out in premises used for residence of a permanent nature. Section 39 of the Administrative Procedures Act shall be complied with in inspection of premises.

PART V

TRANSPORT REGISTER (301/2018)

Chapter 1 (301/2018)

General provisions

Section 1 (301/2018)

Content and purpose of the register

The Finnish Transport Safety Agency shall maintain a transport register in electronic format, containing information on:

- 1) operator's licences and operations subject to notification;
- 2) vehicles, aircraft, vessels and craft, railway rolling stock and related equipment (*means of transport*);
- 3) personal licences.

The transport register is maintained to issue and control transport licences and other rights, to improve traffic safety, identify means of transport and the related taxation and mortgages, to reduce environmental damage, to promote the development and use of mobility services, to enable research, development and innovation activities, to promote the development of services based on the management of a person's own information, to provide public services for transport and to meet international obligations.

The Finnish Transport Safety Agency may use the information contained in its register to perform its statutory duties.

The State Department of Åland shall maintain a register of ships domiciled in the County of Åland.

Section 2 (301/2018)

The Finnish Transport Safety Agency's right to information

In addition to what is provided elsewhere in the law, the Finnish Transport Safety Agency has the right to obtain information necessary for performing its registration duties from applicants and holders of licences referred to in section 1, subsection 1, paragraphs 1 and 3, from those engaged in operations subject to notification and from the owners, holders or users of means of transport.

In addition to what is provided elsewhere in the law, the Finnish Transport Safety Agency has the right to obtain the information necessary for its registration duties from the following parties:

- 1) manufacturers and importers of means of transport and their engines as well as from their representatives;
- 2) educational institutions, training providers and competence demonstration examiners;
- 3) doctors, psychologists and corporations or institutions engaged in medical or health care activities;
- 4) producers and processors of certificates and cards;
- 5) operators engaged in railway traffic between Finland and Russia;
- 6) parties which perform registration tasks, conduct vehicle inspections, grant individual approvals and from other contracting partners of the Finnish Transport Safety Agency;
- 7) the Finnish Motor Insurers' Centre and insurance companies;
- 8) shipowners and shipping companies.

In addition to the provisions laid down in part IV, chapter 2, section 2, subsection 3, the Finnish Transport Safety Agency has the right to obtain information necessary for performing its tasks related to the registration duties specified in national and EU legislation from another authority and statutory body. The above-mentioned right to obtain information also applies to the criminal records and the register of fines.

The right to obtain information also applies to information from the criminal records and the register of fines on final sanctions that have been imposed on a holder of a domestic or foreign community transport licence for goods or bus and coach transport services or on a driver of a vehicle in its possession in Finland in order to enable international exchange of information as provided for in the EU Road Haulage Regulation.

The Finnish Transport Safety Agency has the right to obtain the information referred to in subsections 1 to 4 above notwithstanding secrecy provisions. The information shall be provided free of charge via an interface or otherwise in electronic format as agreed with the Finnish Transport Safety Agency. The information must be provided without undue delay.

The Finnish Transport Safety Agency may issue further regulations on how the information is to be submitted.

Section 3 (301/2018)

Changes to registered information

The party referred to in sections 2(1) and 2(2) above shall forthwith inform the Finnish Transport Safety Agency of any changes in the information entered in the register as well as on the termination of operations, unless provision of information is obligatory under the provisions of another act. The Finnish Transport Safety Agency shall provide a possibility of submitting the information via an interface or otherwise by electronic means.

The Finnish Transport Safety Agency has, on its own initiative, the right to enter missing information in the register or to correct erroneous information. If an error is caused by a measure taken by the party obliged to submit a notification, the Finnish Transport Safety Agency shall have the right to collect the expenses caused by the correction of the error from this party.

Chapter 2 (301/2018)

Data content of the register

Section 1 (301/2018)

General data to be saved in the register

The following information on natural persons may be saved in the register:

- 1) name and personal identity code or, in the absence of the personal identity code, the date of birth;
- 2) gender;
- 3) municipality and state at birth and nationality;
- 4) address and other contact information;
- 5) municipality of residence;
- 6) mother tongue and language of communication;
- 7) information on the person's death;
- 8) photograph and signature sample;
- 9) business identity code if the person is self-employed.

The following information on legal persons may be saved in the register:

- 1) name, auxiliary business name and business and identity code;

- 2) domicile;
- 3) address and other contact information;
- 4) language for communication;
- 5) information on the managing director, general partners and ownership relations, information on the responsible persons of another corporation and their identification and contact information.

In addition, information on natural persons, legal persons or means of transport necessary for the purpose of the register may be saved in the register in respect of the following:

- 1) insurances;
- 2) statutory charges, taxes and payment thereof;
- 3) mortgages;
- 4) bankruptcy, debt restructuring, corporate restructuring, recovery proceedings, confiscation and seizure;
- 5) authorisations;
- 6) card data of road transport recording equipment;
- 7) positions of seafarers serving on Finnish vessels;
- 8) parking permit for disabled persons.

Information necessary for the Finnish Transport Safety Agency to perform its statutory duties may be saved in the register on committed offences and on punishments, driving disqualifications and other similar sanctions imposed for them, sanctions imposed by the Finnish Transport Safety Agency on the basis of its supervisory duty and other information related to supervisory activities.

The information referred to in subsections 1 to 4 above will not be saved, except for the identification data if the information is available in real-time in the register of another authority, unless saving the information is appropriate for technical reasons.

The Finnish Transport Safety Agency may save the information in the register which it has obtained under the right to information referred to in chapter 1, section 2.

Section 2 (301/2018)

Information on operator's licences

In addition to the provisions of section 1, the following may be saved in the register on operator's licences and parties engaged in operations subject to notification:

- 1) information on issued and cancelled licences as well as on their content, conditions, licence codes, validity and any changes;
- 2) information on a licence application and its processing;
- 3) information on operations subject to notification and information on the processing of the notification;
- 4) information on the conditions for issuing a licence and making a register entry for operations subject to notification as well as information on the assessment of good repute and reliability;
- 5) information on whether a company has been considered to be an undertaking posing an increased risk referred to in part II, chapter 1, section 11;
- 6) information on notifications of exceptions.

Section 3 (301/2018)

Information on means of transport

In addition to the provisions of section 1, the following information on means of transport may be saved in the register:

- 1) technical and commercial information;
- 2) registration number and other identification and numbering data;
- 3) information on the place of registration and area of use;

- 4) building information;
- 5) history information;
- 6) information on approvals, vehicle inspections and classification and on other technical inspections;
- 7) information on inspections by authorities;
- 8) information on the owner, holder, user and other registration data;
- 9) information on deployment and withdrawal from use and on temporary use;
- 10) information on the purpose of use and management;
- 11) information on restrictions of use and disqualifications;
- 12) information on maintenance and parties responsible for maintenance;
- 13) information on thefts.

The Finnish Transport Safety Agency may issue further regulations on the technical information to be saved on means of transport.

Section 4 (301/2018)

Information on personal licences

In addition to the provisions of section 1, the following information on personal licences may be saved in the register:

- 1) information on issued and cancelled licences, their conditions and exemptions, identification codes, validity, any changes and information on denied licence applications;
- 2) information on the issuer of the licence and its host country;
- 3) information on the application and processing of a licence, qualification, approval or competence, information on training and experience as well as information on tests and evaluations;
- 4) information on required language skills;
- 5) health records and information on examinations by doctors and psychologists;
- 6) information on the issue, cancellation, loss and destruction of cards, documents and certificates corresponding to licences, qualifications, approvals and competences;
- 7) other information to be entered into the registers of transport authorities under the European Union legislation and international treaties.

Section 5 (301/2018)

Prohibition to change registration data relating to means of transport

The Finnish Transport Safety Agency may temporarily prohibit changes to registration data relating to means of transport and record this in the register if it becomes aware of an apparent ambiguity in the ownership or identification data of a means of transport.

Section 6 (301/2018)

Storage and deletion of information

Subject to international obligations or law, the information entered into the register shall be deleted as follows:

- 1) information on operator's licences 6 years after the cancellation or expiry of the licence;
- 2) personal data related to a means of transport 10 years after the means of transport has been permanently removed from the register;
- 3) information on personal licences after personal data have become redundant with respect to their purpose but no later than 10 years after the expiry of the licence;
- 4) in derogation from paragraph 3, qualification information for railway traffic 10 years after the expiry of the licence;
- 5) in derogation from paragraph 3, information on seafarers' seagoing service, training and qualification 70 years after registration;

- 6) personal data no later than 10 years after the death of a person, unless they have already been deleted on another ground;
- 7) information on offences and their sanctions as soon as it has become redundant;
- 8) information which has been identified and marked as incorrect 5 years after the error was detected if storage of this information is necessary to safeguard the rights of the data subject, another relevant party or the controller;
- 9) information on an operating ban imposed on the data subject or on another administrative measure taken by the Finnish Transport Safety Agency or the Police 10 years after the decision has become final;
- 10) information on the data subject's state of health as soon as it has become redundant.

In addition to the provisions of subsection 1, information on means of transport is stored permanently.

Notwithstanding the above provisions of this section on the deletion of information, in individual cases information entered into the register may be kept there for as long as the information is necessary for performing controller duties. When extending the duration of storage, the Finnish Transport Safety Agency must define the reason for extension and the maximum duration of storage.

Chapter 3 (301/2018)

Disclosure of information

Section 1 (301/2018)

General requirements for disclosure of information

A decision on the disclosure of information shall be made by the Finnish Transport Safety Agency.

The information may be disclosed via an interface, viewing link or otherwise by electronic means.

Section 2 (301/2018)

Disclosure of public information via an open interface

The following information is generally available for processing:

- 1) information on a valid operator's licence, the licence's identification code, name of the licence holder and contact information relating to the operation as well as corresponding information on operations subject to notification;
- 2) information saved in the register so that the data cannot be associated with natural persons and legal persons.

The Finnish Transport Safety Agency shall ensure that the information referred to in subsection 1 is up-to-date and available in a machine-readable easy-to-edit standard information format for free use via a connection established with the information system.

Section 3 (301/2018)

Disclosure of public information as an individual release

Everyone has the right to obtain the following information as an individual release:

- 1) based on a business identification code, company name or licence code, information on the name and contact information of an operator's licence holder, licence code, licence validity and the name of the person in charge or, if the operator is a natural person, based on the first and family name, personal identification code or another unique identifier, information on the operator's name, work contact information, licence code and licence validity;

- 2) based on a unique means of transport identifier, information on a means of transport and the name of its owner, holder, user and representative, as well as address and other contact information, and information on vehicle inspections, taxation, mortgages and insurance policy holders;
- 3) based on the first and family name, personal identification code or another unique identifier, information on the right of a person to operate a means of transport or on the validity and scope of a personal licence.

Limited information may also be disclosed on the former owner or holder of the means of transport pursuant to subsection 1, paragraph 2 above.

Section 4 (301/2018)

Disclosure of public information for transport-related purposes

In addition to what is provided elsewhere in the law, the Finnish Transport Safety Agency may disclose the transferable data referred to in section 3(1) for transport-related purposes as follows:

- 1) provision and development of transport services;
- 2) opinion polls and market research, direct marketing and other address and information services;
- 3) update of contact details and data on means of transport entered in the customer register;
- 4) other purposes approved by the controller.

The disclosed information may only be used for the purpose for which it was disclosed. Information may be disclosed further or otherwise given to a third party only if this is provided for by law, disclosure is based on an international treaty obligation binding on Finland or European Union legislation or if the Finnish Transport Safety Agency has given permission.

Section 5 (301/2018)

Disclosure of information for development and innovation activities

In addition to what is provided elsewhere in the law, the Finnish Transport Safety Agency may, in individual cases, disclose information saved in the transport register for development and innovation activities with the objective of developing and providing the transport system and services, increasing awareness and understanding of the transport system and services and improving traffic safety and promoting the achievement of environmental objectives in transport. Confidential information may only be disclosed with the consent of the person concerned or in a form which does not allow for associating the information with an individual person. Information obtained by the Finnish Transport Safety Agency from the criminal records or the register of fines may only be disclosed in a form which does not allow its association with an individual person.

The Finnish Transport Safety Agency may authorise processing of information contained in the register which is performed only automatically if the result of processing contains only information that cannot be associated with an individual person. Information may only be stored temporarily during processing.

An adequate clarification shall be submitted to the Finnish Transport Safety Agency, allowing the Agency to ascertain that the requested information is necessary for its purpose of use, the processing of information is safe and the applicant is reliable.

The disclosed information may only be used for the purpose for which it was disclosed. Information shall be deleted as soon as it is no longer needed for its purpose of use. Information may not be disclosed further.

Section 6 (301/2018)

Disclosure of information to other authorities and parties responsible for statutory duties

The Finnish Transport Safety Agency shall, notwithstanding secrecy provisions, have the right to disclose information from the register to another authority or a party responsible for statutory duties if the information is necessary for the performance of their statutory duties. The Finnish Transport Safety Agency may not, however, disclose confidential information which it has obtained from the criminal records or the register of fines, unless otherwise provided elsewhere by law.

The Finnish Transport Safety Agency may disclose information from the register to foreign authorities or for official purposes if the disclosure is based on national law, European Union legislation or an international treaty obligation binding on Finland. If information is transferred outside of the EEA, the requirements of chapter V of the European Union General Data Protection Regulation must be satisfied. The other authority that has obtained information from the transport register may disclose the information further under the same conditions.

The Finnish Transport Safety Agency may also disclose a photograph or a signature sample to a service provider which needs it for its statutory duty or a duty referred to in part IV, chapter 4.

Section 7 (301/2018)

Restrictions to disclosure of information

A natural person has the right to prohibit disclosure of his or her personal data for the purposes specified in sections 2, 4 and 5. In addition, a natural person has the right to deny disclosure of his or her contact information for the purposes specified in section 3.

A legal person has the right to prohibit disclosure of its information for the purposes specified in section 5.

Provisions on the processing of information subject to disclosure prohibition are laid down in sections 36 and 37 of the Act on the Population Information System and Certificate Services (661/2009). When information subject to disclosure prohibition is transferred into the transport register, the disclosure restriction is extended to cover also the name of a natural person.

The disclosure prohibitions referred to in subsections 1, 2 and 3 above do not prevent the disclosure of information to the authorities or for carrying out statutory duties.

When the Finnish Transport Agency discloses information subject to the disclosure restriction referred to in subsection 3, the recipient of the information must also be informed of the disclosure restriction as well as of restrictions relating to the use and protection of information.

Section 8 (301/2018)

Management of a person's own information

The Finnish Transport Safety Agency shall enable searching and copying of their own information by data subjects into another information system via an open interface in a machine-readable format. This does not apply to confidential information that the Finnish Transport and Safety Agency has obtained from the criminal records or the register of fines nor to information on supervision and sanctions.

PART VI

SANCTIONS, APPEALS AND PENAL PROVISIONS

Chapter 1

Administrative sanctions and appeals

Section 1

Scope of application

The provisions of this chapter on licences shall apply to personal licences and operator's licences. The provisions of section 2, paragraphs 2 to 5 and section 2c of this chapter shall not, however, apply to the qualification card and qualification endorsement referred to in part II, chapter 3, section 13 of this Act.

Unless otherwise provided in European Union legislation or in international treaties that bind Finland on administrative sanctions applicable to authorisations and licences referred to in this Act, the provisions in this chapter shall apply.

Section 2 (301/2018)

Cancellation, modification or restriction of licences

A licence holder may give notification of the suspension or discontinuation of activities referred to in the licence. After having received the notification of discontinuation, the Finnish Transport Safety Agency shall cancel the licence.

The Finnish Transport Safety Agency may modify, restrict or cancel a licence if:

- 1) the conditions for granting the licence are no longer fulfilled and the errors or shortcomings in the conditions are not rectified within the set time limit; or
- 2) the licence holder has repeatedly or seriously violated the provisions of this Act or orders issued under it, or the provisions of the European Union regulations concerning the licence holder's activities governed by this Act, and the issue of a reprimand or warning cannot be considered sufficient; or
- 3) there are other reasonable grounds to suspect that the licence holder is not able to carry out its duty pursuant to the licence or to carry out the activities referred to in the licence in a safe manner.

The Finnish Transport Safety Agency may also temporarily suspend or permanently cancel seafarers' certificates of competency, certificates of proficiency and endorsements as well as pilot and train driver licences of persons who by substantially or repeatedly violating the provisions or regulations governing transport demonstrate an unwillingness or inability to observe them or have through other activities demonstrated general indifference towards the provisions or regulations.

A licence may only be cancelled when, considering the facts of the case, a more lenient sanction cannot be regarded as sufficient. The cancellation of a licence referred to in subsection 2, paragraph 2 and subsection 3 above shall be in force for a limited period proportional to the seriousness of the offence or until further notice.

The Finnish Transport Safety Agency may immediately take possession of the licence document for the duration of the investigations in the matter referred to in subsection 2. A licence document shall be returned forthwith if the licence is not cancelled.

Section 2a (301/2018)

Special provisions on cancellation of railway licences

When the Finnish Transport Safety Agency is considering cancelling the operating licence of a railway undertaking because the licence holder no longer satisfies the requirement of financial fitness or the licence holder has seriously and repeatedly, regardless of the Agency's reminder, violated the terms and conditions of the operating licence or the provisions or regulations governing railway traffic, the Agency must give the licence holder an opportunity to rectify the deficiency within a reasonable time limit, which may not be shorter than two months. If the licence holder has not rectified the deficiency within the set time limit and the deficiency must be considered substantial or if the licence holder has been declared bankrupt and the financial status of the licence holder cannot be brought to the level required for the

operation of railway traffic pursuant to the licence within a reasonable time, the Agency shall cancel the operating licence either permanently or for a limited period.

When the Finnish Transport Safety Agency notes that the operating licence holder referred to in subsection 1 no longer satisfies the requirement of financial fitness, the Agency may, at the same time, decide that the railway traffic operations may be continued pursuant to the operating licence or in a restricted form for a maximum of six months. A licence for continuing railway traffic operations must not, however, be issued if continuing the operations may compromise the safety of railway traffic.

The Finnish Transport Safety Agency shall inform the European Union Agency for Railways of a cancelled operating licence. If the Finnish Transport Safety Agency notes a deficiency referred to in subsection 1 in an operating licence issued by another European Union member state, the Agency shall forthwith notify the licencing authority of that member state of the matter.

When the Finnish Transport Safety Agency cancels a train driver licence, the cancellation decision shall be communicated forthwith to the driver and the railway operator which employs the driver or in whose operations he or she is engaged.

If a relevant competent authority of another EEA member state has requested the Finnish Transport Safety Agency to cancel a train driver licence issued by the Finnish Transport Safety Agency or to conduct further inspections, the Agency must decide the matter within four weeks and communicate its decision to the competent authority that made the request, the European Commission and the competent authorities of the other EEA member states.

If the Finnish Transport Safety Agency has cancelled a driver's licence, it must give information on the procedures for getting the licence back.

Section 2b (301/2018)

Cancellation of tachograph cards

The Finnish Transport Safety Agency may cancel a tachograph card.

A workshop or control card may be cancelled if its holder no longer satisfies the requirements for issuing the card and errors or deficiencies in the requirements are not rectified within the set time limit. A card may also be cancelled if it is used contrary to its intended purpose.

A driver card will be cancelled in accordance with article 26(7) of the Tachograph Regulation.

A company card may be cancelled if:

- 1) its holder no longer satisfies the requirements for issuing a company card and errors or deficiencies in the requirements are not rectified within the set time limit;
- 2) the card in the possession of an undertaking has been obtained on the basis of false notifications or forged documents; or
- 3) an undertaking has used the card of another undertaking in order to make it more difficult to monitor driving times and rest periods.

Section 2c (301/2018)

Reprimand and warning

The Finnish Transport Safety Agency may give a reprimand or warning to a licence holder and to the person reported to the Agency as the licence holder's responsible person if they fail, otherwise than as provided in section 2(2)(2), to comply with the provisions or regulations concerning the operations covered by the

licence or the performance of a duty referred to in the licence. A reprimand or warning may also be given to an operator of activities subject to notification referred to in this Act and to the person reported to the Agency as the operator's responsible person if they do not comply with the provisions or regulations governing the activities. A warning may be issued if a reprimand cannot be considered sufficient taking into account the overall circumstances of the matter.

A reprimand shall be given orally or in writing. A warning shall be given in writing and entered in the register.

Section 3

Withdrawal of a taxi driving licence for a fixed period, temporarily or until further notice and a warning issued by the Police

The Police shall decide on the withdrawal of a taxi driving licence for a fixed period, temporarily or until further notice. The Police are also responsible for supervising the driving health and driving ability of a licence holder and may in this respect decide on measures ensuing from these supervisory activities pursuant to what is provided in this Act.

If the holder of a taxi driving licence has been guilty of offences referred to in Part II, chapter 3, section 1, subsection 3, the Police shall withdraw their licence for a fixed period of no less than two months and no more than five years. In particular, the seriousness and circumstances of the offence or offences based on which the licence is withdrawn shall be taken into account when determining the length of this period. If the holder of a taxi driving licence has committed offences referred to in subsection 1 or 2 or other offences similar to those referred to in subsection 1 or 2 in a manner referred to in section 4, the taxi driving licence shall be withdrawn for a minimum of six months. If there is a justified reason for mitigating the penalty, the taxi driving licence may be withdrawn for a shorter period than that referred to above.

If it is probable that the holder of a taxi driving licence has committed an offence referred to in Part II, chapter 3, section 1, subsection 3, paragraph 1 and the safety of passengers so requires, the police may withdraw the licence temporarily. Regardless of an appeal, a temporary withdrawal shall be valid until a final court decision has been delivered in the matter. If the criminal action expires, the taxi driving licence shall be returned to its holder immediately, if there is no other reason for withdrawing the permit.

If a driving ban is imposed on the holder of a taxi driving licence until further notice or if he or she no longer meets the health requirements for a taxi driving licence, his or her tax driving licence may be withdrawn until further notice.

When withdrawn, a taxi driving licence shall be handed over to the police. A taxi driving licence that has been withdrawn for a fixed period will be returned to its holder when the fixed period comes to an end. If a taxi driving licence is withdrawn until further notice, it may only be returned if the holder can prove that the reason for the withdrawal no longer exists. However, a taxi driving licence will not be returned if its term of validity has expired. Before a taxi driving licence is returned, the licence holder's fitness to drive shall be reassessed in the manner referred to in Part II, chapter 3, section 1. Offences referred in subsections 3 and 4 of the section in question that have come to the knowledge of the licensing authority after the taxi driving licence has been withdrawn shall be taken into account.

Instead of withdrawing a taxi driving licence for a fixed period, the police may issue a warning if the withdrawal of the licence may be considered an unreasonable penalty and the infringement does not appear to be due to disregard for a taxi driver's duties or general compliance with provisions and orders or penalties previously imposed on the driver.

Section 3a (301/2018)

Procedure for the approval of training centres providing initial qualification training by the Ministry of Education and Culture

If a training centre approved by the Ministry of Education and Culture under part II, chapter 3, section 10 no longer fulfils the requirements for approval, the training provisions are not complied with or training is not implemented in accordance with the conditions for approval or otherwise appropriately, the training centre may be given a reprimand or a written warning. If the shortcomings are not addressed within the time limit set by the authority that has approved the training centre, the approval shall be cancelled. A supervisor must forthwith communicate any deficiencies and omissions observed in connection with supervision to the authority that decided on the approval so that it can take necessary measures.

Section 3b (301/2018)

Procedure for train driver's licences issued by another state

If a driver referred to in part II chapter 7 whose licence has been issued in another EEA member state does not satisfy the requirements for obtaining a licence under the Train Drivers Directive, the Finnish Transport Safety Agency shall request the competent authority of the relevant EEA member state to cancel the licence or conduct further inspections. The Agency shall inform the European Commission and the competent authorities of the other EEA member state of the request.

If the Agency has requested the relevant competent authority in accordance with subsection 1 to cancel the licence or conduct further inspections, but the decision made by the authority does not meet the appropriate criteria, the Agency shall request an opinion on the decision from the European Commission and request that the Commission take corrective measures, if necessary.

Section 3c (301/2018)

Prohibition of operations in certain cases

The Finnish Transport Safety Agency may prohibit a train driver referred to in part II, chapter 7 from operating a rolling stock on a rail network for an indefinite or limited period if the driver poses a serious risk to the safety of the railway system or if the Agency considers that the ban is necessary while waiting for response to its request made under part II, chapter 7, section 13(3).

The Agency shall notify the European Commission and the relevant competent authorities of the other EEA member states of the ban it has imposed.

If the Finnish Transport Safety Agency has referred a matter concerning the cancellation of a licence issued in an EEA member state as referred to in section 3b(2) above to the European Commission for consideration, the Agency may continue to prohibit the driver from operating a rolling stock on a rail network until the Commission has given a final decision.

The Finnish Transport Safety Agency may, on the grounds laid down in section 2, subsection 2 and section 2, subsection 3, order that a foreign licence approved in Finland does not give right to the operations referred to in the licence in the territory of Finland, on a Finnish aircraft or, in the context of aviation operations, under an air operator certificate issued in Finland.

Section 3d (301/2018)

Procedures with regard to suspected waterway traffic intoxication

The Border Guard, Police and Customs shall confiscate a certificate of competency, certificate of proficiency and endorsement referred to in part II, chapter 10, issued by the Finnish Transport Safety Agency, if there is reason to suspect that the person has, while on duty, been guilty of waterway traffic intoxication under

chapter 23, section 5 of the Criminal Code of Finland and submit it forthwith to the Finnish Transport Safety Agency, which shall forthwith decide on the cancellation of the certificate of competency, certificate of proficiency or endorsement.

The cancellation of the certificate of competency, certificate of proficiency and endorsement referred to in subsection 1 above shall be valid until a court has decided the matter under chapter 20, section 10 of the Maritime Act (674/1994).

Section 3e (301/2018)

Expiry of operating licences

An operating licence referred to in part II, chapter 12, section 5 above shall expire if the licence holder has not started to exercise his or her transport rights in accordance with the operating licence.

Section 3f (301/2018)

Loss and restoration of good repute

Provisions on the requirements for and loss of good repute of a person referred to in part II, chapter 1, section 5 of this Act are laid down in section 6 of the said chapter and in articles 6 and 14 of the EU Road Transport Operator Regulation. The certificate of professional competence of a person who has lost good repute shall no longer be valid under article 14 of the EU Road Transport Operator Regulation. The Finnish Transport Safety Agency shall make an entry of the issue in the transport register in accordance with part V, chapter 2, section 1(4) of this Act. The entry shall be removed from the register when the requirements for good repute are satisfied again.

Section 3g (301/2018)

Procedures for licences granted by other states

Unless otherwise provided elsewhere in the law or subject to an international obligation binding on Finland, the Finnish Transport Safety Agency may inform the competent authority of another state if it has reason to suspect that the holder of a licence granted by the other state for the operations referred to in this Act no longer satisfies the requirements for the issue of the licence.

Section 3h (301/2018)

Cancellation of the recognition of certificates of competency and certificates of proficiency issued by a competent authority of a non-EEA member state under the STCW Convention

If the Finnish Transport Safety Agency notes that a certificate of competency or a certificate of proficiency issued by a competent authority of a non-EEA member state no longer satisfies the requirements of the STCW Convention, the Agency shall forthwith notify the European Commission of the matter.

The recognition of a certificate of competency and an endorsement may be cancelled in accordance with article 20 of the Directive on Minimum Level of Training of Seafarers.

Section 4

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

Should anyone infringe this Act, the EU regulations applicable to the activities referred to in this Act, or provisions or orders issued by virtue of this Act, the Finnish Transport Safety Agency may oblige them to rectify their error or negligence. A notice of a conditional fine may be imposed to enforce the decision, or a notice of suspending the activities partly or fully, or of having the neglected measure carried out at the expense of the interested party may be issued.

If a competent authority has made a decision to award exclusive rights pursuant to the provisions in Part III, chapter 3, section 10, the competent authority may prohibit activities that cause a continuous and serious nuisance to the transport protected by exclusive rights. The authority may reinforce the prohibition by imposing a notice of a conditional fine.

Provisions on notices of a conditional fine, notices of enforced suspension and notices of enforced compliance are contained in the Penalty Payments Act (1113/1990).

The costs of an action performed by enforced compliance are paid from central government funds and recovered from the party who was guilty of the neglect in the order prescribed in the Act on the enforcement of Taxes and Charges (706/2007).

Section 5

Claim for a revised decision

A revised decision may be claimed for any other decision than the ones referred to in subsections 2 to 4 of this section and in sections 6 and 7 from the authority that has taken the decision, as provided for in the Administrative Procedure Act.

An applicant or holder of a personal licence may claim a revised decision from the Finnish Transport Safety Agency in respect of a statement or another decision by a training centre referred to in part II, chapter 3, section 10, approved by the Finnish Transport Safety Agency, by a competence demonstration examiner referred to in chapter 8, section 2, by a maritime training provider referred to in chapter 11, section 1 and by a training licence holder referred to in chapter 13, section 6 as well as by an aeromedical examiner, aeromedical centre, occupational physician and an organisation issuing attestations for cabin crew referred to in part IV, chapter 1, section 18 and by a railway doctor referred to in chapter 3, section 1, by a psychologist referred to in section 2 and by a medical examiner of seafarers referred to in section 3.

A train driver may claim for a revised decision from the Finnish Transport Safety Agency for a decision by a railway operator, denying review of a decision concerning the issue of a complementary certificate referred to in part II, chapter 7, section 11(2) or cancelling a complementary certificate.

A revised decision may be claimed from the Finnish Transport Safety Agency for a decision by a service provider referred to in part IV, chapter 4, section 1 above.

A decision on a claim for a revised decision may be appealed against to an Administrative Court, as laid down in the Administrative Judicial Procedure Act.

Section 6 (301/2018)

Appeal to the Administrative Court

Appeals against the following decisions may be filed with the Supreme Administrative Court in accordance with the Administrative Judicial Procedure Act:

- 1) recovery of remuneration referred to in part III, chapter 4, section 3;
- 2) cancellation of a licence referred to in section 2;
- 3) a decision on conditional fine, notice of enforced compliance and notice of enforced suspension referred to in section 4;
- 4) a decision made under the EU Regulation on International Coach and Bus Services, the EU Road Haulage Regulation and the EU Road Transport Operator Regulation;
- 5) a decision on a training centre by the Ministry of Education and Culture;
- 6) a decision on the cancellation of a qualification card by the Finnish Transport Safety Agency.

A decision made under this Act, the EU Regulation on International Coach and Bus Services, the EU Road Haulage Regulation and the EU Road Transport Operator Regulation, including a conditional fine, notice of enforced compliance and notice of enforced suspension imposed under section 4 of this chapter to enforce compliance with the regulations referred to in part IV, chapter 1, section 9(2) may be enforced regardless appeal, unless otherwise decided by the appeal authority.

In the case of appeal, chapter 12 of the Act on Vocational Education and Training shall be applied to a decision by a training centre approved by the Ministry of Education and Culture.

Section 7 (301/2018)

Appeal to the Market Court

A decision taken by a regulatory body in a matter referred to in part II, chapter 8, section 5(2) may be appealed against by filing an appeal with the Market Court.

Section 8 (301/2018)

Appeal to the Supreme Administrative Court

A decision by an Administrative Court may only be appealed against if the Supreme Administrative Court grants a leave to appeal.

A decision by the Market Court referred to in section 7 may be appealed against by filing an appeal with the Supreme Administrative Court as provided for in the Administrative Judicial Procedure Act.

Section 9 (301/2018)

Appeal in procurement matters

The provisions on legal safeguards laid down in sections 132 to 134, in sections 145(1), 146(1) and 146(2), 147(1) and 147(3), 148, 149, 151 and 152, in the preamble and paragraphs 1 to 4 of section 154(1), in sections 155 and 160 to 163, 165, 167 and 169 of the Public Procurement Act shall apply to a procurement matter referred to in part III, chapter 3, section 1 of this Act regardless of the value of the contract. In addition to what is provided for in section 145(2) of the Public Procurement Act, the Ministry of Transport and Communications may refer a procurement matter to the Market Court in a case that concerns the European Union infringement procedure. A Market Court decision by which the Market Court imposes a sanction referred to in section 154(1)(1) to (3) of the Public Procurement Act shall be complied with regardless of appeal, unless otherwise ordered by the Supreme Administrative Court. A Market Court decision on imposing a sanction referred to in paragraph 4 of the said subsection may only be enforced by a final court decision.

Section 10 (301/2018)

Instructions for appeal in personal licence matters

If a personal licence is issued in accordance with an application and the applicant is given a separate licence document as a proof of the licence, the applicant will not be given another decision or instructions for appeal.

Chapter 2

Penal provisions

Section 1 (301/2018)

Provision of commercial transport services without a licence

A person who intentionally or due to gross negligence

- 1) provides commercial road transport services of passengers or goods without holding a taxi, passenger, or goods transport licence or a transport licence for international operations, a community transport licence referred to in Article 4 of the EU Regulation on International Coach and Bus Services or a licence for regular services referred to in section 5 of the Regulation, or a community transport licence referred to in article 4 of the EU Road Haulage Regulation, or does so in violation of the cabotage provisions referred to in chapter III of the EU Road Haulage Regulation or in chapter V of the EU Regulation on International Coach and Bus Services,
- 2) provides occasional international passenger transport services referred to in Article 7 of the Interbus Agreement or international passenger transport services between Finland and another country subject to a bilateral agreement on international transport referred to in part IV, chapter 1, section 13 of this Act without the licence required by the bilateral agreement,
- 3) provides railway traffic services subject to licence in the absence of the conditions laid down in part II, chapter 5 of this Act,
- 4) provides urban rail traffic services in the absence of the conditions laid down in part II, chapter 6 of this Act,
- 5) provides commercial air transport services without an air operator certificate referred to in article 8(2) of the EASA regulation or an operating licence referred to in part II, chapter 12, section 2 or violates the conditions of such licence shall be sentenced to a fine or imprisonment not exceeding six months for *provision of commercial transport services without a licence*, unless the act is negligent and a more severe punishment for the act is provided elsewhere in the law.

Section 2

Infringement related to ordering a transport service

A customer who commissions a goods transport service or a representative of the customer referred to in Part II, chapter 1, section 12 of this Act, who intentionally neglects his or her duty to check as provided in the said section when ordering the service or who, having performed the duty to check, knows that the operator providing the transportation does not meet the requirements referred to in Part II, chapter 1, section 12, subsection 2 shall be sentenced to a fine for an infringement related to ordering a transport service. However, if the Act on the Contractor's Obligations and Liability when Work is Contracted Out (1233/2006) is applied to the transports service then no notification will be made of an infringement related to ordering a transport service, no charges will be filed and no penalty will be imposed, and a negligence fee pursuant to section 9 of the said Act may be issued.

Section 3 (301/2018)

Violation of provisions on professional qualification

Anyone who intentionally or through gross negligence

- 1) acts as a taxi driver without a driving licence referred to in part II, chapter 3, section 1,
- 2) allows another party to operate a vehicle in violation of the provisions of part III, chapter 1, section 2(1)(1),
- 3) violates the provision of part II, chapter 3, section 3(1) on the professional qualification required from a driver or the provision of section 5 on operating a vehicle,
- 4) violates the obligation of a licence applicant or holder imposed in part IV, chapter 2, section 3(2) to provide information on factors affecting competence shall be sentenced to a fine for *violation of the provisions on professional qualification*, unless a more serious punishment for the act is provided elsewhere in the law.

Anyone who intentionally or through gross negligence

- 1) violates the provisions on qualification requirements laid down in part II, chapter 10, sections 3 to 9,

- 2) violates the provisions on the minimum age of the master of a vessel laid down in part II, chapter 10, section 10, or
- 3) fails to comply with the obligation to retain or produce a certificate of competency, certificate of proficiency or endorsement as provided for in part II, chapter 10, section 18, shall also be sentenced for violation of the provisions on professional qualification.

Section 4 (301/2018)

Transport training activities without a licence

Anyone who intentionally or through gross negligence

- 1) engages in training or testing activities referred to in part II, chapter 3, section 6, 7 or 9 of this Act without the approval referred to in section 10 of the said chapter,
- 2) engages in training activities referred to in part II, chapter 11 without the approval referred to in sections 1 and 3 of the said chapter or contrary to the conditions of approval, or
- 3) engages in training activities subject to licence without a flight training licence referred to in part II, chapter 13, section 6 or based on the EASA Regulation or fails to give a declaration on training activities shall be sentenced to a fine for *transport training activities without a licence*, unless a more serious punishment for the act is provided elsewhere in the law.

Section 5 (301/2018)

Specialised operations without a licence

Anyone who intentionally or through gross negligence carries out specialised operations referred to in part II, chapter 12, section 8 or in the Air Operations Regulation without the required licence or violates the conditions of such licence shall be sentenced to a fine for *specialised operations without a licence*, unless a more serious punishment for the act is provided elsewhere in the law.

Section 6 (301/2018)

Violation of social legislation relating to road transport

A driver who intentionally or through gross negligence violates

- 1) the provisions of the Driving Time and Rest Periods Regulation or of the Tachograph Regulation,
- 2) the provisions of the AETR Agreement, or
- 3) the provisions of part II, chapter 4, section 4 concerning driving times, breaks, rest periods, tachographs or tachograph sheets shall be sentenced to a fine for *violation of social legislation relating to road transport*.

The following parties shall also be punishable for violation of social legislation relating to road transport:

- 1) workshop representatives who intentionally or through gross negligence violate the provisions of part II, chapter 4, section 7; or
- 2) employers or their representatives, or the representatives of an undertaking that intentionally or through gross negligence violate the provisions of articles 5, 10 or 16 of the Driving Time and Rest Periods Regulation concerning minimum age limits or an obligation imposed on a transport company in relation to driving time and rest periods, article 3(1), 7(4), 9(7), 21(2), 23(1), 32(1), 32(3) or 32(4), 33 or 37(1)(1) and 37(1)(2) of the Tachograph Regulation concerning the processing of tachographs or data contained in them, article 5 of the AETR Agreement concerning the requirements for drivers or article 11 concerning emergency situations or the provisions of part II, chapter 4, section 5 or 6 of this Act.

Section 7 (731/2018)

Offences relating to motor vehicle documents

A traffic ticket of 40 euros may be imposed on a driver if he or she intentionally or through negligence violates the provisions laid down on the documents a person operating a motor vehicle is required to carry in:

- 1) Article 4(6) of Regulation (EC) No 1072/2009 of the European Parliament and of the Council on common rules for access to the international road haulage market or Article 19(1) of Regulation (EC) No 1073/2009 of the European Parliament and of the Council on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006; or
- 2) part II, chapter 3, section 13 of this Act.

Provisions on the imposition, communication and enforcement of traffic tickets are laid down in the Road Traffic Act (729/2018).

Section 7 added by the Act of 731/2018 will enter into force on 1 June 2020.

PART VII ENTRY INTO FORCE

Chapter 1 Transitional provisions and entry into force

Section 1 Entry into force

This Act enters into force on 1 June 2020.

Liability provisions laid down in this Act and in section 4 of the Act on Fixed-Fine Offences (986/2016) which were in force upon the entry into force of this Act shall apply to acts and omissions referred to in this Act which have been committed prior to the entry into force of this Act. If the application of this Act would lead to a more lenient outcome, this shall be considered in the imposition of sanction.

This Act enters into force on 1 July 2018.

Part II, chapter 7, sections 6 and 8 and part III, chapter 2, sections 2a and 4 of the Act enter into force on 1 January 2019.

Provisions on the entry into force of part II, chapter 12, section 9 and chapter 13, section 1(2) of this Act are laid down by government decree.

This Act repeals:

- 1) the Act on Certain Types of International Integrated Transport Services (440/2000);
- 2) the Vehicular and Driver Data Register Act (541/2003);
- 3) the Act on the Issue of Tachograph Cards (629/2004);
- 4) the Act on the Professional Qualifications of Lorry and Bus Drivers (273/2007);
- 5) the Act on Certifying Physicians as Recognized Medical Practitioners (47/2009);
- 6) the Act on the Traffic Safety Tasks in the Railway System (1664/2009);
however, sections 19 and 20 of the Act shall apply until 31 December 2018;
- 7) the Act on Self-Employed Drivers' Working Time in Road Transport (349/2013);
- 8) the Act on Registration Services of Vehicles (175/2015).

Upon the entry into force of this Act, valid taxi driving licences under the Taxi Transport Act (217/2007) shall remain valid but they must be renewed into taxi transport licences pursuant to this Act as follows:

- 1) licences issued in 2008 and earlier in 2029 at the latest;
- 2) licences issued in 2009 and 2010 in 2030 at the latest;
- 3) licences issued since the beginning of 2011 till 30 June 2018 in 2031 at the latest.

Upon the entry into force of this Act, valid licences, approvals, registration notifications, bans and decisions issued under the Acts referred to in subsection 4 and the Aviation Act (864/2014), the Urban Rail Traffic Act (1412/2015) and the Act on Ships' Crews and the Safety Management of Ships (1687/2009) shall remain in force in accordance with their validity period and shall be governed by the provisions of this Act subject to the provision that:

- 1) a medical examiner of seafarers approved prior to the entry into force of this Act shall have the right to act as a medical examiner of seafarers until no later than 1 July 2020, after which the doctor must have an approval pursuant to part IV, chapter 3, section 3(1);
- 2) approvals issued to doctors specialised in the railway sector and to occupational physicians working in occupational health care for railway traffic which were valid upon the entry into force of this Act shall be valid until 31 December 2018, after which they must have an approval pursuant to part IV, chapter 3, section 1(1);
- 3) exceptions to the state of health of the driver in the railway system shall remain valid under the conditions of the relevant licence, unless the Finnish Transport Safety Agency or the railway doctor otherwise determines on the basis of the results of a medical examination performed on the person. A driver operating in the railway system shall have a licence and a complementary licence by 29 October 2018 at the latest. Upon the entry into force of this Act, the driver is not required to have completed upper secondary education referred to in part II, chapter 7, section 4(1)(2) for the issue of a licence. Providers of maritime training referred to in part II, chapter 11, section 1 shall apply for the approval referred to in the said section and the approval of training referred to in section 3 of the said chapter within a year from the entry into force of this Act, and they may provide maritime training pursuant to the said section without an approval until the Finnish Transport Safety Agency has made a decision on approval.

A doctor who has worked as a doctor specialised in the railway sector or as an occupational physician in occupational health care for railway traffic prior to the entry into force of this Act may be approved as a railway doctor in accordance with part IV, chapter 3, section 1 even if he or she did not have the specialist licence relevant for the duty.

A person employed as a medical examiner of seafarers prior to the entry into force of this Act may be approved as a medical examiner of seafarers in accordance with part IV, chapter 3, section 3 even though he or she did not have the specialist licence relevant for the duty.

Should another Act or a provision laid down by virtue of it, or a decision issued under an Act repealed by this Act, contain a reference to an Act repealed by this Act, the reference shall be deemed to refer to the corresponding provision of this Act.

Section 2

Transitional provisions that apply to personnel

The public-service employees referred to in Part II, chapter 1, sections 3 and 4 above who perform the duties to be transferred to the Finnish Transport Safety Authority as well as the corresponding public posts will be transferred to the Finnish Transport Safety Authority as this Act enters into force. Provisions on the public-service relationship of personnel are laid down in sections 5a–5c of the State Civil Service Act (750/1994).

Section 3

Other transitional provisions

However, any licences and authorisations, approvals, prohibitions and decisions that are valid as this Act enters into force shall remain in force, so that:

- 1) the taxi licenses that entitle their holder to taxi operations shall be deemed the taxi transport licences referred to in Part II, chapter 1, section 2, and the provisions of this Act shall be applied to them; the Finnish Transport Safety Authority may combine the taxi licences granted to one holder into one taxi transport licence;
- 2) licences that entitle the holder to provide passenger and goods transport services shall be deemed the passenger transport licences and goods transport licences referred to in Part II, chapter 1, section 1, and the provisions of this Act shall apply to them; and
- 3) taxi driver permits shall be deemed the taxi driving licences referred to in Part II, chapter 3, section 1, and the provisions of this Act shall apply to them.

In addition to what is provided in Part II, chapter 1, section 1, goods may also be transported for a period of 10 years from the date on which the Act enters into force by a vehicle-specific licence granted under the provisions that were in force before 2 October 1999, which entitles the holder to provide commercial transport services of goods in Finland, with the exception of the region of Åland (domestic goods transport licence). A change in a licence entitling the operator to provide transport services due to a change in the company type shall also be regarded as a renewal of the domestic goods transport licence.

Any contracts concerning passenger transport concluded under the Acts repealed by this Act shall remain in force as stated in the contract.

When this Act enters into force, the competent authority referred to in Part IV, chapter 1, section 4 of this Act may prohibit bus and coach passenger transport services that were operated in accordance with the provisions previously in force, and reinforce the prohibition by imposing a notice of a conditional fine, on the condition that:

- 1) the authority has organised public passenger transport services by road in compliance with the Public Service Contract Regulation;
- 2) the passenger transport service causes continuous and serious nuisance to transport services provided in accordance with the Public Service Contract Regulation; and
- 3) a contract award procedure was initiated or a contract on transport service was concluded in order to organise transport in compliance with the Public Service Contract Regulation before the entry into force of the Act.

The Ministry of Transport and Communications Decree on Quality Requirements Applicable to the Accessible Fleet used in Provision of Taxi Services (723/2009) issued by virtue of the Taxi Transport Act repealed by this Act shall be complied with until it is repealed separately.

Should another Act or a provision laid down by virtue of it, or a decision issued under an Act repealed by this Act, contain a reference to an Act repealed by this Act, the reference shall be deemed to refer to the corresponding provision of this Act.

The obligation of transport operators to establish disability-related training procedures as referred to in Article 16(1 b) of the EU Regulation on the rights of passengers in bus and coach transport shall be applied starting on 1 March 2018.

The EU Regulation on the rights of passengers in bus and coach transport shall be applied to regular coach transport between Finland and Russia and Finland and Norway as from 1 March 2021.
