

## **Equivalence between Finnish ice classes and class notations and establishing ice classes**

### **Background to the Regulation and legal basis**

The Regulation on the equivalence between Finnish ice classes and class notations assigned by recognised classification societies and on establishing ice classes (TRAFI/383804/03.04.01.00/2016) entered into force on 1 December 2017. Since 2017, the recognised classification societies and the class notations used have changed, as a result of which the list of equivalent ice classes set out in Annex 1 to the Regulation needs to be updated. In addition, some points requiring clarification and updating have been identified in the Regulation. The Regulation to be issued repeals and replaces the Regulation referred to above issued by the Finnish Transport Safety Agency.

The ice classes of ships and the provision of icebreaker assistance are governed by the Act on the Ice Classes of Ships and Ice Breaker Assistance (1121/2005, hereinafter the *Ice Class Act*). According to section 7, subsection 1 of the Act, a ship's ice class is determined on the basis of the class notation assigned to the ship by a recognised classification society and the list of equivalences established by the Finnish Transport and Communications Agency under section 4, subsection 2. According to section 4, subsection 2 of the Act, the Finnish Transport and Communications Agency shall establish a list of which class notations assigned by recognised classification societies are equivalent to the Finnish ice classes, and issue further provisions in this regard.

If the ship has not been assigned a class notation by a recognised classification society, the ice class shall be established in accordance with section 7, subsection 2 of the Ice Class Act. In such cases, the Finnish Transport and Communications Agency shall, on the shipowner's application, establish the ice class of the ship in accordance with the method referred to in section 4, subsection 1, or section 5, or in accordance with the ice class regulations of a State referred to in section 6. The shipowner shall provide the Agency with the information and documentation necessary for establishing the ice class. The Finnish Transport and Communications Agency shall issue more detailed regulations on what information and documentation is required.

In addition, according to section 4, subsection 1 of the Ice Class Act, the Finnish Transport and Communications Agency shall issue more detailed regulations on the requirements regarding the structure, engine output and other ice navigation properties of ships assigned to different ice classes, the methods for determining ice classes, and the differences between ice classes.

### **Other relevant provisions and regulations**

The Regulation of the Finnish Transport and Communications Agency on ice class regulations and their application (TRAFICOM/68863/03.04.01.00/2021; hereinafter the *Ice Class Regulation*) contains further provisions on the technical requirements relating to the ice classes of ships. Finnish Customs collect the fairway fee on the basis of the ice class of the vessel. The Act on Fairway Dues (1122/2005) provides for the fairway fee. The Finnish Transport Infrastructure Agency is responsible for the availability of icebreaker assistance in Finnish waters when ice conditions so require, and decides on any limitations to assistance. The provision of icebreaker assistance is provided for in the Ice Class Act.

### **Aim of the Regulation**

The aim of this Regulation is to update the mutual equivalence between class notations assigned by recognised classification societies and Finnish ice classes, to clarify

the provisions on establishing the ice class of a ship combination and to clarify and update the text of the Regulation.

### **Drafting of the regulation**

The draft regulation was officially drawn up at the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency has asked the recognised classification societies to provide a list of class notations based on Finnish-Swedish ice class rules (in Finland, the ice class regulations 2021) and a copy of the classification rules on which the above-mentioned class notations are based.

The launch of the project and the public consultation round for the draft Regulation were announced on the website of the Finnish Transport and Communications Agency. The consultation round has also been communicated by email to the recognised classification societies.

The draft Regulation will be notified in accordance with the notification procedure for technical regulations (Directive (EU) 2015/1535 of the European Parliament and of the Council laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services).

The final version of the Regulation will be published on the Finnish Transport and Communications Agency website and in Finlex.

### **Feedback from consultation**

The draft Regulation and draft explanatory memorandum were included in the public consultation round carried out via the online consultation service lausuntopalvelu.fi from xx.xx. to xx.xx.2023.

The feedback from consultation will be supplemented after the consultation round.

### **Amendments and assessment of the impact of the Regulation**

Through this Regulation, the Finnish Transport and Communications Agency adopts an updated list of the Finnish ice classes equivalent to the class notations assigned by recognised classification societies. The Indian Register of Shipping class notations will be added to the list of equivalences and the Russian Maritime Register of Shipping will be deleted. The class notations of Det Norske Veritas, DNV GL and Germanischer Lloyd are replaced by those of DNV AS. The changes to recognised classification societies are based on the list of recognised societies published in the Official Journal of the European Union on 7 December 2022 (2022/C 466/07).

The new class notations introduced by recognised classification societies after 2017 will be added to the list of equivalences and other necessary clarifications will be made. In particular, the old class notations of the classification societies will be deleted. This will have no effect on the ships already on the ice class list and the new ships to be added to the ice class list will generally have been assigned the more recent class notations on the list. The deletion of the old class notations will therefore have no significant practical effect. Updates to the list of equivalences will have the effect of clarifying the activities of both the authority and shipowners. The Regulation will reduce the administrative burden when the Finnish ice class of a ship is determined on the basis of a class notation assigned by a recognised classification society and the list of equivalences without an application procedure. This will reduce the workload of shipowners, as the notification procedure is less involved than the application procedure.

In addition, the Regulation specifies the definition of the ice class of a combination of ships, thus clarifying the activities of both the authority and the shipowner. The Regulation removes superfluous provisions and provisions overlapping with those of

other regulations and provisions concerning the entry of ice class draughts and minimum engine output in the classification certificate, the maximum draught of the ship while assistance limitations are in force and the change of classification society. Other changes comprise mostly clarifications to the text of the Regulation which do not affect the substance of the requirements.

The ice class of ships plays a key role in the safety of winter navigation, but also in the protection of the environment. The regulatory changes now being introduced will not change the current level of safety or environmental impact. The Regulation will have no impact on accessibility or equality.

## Detailed rationale

The title of the Regulation would be simplified to read: *Equivalence between Finnish ice classes and class notations and establishing ice classes*. The legal basis of the Regulation would be extended to include subsection 1 of section 4 of the Ice Class Act due to the addition to section 3.2 of the Regulation of the requirements for establishing the ice class of a ship combination. The Regulation would be updated by changing the name of the competent authority from the Finnish Transport Safety Agency to the Finnish Transport and Communications Agency. In addition, the wording of the Regulation and the list of equivalences would be clarified and the terminology made consistent with the Ice Class Act.

### 1 Scope

Section 1 of the current Regulation, *Purpose of the Regulation*, would be deleted as superfluous and replaced by provisions on the scope. The Regulation would apply to the determination and establishment of Finnish ice classes of ships and combinations of ships. This would reflect the current scope of the Regulation.

For the sake of clarity, a paragraph would be left in the section to the effect that, through this Regulation, the Transport and Communications Agency establishes the list of equivalences set out in Annex 1 to the Regulation on the equivalence between Finnish ice classes and the class notations assigned by recognised classification societies, as referred to in section 4, subsection 2 of the Act on the Ice Classes of Ships and Ice Breaker Assistance (1121/2005).

### 2 Determination of Finnish ice classes on the basis of class notations assigned by recognised classification societies and the list of equivalences

The heading of section 2 would be updated to read: *Determination of Finnish ice classes on the basis of class notations assigned by recognised classification societies and the list of equivalences*. This section concerns the notification procedure laid down in section 7, subsection 1 of the Ice Class Act.

A requirement concerning the ship's own propulsion machinery would be added to this section. The addition would not change the status quo, since, according to section 3, subsection 1, point 5 of the Ice Class Act, ships in ice class II and above must have their own propulsion machinery. The purpose of the addition is therefore to clarify the fact that barges classified by a classification society fall into ice class III on the basis of the list of equivalences.

A clarification would be added to the section on the determination of the Finnish ice class on the basis of the list of equivalences according to the highest ice class corresponding to the classification marking. This is intended to clarify situations where the ship's class notation is equivalent to ice classes I A Super - IC, as such a ship always also bears a class notation for ice class II. In addition, the section would stipulate that if a ship is not self-propelled, but its classification certificate bears a class notation included on the list of equivalences, the class notation is to be considered equivalent to Finnish ice class III.

The second paragraph of section 2 of the current Regulation states that a ship in ice class I A Super or IA the keel of which was laid or which was at a similar stage of construction before 1 September 2003 shall nevertheless comply with the requirements of section 3.2.2 or 3.2.4 of the Ice class regulations of 2017 of the Finnish Transport Safety Agency (TRAFI/494131/03.04.01.00/2016) not later than 1 January of the year when 20 years have elapsed since the year the ship was delivered. This paragraph would be deleted in order to avoid repetition, as the requirement is already included in the Ice Class Regulation in force.

### **3 Establishing Finnish ice classes on application**

The heading of section 3 of the Regulation would be changed to: *Establishing Finnish ice classes on application*, and the section would be divided into section 3.1. *Necessary information and documentation* and 3.2. *Combinations of ships*.

#### **3.1 Necessary information and documentation**

In the first paragraph of section 3.1 (section 3 of the current Regulation), the statement, which partly overlaps with the provisions of section 7, subsection 2 of the Ice Class Act, that the Finnish Transport Safety Agency (now The Finnish Transport and Communications Agency) shall, on application by the shipowner, establish the ice class for the ship on the basis of section 7, subsection 2 of the Act on the Ice Classes of Ships and Icebreaker assistance, would be deleted. The provisions of the section on the information and documentation necessary for the establishment of the Finnish ice class of a ship would continue to apply to the application procedure referred to in section 7, subsection 2 of the Ice Class Act.

The list of necessary information and documentation would be updated and specified to clarify that the following should be provided for the purpose of establishing the Finnish ice class of a ship:

1. an informal written application for the ice class of the ship;
2. a copy of the ship's Class Certificate;
3. a copy of the classification society's ice class rules;
4. a copy of the ship's documents showing that the engine power of the ship is designed and constructed as required by the ice class;
5. a copy of the ship's documents showing that the hull of the ship is designed and constructed as required by the ice class;
6. a copy of the ship's documents showing that the rudder and its steering equipment are designed and constructed as required by the ice class;
7. a copy of the ship's documents showing that the ship's propulsion machinery and its parts are designed and constructed as required by the ice class;
8. a copy of the ship's sea water systems and starting air system; and
9. any other information and documentation deemed necessary for the establishment of the ice class.

The new information required would be that referred to in points 6, 7 and 8. This information corresponds to the technical requirements set out in the Ice Class Regulation and in the past was also available on request pursuant to point 9. The presentation of these documents is necessary in order to establish that the ship complies with the requirements of the Ice Class Regulation. Listing them separately makes it easier to demonstrate compliance.

Required information that is to be deleted are the lines drawing of the bow, the Load Line Certificate, the Tonnage Certificate and an official document stating the engine output of the ship and its limitations, if any. The lines drawing of the bow and the official document stating the engine output of the ship may be included in the documents in point 4. The Load Line Certificate and Tonnage Certificate are not in themselves necessary to determine the ice class, but they may also be accepted as part of an application if the applicant wants to supply information in the form of those documents.

### **3.2 Combinations of ships**

In the first paragraph of section 3.2 of the Regulation (section 6 of the current regulation), the statement based on the Ice Class Act that, according to section 3, point 6 of said Act, a ship which is not self-propelled is in ice class III, would be deleted. In the second paragraph of the section, the statement, which partly overlaps with the provisions of section 7, subsection 2 of the Ice Class Act, that the Finnish Transport Safety Agency (now: The Finnish Transport and Communications Agency), pursuant to section 7, Subsection 2 of the Act on the Ice Class of Ships and Icebreaker Assistance, shall establish the ice class of a combination of ships on application by the shipowner, would be deleted. Furthermore, the text of the second paragraph would be made more readable.

The third paragraph of the section would be new and would stipulate that the engine output required for the Finnish ice class of a combination of ships is to be determined according to the engine output requirements of the ice class regulations in force at any time, using the shape of the hull of the barge and the number, type and diameter of the propellers of the power-driven pusher tug. Currently, the calculation of engine output is provided for in section 3 of the Ice Class Regulation 2021.

### **Sections to be deleted in the Regulation in force**

Section 4 of the current Regulation *Ice class draughts and the required minimum engine output to be indicated in the class certificate* would be deleted, as the Finnish Transport and Communications Agency does not lay down requirements on the content of the class certificate. The aim is that the ice class draughts and minimum engine output of a ship assigned an ice class by a recognised classification society will continue to be indicated on the ship's class certificate, its annex or other ship documentation, as this additional information on the ice class is important to ensure the safety of ice breaker assistance provided for the ship.

Section 5 of the current Regulation *Maximum draught of the ship when assistance restrictions are in force* would be deleted. As the heading suggests, the section provides for the draught of a ship when assistance restrictions are in force. The requirement is included in the ice class regulation in force and therefore does not need to be repeated in this Regulation.

Section 7 of the current Regulation *Change of classification society* would be deleted in full. The first paragraph of the section provides for the retention of the ice class when a classification society changes. However, the validity of an entry in the ice class list is provided for at the level of the Act in section 7, subsection 3 of the Ice Class Act. The second paragraph of section 7 of the Regulation provides for the engine output requirement for vessels in the two highest ice classes, which is already provided for in the Ice Class Regulation. The third paragraph provides for the requirements for the content of the class certificate.

## **Annex 1 List of equivalences**

The list of equivalences to be set out in Annex 1 to the Regulation would be updated. The list of organisations recognised (2022/C 466/07) on the basis of Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations was published in the Official Journal of the European Union on 7 December 2022. According to the list, the recognised classification societies are:

- American Bureau of Shipping (ABS)
- Bureau Veritas SA (BV),
- China Classification Society (CCS),
- Croatian Register of Shipping (CRS),
- DNV AS (DNV),
- The Indian Register of Shipping (IRS),
- Korean Register (KR),
- Lloyd's Register Group LTD (LR),
- Nippon Kaiji Kyokai General Incorporated Foundation (ClassNK),
- Polish Register of Shipping (PRS), and
- RINA Services S.p.A. (RINA).

The names of the recognised classification societies used in the list of equivalences in the Regulation would be updated to correspond to the names used in the list referred to above. The Indian Register of Shipping added to the list of recognised classification societies would be added to the list of equivalences. The classification rules of the Indian Register of Shipping have been checked by the Finnish Transport and Communications Agency and correspond to the Finnish ice class regulations. The new class notations introduced by recognised classification societies after 2017 would also be added to the list of equivalences and other necessary clarifications would be made. In particular, the old class notations of classification societies would be deleted. This will have no effect on the ships already on the ice class list and the new ships to be added to the ice class list will generally have been assigned the more recent class notations on the list. The deletion of the old class notations will therefore have no significant practical effect.

The tables of the class notations of Det Norske Veritas, DNV GL and Germanischer Lloyd (Tables 5 to 7 of the current Regulation) would be deleted and would be replaced by a table of the class notations of the recognised classification society DNV.

The table of the Russian Maritime Register of Shipping class notations (Table 14 of the current Regulation) would be deleted as the Russian Maritime Register of Shipping is no longer a recognised classification society.

Furthermore, the reference to the ice classes provided for Lake Vänern by the Swedish Transport Agency (Table 15 of the current Regulation) would be deleted from the list of equivalences, as these are not ice classes based on class notations assigned by a recognised classification society.

The Polar Class notations of the International Association of Classification Societies (IACS) would be deleted as these notations do not meet the requirements of the Ice Class Regulation in terms of engine output. A Finnish ice class may be established for Polar Class ships by means of an application procedure in accordance with section 3 of the Regulation.

**Regulation schedule/entry into force**

The Regulation will be drafted in 2023-2024. The Regulation is expected to enter into force in the autumn of 2024.

**Monitoring**

Changes to recognised classification societies and their class notations will be monitored by the Finnish Transport and Communications Agency.