

SEAPLANES AND THE FINNISH WATER TRAFFIC ACT

Applicable legislation

The Water Traffic Act applies to seaplanes when they are manoeuvring on water, but when a seaplane lands or takes off, the provisions of aviation law apply.

Right to stop and inspect a seaplane

An authority monitoring water traffic has the right to stop a seaplane taxiing on water and inspect its overall seaworthiness and the required equipment and gear, for example. In a water traffic inspection, the authority may also check the ability, age, skills and competence of the watercraft pilot.

In these situations, the inspector should consider the limited manoeuvrability of seaplanes: they cannot reverse or suddenly reduce their speed, for example. The inspector must also keep in mind the external dimensions of the plane and the danger of a spinning propeller. Some parts of a seaplane are fragile (e.g. pitot tubes).

See the applicable provisions: Water Traffic Act (782/2019), sections 18–19

Prohibited and restricted areas in waterways

The pilot-in-command of a seaplane must observe any prohibition and restriction areas imposed in accordance with the Water Traffic Act. Navigation may be prohibited or restricted in certain areas to safeguard traffic, the environment, fishery or another industry, or to allow for the general use of nature for recreation. Seaplanes must comply with speed limits for water traffic when manoeuvring on water, except when taking off or landing.

If all operation of watercraft is prohibited or restricted in a water area or if the use of motorboats and other motorised watercraft is prohibited, these prohibitions and restrictions also apply to taking off and landing with a seaplane, unless otherwise specified in the conditions or exceptions related to the area.

More information on areas where water traffic is prohibited or restricted is available on the website of the Finnish Transport Infrastructure Agency: <https://vayla.fi/en/transport-network/waterways/prohibited-and-restricted-areas>. Under the Aviation Act, the pilot-in-command of an aircraft is responsible for flight preparation, and this also includes the obligation to obtain information about any prohibited and restricted areas in force.

See the applicable provisions:

- Water Traffic Act, section 101 (prohibited and restricted areas)
- Aviation Act (864/2014), section 57 (flight preparation)

Equipment

When it comes to requirements concerning equipment, manned aircraft are divided into two categories based on the applicable legislation. Aircraft that fall within the scope of EU legislation (more precisely the EASA Regulation (EU) 2018/1139) are directly governed by the Air Operations Regulation (EU) 965/2012. The equipment requirements laid down by the Water Traffic Act do not apply to these aircraft. However, certain aircraft, such as historic aircraft, all aircraft in the experimental category, ultralight aeroplanes and gyroplanes, are subject to national regulation and must comply with the equipment requirements specified in the Water Traffic Act.

All aircraft that are subject to EU legislation have been issued with a certificate of airworthiness using EASA Form 25.

Ultralight seaplanes, on the other hand, can be recognised by their registration marks. For planes registered in Finland, the registration mark consists of the nationality mark OH and an identification with the letter U and three numbers (e.g. OH-U123).

See the applicable provisions: EASA Regulation (EU) 2018/1139, Annex I

Equipment requirements in EU legislation:

- hand fire extinguisher in seaplanes with an MTOM of more than 1,200 kg¹
- life-jacket with a light or an equivalent individual flotation device for each person on board²
- anchor
- sea anchor if needed to manoeuvre the plane (e.g. large seaplanes)
- sound signal appliances in compliance with the Rules of the Road at Sea
- lights as required by the Rules of the Road at Sea, or lights as closely similar as possible in characteristics and position, if the seaplane is used at night.

See the applicable provisions:

- Air Operations Regulation (EU) 965/2021, points NCO.IDE.A.160 (hand fire extinguishers), NCO.IDE.A.175 (life jackets and other equipment) and NCO.IDE.A.115 (lights)
- Standardised European Rules of the Air in Regulation (EU) No 923/2012, point SERA.3230 (lights)
- Rules of the Road at Sea: Convention on the International Regulations for Preventing Collisions at Sea, Part C (lights) and Part D (sound signals)

Equipment requirements in national legislation (Water Traffic Act):

- an approved life jacket, personal flotation device or immersion suit for each person on board the seaplane
- a pump or other means for removing water (e.g. hand bailer)
- oars or a paddle or an anchor with line
- sound signal appliances in compliance with Part D of the Rules of the Road at Sea.

¹ Typical extinguishing agents include Halon 1211 and CO₂. Fire extinguishers are not necessarily assigned ratings in accordance with SFS-EN 3-7, and a rating is not required.

² Unlike conventional life jackets used in boating, life jackets used on board seaplanes may also be of a type only approved for aviation in accordance with ETSO-C13f.

The lights required in section 23 of the Water Traffic Act must be used from sunset to sunrise or in restricted visibility if the seaplane is moving on water. However, ultralight aeroplanes, ultralight helicopters and gyroplanes are only allowed to operate during the day.

Seaplanes subject to national legislation (e.g. ultralight or experimental) are not required to carry a hand fire extinguisher because their engines are not considered inboard engines as referred to in section 108 of the Water Traffic Act.

The Finnish Transport and Communications Agency has specified the equipment requirements of the Water Traffic Act by a regulation on the equipment and shapes that watercraft are required to carry and exhibit ('Vesikulkuneuvojen varusteet ja merkkikuviot', available in Finnish and Swedish). The regulation does not apply to seaplanes.

See the applicable provisions:

- Water Traffic Act, section 108 (equipment)
- Water Traffic Act, section 7 (responsibility of the master)
- Water Traffic Act, section 23 (lights)
- Rules of the Road at Sea: Convention on the International Regulations for Preventing Collisions at Sea, Part D (sound signals)

Right-of-way rules

The rules on how seaplanes must give way are defined in the Standardised European Rules of the Air (SERA), and they are directly applicable to all seaplanes.³ In practice, these right-of-way rules are the same as those defined in the Rules of the Road at Sea that are referred to in section 14 of the Water Traffic Act.

³ Commission Implementing Regulation (EU) No 923/2012 on the rules of the air is not governed by the EASA Basic Regulation, and its scope of application is not limited to EASA aircraft.

SERA.3230 Water operations

(a) When two aircraft or an aircraft and a vessel are approaching one another and there is a risk of collision, the aircraft shall proceed with careful regard to existing circumstances and conditions including the limitations of the respective craft.

(1) *Converging*. An aircraft which has another aircraft or a vessel on its right shall give way so as to keep well clear.

(2) *Approaching head-on*. An aircraft approaching another aircraft or a vessel head-on, or approximately so, shall alter its heading to the right to keep well clear.

(3) *Overtaking*. The aircraft or vessel which is being overtaken has the right of way, and the one overtaking shall alter its heading to keep well clear.

(4) *Landing and taking off*. Aircraft landing on or taking off from the water shall, in so far as practicable, keep well clear of all vessels and avoid impeding their navigation.

In Finland, seaplanes must also comply with the other rules and principles defined in chapter 2 of the Water Traffic Act when they are not in conflict with the rules of the air.

See the applicable provisions:

- Rules of the Air in Regulation (EU) No 923/2012, point SERA.3230 (lights)
- Water Traffic Act, sections 10–17
- Rules of the Road at Sea: Convention on the International Regulations for Preventing Collisions at Sea, Part B (Steering and sailing rules)

These instructions have been prepared as a collaborative effort by the Finnish Transport and Communications Agency Traficom, the Finnish seaplane pilots' club (Vesilentokerho) and the Finnish seaplane and skiplane association (Suomen vesi- ja suksilentoyhdistys). The instructions were published on 11 May 2021.

Key legislation online:

Water Traffic Act (782/2019)

<https://www.finlex.fi/fi/laki/kaannokset/2019/en20190782.pdf>



- Aviation Act (864/2014)
<https://www.finlex.fi/fi/laki/kaannokset/2014/en20140864.pdf>
Latest version only available in Finnish and Swedish:
<https://www.finlex.fi/fi/laki/ajantasa/2014/20140864>



- EASA Regulation (EU) 2018/1139
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02018R1139-20210725&qid=1641365168443&from=EN>



- Air Operations Regulation (EU) 965/2012
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02012R0965-20210812&qid=1641365793283&from=EN>



- Standardised European Rules of the Air (EU) 923/2012
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02012R0923-20210812&qid=1641366029234&from=EN>



- Rules of the Road at Sea
<https://www.samgongustofa.is/media/log-og-reglur/COLREG-Consolidated-2018.pdf>

