

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Transport and Communications, Finland**

### **Act on the Transport of Dangerous Goods**

***(541/2023)***

By decision of Parliament, the following is enacted:

#### **Chapter 1**

##### **General provisions**

##### **Section 1**

###### ***Scope of application of the Act***

This Act applies to the preparation and implementation of the transport of dangerous goods and to ensuring the safety and security of transport unless otherwise provided by European Union law or an international obligation binding on Finland.

This Act applies to the transport of dangerous goods:

- 1) by road;
- 2) by rail;
- 3) by air within the territory of Finland and by a Finnish aircraft outside of the territory of Finland;
- 4) by ship within Finnish waters and by a Finnish ship outside of Finnish waters.

This Act applies to the transport of dangerous goods also within any harbour area, aerodrome or other terminal.

The provisions of this Act on transport by road apply to the transport of dangerous goods within any off-road area referred to in the Off-Road Traffic Act (1710/1995).

The provisions of this Act on transport by rail apply to the transport of dangerous goods within the urban rail transport rail network referred to in the Rail Transport Act (1302/2018).

## **Section 2**

### ***Restrictions on the scope of application of the Act***

This Act does not apply to:

- 1) the transport of dangerous goods in bulk by a bulk carrier ship or transport by a liquid or gas tanker ship;
- 2) the transport of dangerous goods by a pleasure craft of less than 45 metres in length;
- 3) the storage, movement or other handling of dangerous goods taking place on factory or warehouse premises provided that the measure is not integral to transport by road, rail, ship or air;
- 4) the transport of dangerous goods in agriculture or forestry by road by a tractor, or by a vehicle combination comprising a tractor and a towed vehicle attached to it, provided that the transport speed is a maximum of 40 kilometres per hour.

This Act does not apply to the transport of dangerous goods by the Finnish Defence Forces or the Finnish Border Guard or to the transport of dangerous goods by a means of transport of a foreign state or an international organisation relating to an international military exercise or other military cooperation. Nor does this Act apply to transport carried out as military aviation or state aviation referred to in the Aviation Act (864/2014).

## **Section 3**

### ***Definitions***

For the purposes of this Act:

- 1) *dangerous goods* means any substance, mixture, solution, article or good that due to its explosiveness, flammability, infectiousness, radiation or environmental hazardousness, ignitability, reactivity, toxicity, corrosiveness, potential to cause dangerous reactions or any other such property or characteristic may in transport cause damage to persons, the environment or property;
- 2) *transport* means any actual transport of dangerous goods and of any transport packaging, tank or container containing dangerous goods, as well as any transport-related stops made

necessary during a journey by transport conditions or traffic, any loading into a means of transport, unloading and handling as well as temporary storage;

- 3) *transport by road* means any road transport referred to in the Road Traffic Act (729/2018) carried out by a power-driven vehicle with at least four wheels and with a design speed exceeding 25 kilometres per hour, or its towed vehicle, as well as any transport carried out in any harbour area or on warehouse or factory premises, in an aerodrome or an equivalent area where it is integral to transport by road;
- 4) *transport by rail* means any transport on the rail network referred to in the Rail Transport Act and any handling of wagons on the rail network and of transport packagings at a terminal as well as any rail transport in harbour areas or on warehouse or factory premises or in corresponding areas where it is integral to transport by rail;
- 5) *transport by ship* means any transport in packaged form in transport packagings, tanks, containers or in an equivalent manner by a ship referred to in the Act on the Technical Safety and Safe Operation of Ships (1686/2009);
- 6) *transport by air* means any transport by an aircraft referred to in the Aviation Act;
- 7) *port operator* means anyone who maintains a port and port operations, is responsible for port services and owns or manages a harbour area;
- 8) *inspection body* means any body, approved by a Finnish authority, that has the right to carry out measures required for the demonstration of conformity of packagings, tanks and containers and related accessories intended for the transport of dangerous goods;
- 9) *Directive on transportable pressure equipment* means Directive 2010/35/EU of the European Parliament and of the Council on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC;
- 10) *transportable pressure equipment* means any pressure receptacle, pressurised tank or other pressure equipment as well as their valves and other accessories referred to in Article 2(1) of the Directive on transportable pressure equipment;
- 11) *Pi marking* means the marking referred to in Article 15 of the Directive on transportable pressure equipment which indicates that the transportable pressure equipment is in conformity with the conformity assessment requirements;

- 12) *market surveillance* means the activities carried out by and measures taken by market surveillance authorities to ensure that products used for the transport of dangerous goods meet the requirements laid down in this Act and do not endanger health, safety or any other aspect of public interest protection;
- 13) *product used to transport dangerous goods* means any packaging, tank or bulk container used to transport dangerous goods;
- 14) *ADR Agreement* means the Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Finnish Treaty Series 23/1979);
- 15) *RID Regulation* means the Regulations concerning the International Carriage of Dangerous Goods by Rail in Appendix C to the Convention concerning International Carriage by Rail (COTIF) (Finnish Treaty Series 51–52/2006);
- 16) *SOLAS Convention* means the International Convention for the Safety of Life at Sea concluded in 1974 (Finnish Treaty Series 11/1981);
- 17) *IMDG Code* means the Code defined in regulation 1, part A, chapter VII of the Annex to the SOLAS Convention, which contains mandatory provisions governing the carriage of dangerous goods in packaged form by ship;
- 18) *INF cargo* means cargo defined in regulation 14, part D, chapter VII in the Annex to the SOLAS Convention that contains packaged irradiated nuclear fuel, plutonium or high-level radioactive wastes carried on board ships in accordance with the IMDG Code;
- 19) *ICAO-TI regulations* means the Technical Instructions for the Safe Transport of Dangerous Goods by Air published as standards under the Convention on International Civil Aviation (Finnish Treaty Series 11/1949);
- 20) *security threat* means any activity that is punishable by law and the purpose of which is to endanger the transport security of dangerous goods or public security;
- 21) *security measures* means measures and procedures the purpose of which is to counter security threats and to prevent theft or any other intentional misuse of dangerous goods;

22) *bulk container* means any container other than a container referred to in the International Convention for Safe Containers concluded in 1972 (Finnish Treaty Series 111/1999) used for the transport of solids which are in direct contact with the inside walls of the container.

## **Section 4**

### ***Application of international agreements to domestic transport***

Unless otherwise provided by this Act, the ICAO-TI regulations also apply to domestic transport by air and the IMDG Code also applies to domestic transport by ship.

## **Chapter 2**

### **General safety and security principles**

## **Section 5**

### ***Duty to know***

Those carrying out the transport of dangerous goods or other related activity shall know the requirements relating to their activities provided in and under this Act.

## **Section 6**

### ***Duty of care and precaution***

The necessary care and precaution shall be taken in the transport of dangerous goods and related other activity by taking into consideration the substance transported as well as its quantity and dangerousness and the mode of transport.

A packer, consignor, shipper, loader, carrier, driver or consignee of dangerous goods as well as anyone else affecting the safety and security of the transport shall for their part ensure the taking of measures necessary to prevent accidents and their harmful consequences to persons, the environment and property.

## **Section 7**

### ***Transport prohibition***

A dangerous substance shall not be transported if it has not been classified, if the information on it required under provisions has not been provided, if the means or form of transport is not safe and

secure or if the transport is otherwise not carried out safely and securely in a manner referred to in this Act.

## **Chapter 3**

### **Classification, marking and transport information**

#### **Section 8**

##### ***Classification of dangerous goods***

Any dangerous properties or characteristics of substances shall be identified for transport purposes. Dangerous goods shall not be handed over for transport or transported if the properties or characteristics of the goods are too dangerous for them to be transported.

To ensure safety in transport, dangerous goods shall be classified on the basis of their dangerous properties and characteristics in a class corresponding to the properties and characteristics of the goods. The classes are:

- Class 1 Explosive substances and articles
  
- Class 2 Gases
  
- Class 3 Flammable liquids
  
- Class 4.1 Flammable solids, self-reactive substances, polymerising substances and solid desensitised explosives
  
- Class 4.2 Substances liable to spontaneous combustion
  
- Class 4.3 Substances which, in contact with water, emit flammable gases
  
- Class 5.1 Oxidising substances
  
- Class 5.2 Organic peroxides
  
- Class 6.1 Toxic substances

Class 6.2 Infectious substances

Class 7 Radioactive material

Class 8 Corrosive substances

Class 9 Miscellaneous dangerous substances and articles

A name based on the classification as well as other identifying information on the basis of which the transport requirements for the transport of the goods can be determined shall be used for the goods in transport.

Any dangerous goods the properties or characteristics of which during transport seriously endanger persons, the environment or property may be handed over for transport and transported only if a competent authority has on the basis of test results and other necessary information received by the authority ensured the suitability of the dangerous goods for transport and classified the goods or confirmed the classification and name of the goods.

The Finnish Transport and Communications Agency may issue regulations, with regard to dangerous goods, on transport classes, classification criteria, methods and documents, classification-related tests and other procedures to identify the properties and characteristics of goods and to define identifying information and transport requirements, shipping names and other classification information, classification-related terms and conditions of transport, as well as substances the transport of which is prohibited or for which a classification and name determined by an authority is required.

## **Section 9**

### ***Danger markings, marks and labels***

To ensure safety during transport and in the event of an accident, clearly visible and legible markings, marks and labels for the identification of the dangerousness of the goods, load and cargo shall, using a suitable method, be affixed to or made on any packaging, tank or container, any means of transport used in transport by road or rail as well as any other transport unit containing dangerous goods handed over for transport.

The Finnish Transport and Communications Agency may issue further regulations on markings, marking types and methods referred to in subsection 1 as well as on technical details of markings, marks and labels.

## **Section 10**

### ***Information on dangerous goods and other information required for transport***

Any transport of goods shall be accompanied by clearly presented classification information concerning any dangerous goods transported and their other most relevant information to ensure the appropriate handling of the goods and for use as an aid in case of an accident or incident.

In addition, any transport of goods shall be accompanied by information on the quantity of the goods, form of transport, conformity and packaging of the consignment, loading or stowage or any other equivalent matter relating to securing and transporting the consignment, load or cargo, as well as any other information necessary for ensuring safe and secure transport, or such information shall be transmitted for the transport.

The Finnish Transport and Communications Agency may issue further regulations on the information about the goods to be accompanied by or transmitted for the transport of goods and any other transport-related information, the manner of marking the information and the technical details of information and documents, the electronic transmission of information and the retention of information.

## **Section 11**

### ***Electronic format and retention of transport information***

Information on dangerous goods and other information required for transport as well as documents containing this information may be in an electronic format provided that the procedures used for the capture, storage and processing of the data meet the requirements as regards the evidential value and availability of data during transport in a manner at least equivalent to that of paper documentation.

The consignor and the carrier or, in transport by ship, the shipper, consignor, carrier shall retain the documents containing the transport information or equivalent electronic data for a minimum period of three months from the dispatch or transport.



The Finnish Transport and Communications Agency may issue further technical regulations on transport information transmitted and retained electronically and on documents containing such information as well as on the transmission method and retention of the information.

## **Chapter 4**

### **Safety requirements for transport and means of transport**

#### **Section 12**

##### ***Form of transport***

Any dangerous goods shall be handed over for transport and transported, in a manner that is appropriate based on the dangerous properties and characteristics of the goods, in a properly sealed packaging or tank the design, including its equipment, is fit for the goods. Solid dangerous goods may be transported in bulk in containers or in load compartments of vehicles or wagons, and apparatus, machinery or other articles containing dangerous goods may be transported unpackaged in cradles, crates or handling devices provided that any release of the dangerous goods contents due to temperature, humidity or pressure or any other forces encountered under normal conditions of transport is prevented.

The Finnish Transport and Communications Agency may issue further technical regulations on permitted substance-specific forms of transport, packing instructions, closing devices and other use of packagings, tanks and containers, transport unpackaged and in bulk and other details relating to the form of transport used.

#### **Section 13**

##### ***Load and cargo***

Any load and cargo containing dangerous goods shall be loaded, stowed and unloaded safely without presenting any danger. It shall be placed in, fixed to or otherwise secured safely on the means of transport and the load compartment or cargo space so that the impact of any forces encountered in normal transport will not present any danger due to the goods transported, their release or leakage, or the detachment or movement of load and cargo.

During transport, packagings, tanks and containers shall be segregated from each other and from other load and cargo if so required by the properties or characteristics of the dangerous goods contained by them. The nature of the danger shall be taken into account in their appropriate arrangement. In addition, adequate safety distances, ventilation, temperature control, prevention

of fire hazards and other special measures required by the load and cargo transported shall be ensured in an appropriate manner.

Smoking and the use of fire or naked flame shall be prohibited during handling operations.

The Finnish Transport and Communications Agency may issue further regulations on loading, stowage, segregation, use of load compartments and cargo spaces, the placement, fixing, securing, segregation and unloading of load and cargo, the special measures required by load and cargo and detailed safety measures relating to these.

## **Section 14**

### ***Load handling in transport by road***

During any parking required in transport by road, the vehicle shall be supervised or remain parked in a secure place if the dangerous goods may present a danger during parking. If the nature or quantity of the substance may present a danger, the vehicle may not be parked in a built-up area or a location with a high volume of traffic even for maintenance measures in any circumstances other than a compelling situation. Any longer parking required in a compelling situation shall be reported to the local police.

In transport by road, dangerous goods shall not be loaded or unloaded in a public place in a built-up area without permission from the local police or in a public place elsewhere than in a built-up area without a prior notice given to the local police if the loading or unloading may endanger persons, the environment or property. The consignor and the carrier shall together ensure that the permission has been granted or the notice given prior to handing the consignment over for transport and prior to transport. No permission or notice is required if:

- 1) the loading or unloading is urgently necessary for reasons of safety;
- 2) an authority's permission required under another act has been granted or a notice to an authority required under another act has been given for the place of loading or unloading for the warehousing, storage, use or handling of the substances concerned.

The police may, based on an application for permission or a notice, order any restrictions necessary for the safe handling of the substances concerning the intended loading or unloading and, where necessary, order any precautionary measures required for the activity. The police may prohibit loading or unloading if it may be regarded as presenting an obvious danger in the

intended place and at the intended time that cannot be prevented by means of the restrictions or precautions ordered.

Further provisions may be issued by government decree on the permission and notice procedure, the information required in permission applications and notices and the time limits to be observed in submitting permission applications and notices. The Finnish Transport and Communications Agency may issue further substance-specific regulations on the practical implementation of supervision and parking requirements as well as on substances and quantities of substances the loading and unloading of which requires permission or a notice.

## **Section 15**

### ***Instructions and equipment for accidents, incidents and emergencies***

Instructions for actions to be taken by the crew in the event of an accident, incident or emergency during transport and details of any specific dangers that may arise due to an accident, incident or emergency shall be readily available during transport in a language understood by the crew.

To meet the requirement laid down in subsection 1 above, a ship carrying INF cargo shall have an emergency plan approved by a competent authority. Decisions on the approval of the emergency plans of Finnish ships are made by the Finnish Transport and Communications Agency.

Easily accessible personal protective equipment, adequate fire extinguishers and other equipment for accidents, incidents and emergencies as well as any other equipment relating to the transport of the substance concerned shall be carried during transport.

The Finnish Transport and Communications Agency may issue further regulations on safety instructions and the emergency plan, their contents and form as well as the equipment required in transport and its placement.

## **Section 16**

### ***Means of transport***

Dangerous goods may only be transported by a ship, aircraft, transport unit, vehicle or wagon fit for the transport concerned that is in compliance with the provisions and regulations pertaining to the transport and safe for the intended use. The means of transport as well as the load compartment and cargo space shall be appropriate for the transport of dangerous goods in terms of their construction, condition, technical characteristics and equipment.

Dangerous goods may be transported in a means of transport only in a space that is fit for the transport of the substance concerned with the form of transport used. Any use of load compartment or cargo space or any other space of the means of transport for the transport or dangerous goods as well as the quantity of dangerous goods in the means of transport shall be restricted if the dangerous properties or characteristics of the substance when using the form of transport used for the transport may or if the transport in other respects may present a danger.

The Finnish Transport and Communications Agency may issue further regulations concerning special structures, equipment and technical characteristics of means of transport as well as load compartments and cargo spaces fit for the transport of dangerous goods as well as on restrictions of substances or quantities of substances.

## **Section 17**

### ***Approval and inspection of vehicles for the transport of dangerous goods***

Any tank vehicle, vehicle transporting a tank and vehicle transporting explosives shall, to ensure technical conformity and condition, be approved for the transport of dangerous goods (*TDG-ADR approval*) and undergo periodic inspections (*TDG-ADR inspection*).

A certificate of approval for the transport of dangerous goods is issued for a vehicle the TDG-ADR inspection of which yields satisfactory results. A TDG-ADR inspection may extend the validity of a certificate or issue a new certificate. The certificate shall be kept in the transport unit.

The Finnish Transport and Communications Agency may waive the TDG-ADR inspection for a type-approved vehicle for the initial ADR approval provided that it has been sufficiently assured that the vehicle meets the requirements concerning the construction of the vehicle. After the initial TDG-ADR approval, the vehicle shall be subject to an annual TDG-ADR inspection.

If the vehicle is not approved in the TDG-ADR inspection due to its technical deficiencies or condition, it shall be failed. A failed vehicle may be approved in a follow-up inspection. The follow-up inspection shall be carried out within a month by the same establishment that failed the vehicle. The follow-up inspection inspects the items of inspection where defects or imperfections were identified in the TDG-ADR inspection or the previous follow-up inspection. If a TDG-ADR approval or inspection or follow-up inspection is discontinued for a reason referred to in section 156 of the Vehicles Act (82/2021), the discontinued TDG-ADR approval, inspection or follow-up inspection may be completed at the same establishment within a period of one month from the TDG-ADR approval or inspection.

The Finnish Transport and Communications Agency may issue further regulations on the conditions for granting TDG-ADR approvals and passing TDG-ADR inspections, the technical requirements relating to the carrying out approvals and inspections, time limits, items of inspection and inspection methods, certificate format, contents and validity, and vehicles that may be exempted from TDG-ADR inspections.

## **Section 18**

### ***Register entry and notification of TDG-ADR approval and TDG-ADR inspection information***

Those issuing TDG-ADR approvals or carrying out TDG-ADR inspections shall enter the information on the TDG-ADR approvals and TDG-ADR inspections of vehicles in the transport register referred to in the Act on Transport Services (320/2017).

## **Section 19**

### ***Demonstration of conformity in TDG-ADR approval***

In TDG-ADR approval, conformity may be demonstrated by means of:

- 1) an EU or EC type-approval certificate provided by the approval applicant and granted by the approval authority of an EEA State or Åland or an approval marking demonstrating an approval compliant with this certificate;
- 2) a UN type-approval certificate granted by the approval authority of a state applying the relevant UN Regulation or an approval marking demonstrating an approval compliant with this certificate; or
- 3) reports provided by the manufacturer or measurements, calculations or tests carried out by the manufacturer based on commonly used procedures when the measurements, calculations or tests carried out by the manufacturer are commonly approved in EEA States as demonstration of conformity or when the authority granting the approval can satisfy itself of the conformity of the vehicle, system, component, separate technical unit, part or equipment on the basis of the documents provided by the manufacturer.

The Finnish Transport and Communications Agency may issue further regulations on the contents of the measurements, calculations or tests required for the demonstration of conformity and on when conformity may be demonstrated in the manners referred to in subsection 1, paragraph 3.

## **Section 20**

### ***Pre-approval, permit and advance notification concerning transport***

The consignor and, in transport by ship, the consignor or shipper shall ensure prior to handing the goods over for transport that an approval or permit for the transport has been obtained from the competent authority if the transport seriously endangers persons, the environment or property.

For the transport of radioactive material, the consignor and, in transport by ship, the consignor or shipper shall ensure prior to handing the goods over for transport that:

- 1) an approval by the competent authority has been obtained for transport taking place under special provisions when the normal transport requirements cannot be applied to the transport, or when the consignment contains material with a high activity or a large quantity of radioactive contamination;
- 2) an advance notification of the transport is submitted to the competent authority if the consignment may during transport endanger persons, the environment or property.

For the approval and permit, the application shall provide the necessary information on the transport, the substance transported, the implementation of the necessary measures and special precautions required for the transport as well as the information and reports demonstrating the safety of the transport. The competent authority verifies conformity with the safety requirements applicable to the transport in the certification of approval. To ensure safety, conditions concerning the transport and the substance transported may be attached to the approval decision.

The advance notification shall contain sufficient information to identify the consignment and information on the transport and the substance transported. No separate notification is required if the information required for the transport has been provided in the application referred to in subsection 3.

The Finnish Transport and Communications Agency may issue further substance-specific and technical regulations concerning the pre-approval of transports, approvals, permissions, permits, authorisations, advance notifications, substances which require an approval, permission, permit or notification, consignments and transport situations, contents of applications for and certificates of approval, permission, permit and authorisation and contents of notifications, and the technical details and conditions relating to applications for approvals, permissions, permits and authorisations and to submitting notifications.

## **Section 21**

### ***Approval to transport dangerous goods by air***

Those transporting dangerous goods by air shall have obtained an approval to transport dangerous goods by air.

An approval is not, however, required for:

- 1) a substance required to be transported in the aircraft under requirements relating to the airworthiness or air operations of the aircraft;
- 2) a substance permitted in the baggage or otherwise on the person of passengers or crew members;
- 3) a substance intended for sale to or use by passengers during the flight;
- 4) a substance intended for the treatment of a patient during the flight with the approval of the carrier or otherwise under special conditions;
- 5) another dangerous substance referred to in European Union law or in an obligation of an international agreement binding on Finland which has been excluded from the scope of application of regulation concerning the transport of dangerous goods owing to its special purpose of use or nature.

Decisions on granting an approval for a Finnish carrier and any foreign carrier which does not hold an approval by the competent authority of its home state are made by the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency may issue further regulations on the details of requiring an approval as well as substance-specific or otherwise detailed regulations for cases referred to in subsection 2 where no approval is required.

## **Section 22**

### ***Conditions for granting an approval to transport dangerous goods by air***

The condition for granting an approval referred to in section 21 above is that the applicant is capable by means of its training, guidance as well as the aircraft and procedures used by it to ensure the safe handling and transport of dangerous goods at all stages of transport by air.

The Finnish Transport and Communications Agency may issue further regulations on the technical details of applying for and granting an approval.

## **Chapter 5**

### **Safety requirements for packagings, tanks and containers**

#### **Section 23**

##### ***Safety of packagings, tanks and containers***

Packagings, tanks and containers used for the transport of dangerous goods shall be designed, manufactured, equipped, inspected, tested and marked in such a way as to withstand the stresses, pressure and loadings normally encountered in transport and to also otherwise be safely used for transport. Packagings, tanks and containers shall be manufactured from materials with technical properties fit for the conditions of use. They shall have sufficient fittings and accessories required for the purpose of use and for ensuring operational safety that shall function properly.

Packagings, tanks and containers as well as their fittings and accessories shall be safely usable in the intended conditions of use. They shall be used, maintained and, where necessary, reconditioned so as not to endanger anyone's health, safety, property or the environment.

Further provisions may be issued by government decree on the general service temperature of the material relating to conditions of use of packagings, tanks and containers and the marking of the temperature. The Finnish Transport and Communications Agency may issue further technical regulations on the design, manufacture, equipment, construction, material, inspection, testing, marking, use, conditions of use, maintenance and reconditioning of packagings, tanks and containers and related technical methods.

#### **Section 24**

##### ***Conformity of packagings, tanks and bulk containers***

The conformity of packagings, tanks and bulk containers, including their valves, devices and equipment necessary for safety, shall be demonstrated by means of conformity assessment and an approval granted on the basis of it. An approval may be for a fixed period of time.



The continuous conformity of packagings, tanks and bulk containers brought into service shall be demonstrated where necessary by means of an inspection carried out periodically by an inspection body.

A certificate or an equivalent document shall be issued for demonstrated conformity, indicating that the packaging, tank or bulk container has been assessed as well as inspected and that it meets the requirements set for construction, manufacturing and inspection. Packagings, tanks and bulk containers shall be marked with a manufacturing mark as well as a mark certifying their conformity. Transportable pressure equipment shall, in addition, be marked with the Pi marking followed by the identification number of the inspection body.

Further provisions may be issued by government decree on the demonstration and assessment of conformity referred to in the Directive on transportable pressure equipment as well as related measures, documents and markings. In other respects, the Finnish Transport and Communications Agency may issue further regulations on the demonstration of conformity, carrying out of conformity assessments, assessment procedure, inspections and technical methods and procedures, period of validity, renewal and withdrawal of approvals, markings, marking methods, information provided in markings, documents and certificates.

## **Section 25**

### ***Construction of packagings, tanks and bulk containers***

Packagings, tanks and bulk containers intended for the transport of dangerous goods shall only be manufactured in compliance with the approval granted on the basis of a conformity assessment concerning construction and manufacturing during the period of validity of the approval.

To ensure conformity, the inspection body shall ensure the quality of manufacturing, reconditioning and related testing. The inspection body that granted the approval of a pressure receptacle or a tank shall supervise the manufacturing of the pressure receptacle or tank or otherwise ensure the conformity of the manufacturing.

The information on design, construction, manufacturing and related testing shall be included in technical documents demonstrating conformity with the technical requirements. The holder of the approval of the packaging or tank shall retain the certificate of approval or other document issued for the approval throughout the manufacturing of the product and for a long enough period of time after the end of manufacturing to enable the subsequent inspection, assessment and surveillance of conformity.

Users shall have access to such information that enables them to ensure that the product is appropriate and safe for the intended transport of dangerous goods.

The Finnish Transport and Communications Agency may issue further regulations on the period of validity of approvals, ensuring and surveillance of manufacturing, reconditioning and testing, technical documents, certificates and their retention, and information accessible by users.

## **Section 26**

### ***Use of packagings, tanks and containers***

A packaging, tank or container may be used for the transport of dangerous goods if it is of good quality, fit for the purpose of use and appropriate so that it withstands the shocks and loadings encountered during normal transport and the chemical and any other action of the transported substance and does not react dangerously with the contents or form dangerous compounds with the contents.

The condition for any continuous use of a packaging, tank or container shall be appropriately passed periodic inspection and testing unless safety in use has been compromised due to an accident or other such matter that requires reconditioning or other measures guaranteeing safety. The owner or operator shall retain the valid technical documents issued for periodic inspections and testing throughout the period of use of the product to enable subsequent assessment and surveillance of conformity.

The Finnish Transport and Communications Agency may issue further regulations substance-specifically or otherwise in detail concerning the fitness of packagings, tanks and containers for transport, their use, time limits for inspections, technical documents and their retention.

## **Section 27**

### ***Alternative arrangements and technical specifications concerning packagings, tanks and bulk containers***

In order to take account of progress in science and technology, the authority may approve alternative arrangements and technical specifications different from the construction, manufacturing and testing requirements of packagings, tanks and bulk containers. The body responsible for approval decisions is:

- 1) the Finnish Safety and Chemicals Agency for packagings, tanks and bulk containers other than packagings and tanks intended for the transport of radioactive material;
- 2) the Radiation and Nuclear Safety Authority for packagings and tanks intended for the transport of radioactive material.

The condition for approval is that:

- 1) the differing technical arrangement or specific aspect concerned is indispensable;
- 2) the competent authority has, under an international agreement binding on Finland or under European Union Law, been provided with an opportunity in the case concerned to approve alternative arrangements and technical specification
- 3) the packaging, tank or bulk container meets the minimum requirements for construction, manufacturing and testing required for transport safety and conformity;
- 4) the alternative arrangements and technical specifications provide in transport use at least the same level of durability and safety as would be provided when complying with the requirements otherwise required.

The Finnish Safety and Chemicals Agency and the Radiation and Nuclear Safety Authority shall notify any alternative arrangements and technical specifications approved by them to the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency may issue further regulations on alternative arrangements, requirements, technical specifications and their contents required to take into account progress in science and technology.

## **Section 28**

### ***Obligation to notify information on tanks and pressure receptacles to the Finnish Safety and Chemicals Agency***

An owner or operator registered in Finland of a tank or pressure receptacle shall notify any tank and pressure receptacle with a capacity greater than 450 litres brought into service in the transport of dangerous goods in Finland to an inspection body and request the body to notify it to the Finnish Safety and Chemicals Agency. The notification shall contain the technical data on the tank or pressure receptacle as well as information on its manufacturer, owner and operator.

The inspection body that carried out the inspection of a tank or pressure receptacle referred to in subsection 1 above shall supplement the notification with information on the inspection and, after the inspection, submit all information concerning the tank or pressure receptacle to the Finnish Safety and Chemicals Agency. If the inspections were carried out elsewhere than in Finland, the owner or operator referred to in subsection 1 shall be obliged to supplement and submit the information.

The owner or operator seeing to the notification shall notify the Finnish Safety and Chemicals Agency of any changes to the information as well as of any temporary or permanent withdrawal from service of the tank or pressure receptacle in the transport of dangerous goods. When a tank or pressure receptacle is reintroduced into service following withdrawal from transport use, this shall be notified to the Finnish Safety and Chemicals Agency.

Further provisions may be issued by government decree on the types of tanks and pressure receptacles to be notified, the information to be notified, the ways of notifying the information and amendments to, supplementation and removal of information.

## **Chapter 6**

### **Temporary storage**

#### **Section 29**

##### ***Conditions for temporary storage***

Dangerous goods may be stored temporarily only in order to change the mode or means of transport or when the transport operation otherwise necessarily requires temporary storage. During temporary storage, the carrier shall, on request by a supervisory authority, present the documents showing the place of dispatch and the place of reception of the transport. The transport packaging or tank shall not be opened during temporary storage, except for any check by a supervisory authority.

#### **Section 30**

##### ***Temporary storage location***

Dangerous goods may only be stored temporarily in a temporary storage location on the rail network, in a harbour area, aerodrome or other terminal as well as an equivalent temporary storage location which has an internal emergency plan. No internal emergency plan is, however, required for an aerodrome.

In a temporary storage location, only such quantities of dangerous goods may be transported and temporarily stored that are justifiable for the transport activity and the safety and security of the storage of which can be ensured.

In a temporary storage location, the duties required for the transport and the handling of the consignment, load and cargo relating to the transport shall be organised and planned so that dangerous goods will not endanger health, safety and security, property or the environment.

To prevent accidents, appropriate order shall be ensured in a temporary storage location. Places and areas shall be designated for dangerous goods and cargo transport units containing them so that the arrangement will not harm persons, the environment or property. The places and areas shall be marked clearly or appropriate order of places and areas shall be otherwise ensured.

Further provisions may be issued by government decree on transport and temporary storage in a temporary storage location and on places and areas designated for dangerous goods and cargo transport units in a temporary storage location.

### **Section 31**

#### ***Arrangement of consignments and cargo transport units of dangerous goods in temporary storage locations***

In a temporary storage location on the rail network, in a harbour area, aerodrome or other terminal as well as an equivalent temporary storage location, consignments and cargo transport units containing dangerous goods shall be stored in areas and places designated for them. The arrangement shall be such that the substances do not present any danger.

Further provisions may be issued by government decree on the practical implementation of temporary storage, the storage, arrangement and segregation of dangerous goods and cargo transport units as well as other substance-specific procedures and technical details for temporary storage.

### **Section 32**

#### ***Preparedness for accident prevention and response in temporary storage locations***

A harbour area, aerodrome, a temporary storage location on the rail network and any other terminal or equivalent temporary storage location shall have sufficient arrangements and measures protecting against or preventing accidents so that the consequences of any accident or damage

can be minimised. In such locations, it shall also be ensured that dangerous substances can be appropriately recovered or rendered harmless in case of an accident or damage.

The measures concerning accident prevention shall be plans-based, systematic and based on the identification of the dangers arising from the activity and the determination of danger reduction targets and operating practices. The implementation and impacts of the measures shall be monitored and evaluated continuously and, where necessary, corrective measures shall be taken.

Further provisions may be issued by government decree on preparedness for accident prevention and response.

### **Section 33**

#### ***Internal emergency plan and the responsible person***

An internal emergency plan for a temporary storage location shall be prepared prior to commencing temporary storage and updated in the event of a significant change in the activity.

The internal emergency plan is prepared:

- 1) for a harbour area where dangerous goods relating to transport by ship are stored temporarily, by the port operator together with those performing cargo handling services at the port;
- 2) for a location on the rail network where wagons containing dangerous goods are loaded or unloaded during transport, tanks for transport of dangerous goods are filled or emptied in wagons or wagons containing dangerous goods are otherwise during transport handled or stored temporarily, by the railway infrastructure manager together with railway undertakings and others operating on the site;
- 3) for locations other than those referred to in paragraphs 1 and 2, by anyone temporarily storing dangerous goods.

The internal emergency plan shall contain:

- 1) information on the substances stored and their dangerous properties and characteristics;
- 2) information on the identified accidents and their impacts;
- 3) a plan of the actions to be taken in response to accidents;

- 4) a description of the measures to prevent the impacts of any accidents and minimise the consequences; and
- 5) a plan for the organisation of emergency exercises under which exercises shall be organised regularly to ensure the effectiveness of the emergency plan.

The internal emergency plan shall be submitted to the Finnish Transport and Communications Agency prior to commencing the activity and in conjunction with updates to the plan.

Prior to approving an internal emergency plan, the Finnish Transport and Communications Agency shall provide the rescue authorities, the regional Centre for Economic Development, Transport and the Environment, the Regional State Administrative Agency, the municipality and, where necessary, other authorities with an opportunity to express their opinion on the emergency plan and, following approval, shall keep the internal emergency plan available to these.

The preparer of the internal emergency plan shall designate a responsible person for temporary storage for the location referred to in subsection 1. The responsible person shall be familiar with the activity concerning the temporary storage, the related requirements and the conditions for safe activity.

Further provisions may be issued by government decree on the preparation, contents and updates of internal emergency plans.

## **Section 34**

### ***Safety report for a harbour area***

A harbour area shall have a safety report if the annual volume of dangerous goods transported in packaged form by ship via the port exceeds 10,000 tonnes. The Finnish Transport and Communications Agency may also require other harbour areas to prepare a safety report if this proves necessary to ensure safety. The safety report shall describe the measures and procedures implemented to ensure the safe transport of dangerous goods and related activity in the harbour area.

The port operator shall in the safety report demonstrate its operating principles for the prevention and minimisation of accidents and provide the necessary information on the organisation and safety management system required to implement these principles. The safety report shall be accompanied by the internal emergency plan for the harbour area referred to in section 33.

Those performing cargo handling services at the port shall prepare a safety report for their part and submit it to the port operator. The port operator may require that these safety reports are prepared in a specific format. The port operator shall prepare a safety report for the entire harbour area, keep it up to date and ensure that the activities described form a well-functioning and safe whole throughout the harbour area. The port operator may produce a single safety report for the entire port if the port consists of multiple harbour areas.

The Finnish Transport and Communications Agency may, by its decision on the basis of the danger assessment or other assessment included in a safety report, order how the harbour area must be equipped against cargo damage.

Further provisions may be issued by government decree on the contents of safety reports.

## **Section 35**

### ***Approval of safety reports for harbour areas***

The Finnish Transport and Communications Agency decides on the approval of a safety report for an entire port or harbour area.

The port operator shall submit the safety report to the Finnish Transport and Communications Agency for approval sufficiently in advance of the commencement of the activities or within a reasonable period of time in conjunction with changes in transport volumes or other changes due to which the scope of the port's activities will increase or change in such a way that the activities require the safety report to be updated to reflect the new activities.

Prior to approving a safety report, the Finnish Transport and Communications Agency shall provide the rescue authorities, the regional Centre for Economic Development, Transport and the Environment, the Regional State Administrative Agency and, where necessary, other authorities with an opportunity to express their opinion on the safety report and, following approval, shall keep the approved safety report available to these.

The Finnish Transport and Communications Agency shall notify the port operator of its conclusions concerning the safety report within a reasonable period of time. The port operator shall notify those performing cargo handling services at the port of the approved safety report.

Further provisions may be issued by government decree on the practical implementation of the approval of safety reports.



## **Section 36**

### ***Updating of safety reports on harbour areas***

The port operator shall review the safety report on the harbour area and update it:

- 1) if there has been a change in the activities of the harbour area that will increase the risk of major accidents;
- 2) if issues to be taken into account have emerged in investigations into accidents or incidents;
- 3) at the request of the Finnish Transport and Communications Agency if the need for this emerges to ensure safety.

Those performing cargo handling services at the port shall notify the port operator if a change referred to in subsection 1, paragraph 1 or 2 has taken place in their activities.

The safety report shall, however, be reviewed and updated at least once every five years in accordance with section 35. This shall take account of any changes that have taken place in the arrangements of the harbour area and rescue services as well as progress made in danger assessment and technical progress in accident prevention and response.

Further provisions may be issued by government decree on the practical implementation of reviews and updating of safety reports.

## **Chapter 7**

### **Passengers, baggage and air mail**

## **Section 37**

### ***Transport of dangerous goods as items other than baggage in a means of transport carrying passengers***

Loads and cargoes containing dangerous goods may be transported as items other than baggage by a ship, road ferry, aircraft or train with passengers on board if the means of transport is fit for this and if the necessary passenger safety is ensured through the safe arrangement of the cargo and load containing dangerous goods and through other appropriate special measures.

Loads containing dangerous goods that do not present any significant danger may be transported to a limited extent as items other than baggage by a bus carrying passengers. Otherwise, loads containing dangerous goods may not be transported by road by a transport unit with persons other than crew members on board.

The Finnish Transport and Communications Agency may issue further regulations on loads and cargoes containing dangerous goods permitted in means of transport carrying passengers, on load and cargo restrictions and arrangement in means of transport carrying passengers, other special measures and the transport of vehicles transporting dangerous goods by road ferries.

## **Section 38**

### ***Transport of dangerous goods as baggage***

Dangerous goods shall not be transported or taken on board as baggage if the transport due to a property or characteristic of the substance presents a danger to persons, the environment or property that cannot be averted by means of special measures relating to packaging or other special measures.

When transporting baggage containing dangerous goods, any danger presented by the substance transported shall be taken into account and special care and precaution shall be taken in the transport and other handling of the goods. The dangerous goods shall be appropriately packaged, and the relevant provisions and regulations shall also otherwise be complied with in the transport.

The air carrier, the aerodrome operator and anyone else attending to duties relating to the carriage of passengers by air shall ensure that passengers are provided with information on such dangerous substances that passengers may not carry as baggage or otherwise on the person on board an aircraft.

The Finnish Transport and Communications Agency may issue further substance-specific or other detailed regulations on restrictions and prohibitions of dangerous goods carried as baggage of passengers and crew members as well as on the packaging of these substances, notifications given to passengers, notification methods and other technical details relating to the transport of baggage.

## **Section 39**

### ***Air mail and approval granted for postal undertakings to handle air mail consignments***

Only such dangerous goods that will not present any danger during transport by air and related handling may be transported as air mail.

Postal undertakings specified in the Postal Act (415/2011), designated operators specified in the Universal Postal Union Convention (Finnish Treaty Series 66–68/2015) as well as operators that have registered a branch in Finland in a manner required by the Universal Postal Union shall obtain an approval by the Finnish Transport and Communications Agency for the handling of air mail consignments containing dangerous goods if they handle air mail consignments the handling of which requires special expertise and competence due to the dangerous properties or characteristics of the dangerous substances they contain.

The Finnish Transport and Communications Agency may issue further substance-specific or otherwise detailed regulations on dangerous goods permitted in air mail and on air mail containing dangerous goods that requires an approval as well as on the restriction or prohibition of air mail transports.

## **Section 40**

### ***Conditions for granting approval for postal undertakings***

The condition for an approval referred to in section 39 above is that the applicant is capable, by means of the applicant's training, guidance aimed at personnel and customers as well as methods used by the applicant to ensure the safe reception and handling of consignments in all stages of postal operations. The applicant shall have in place methods and work instructions ensuring safety through compliance with which the personnel receiving and handling air mail consignments is capable of attending to their duties ensuring the conformity of consignments. When applying for an approval, the applicant shall also present the personnel training programme and procedures the applicant has in place to ensure that only air mail containing permitted dangerous goods is loaded into aircraft.

The Finnish Transport and Communications Agency may issue further regulations on the details of requiring an approval and on technical details of applying for and granting an approval.

## **Chapter 8**

### **Training or qualifications required for the transport of dangerous goods**

#### **Section 41**

##### ***General training and qualifications***

Everyone carrying out duties that relate to the transport of and to ensuring the safe transport of dangerous goods shall have the necessary training or other qualification for the duty as well as refresher training repeated with sufficient frequency.

#### **Section 42**

##### ***Training provided in the transport of dangerous goods***

Those carrying out duties concerning the transport of dangerous goods by road, rail, ship or air shall have completed training appropriate to their responsibilities and duties, and covering the requirements governing the mode of transport used, consisting of:

- 1) general awareness training where personnel are provided with general information about the requirements governing the transport of dangerous goods;
- 2) function-specific training where personnel are provided with detailed training commensurate with their duties and responsibilities in the requirements governing the transport of dangerous goods;
- 3) safety training where personnel are provided with training commensurate with the degree of risk of injury or exposure arising from any accident; the training shall aim to make personnel aware of the safe handling of dangerous goods and of emergency response procedures;
- 4) training relating to the transport of radioactive material where personnel carrying out duties concerning the transport of radioactive material are provided with appropriate training concerning the risks relating to the transport of radioactive material and the precautions in order ensure restriction of their exposure and that of other persons;
- 5) except for duties relating to transport by air and other air operations, training concerning security measures addressing security threats and recognising them, methods to address and reduce such risks as well as actions to be taken in the event of a security breach; the training

shall include awareness of any security plans commensurate with the responsibilities and duties of individuals and their part in implementing security plans;

- 6) refresher training that periodically brings information received in training up to date and provides information on any changes in provisions and regulations.

The requirements of this section also apply to personnel attending to the reception and handling of air cargo, air mail and baggage relating to air operations as well as aviation ground handling services, passenger services and security screening as well as corresponding duties whose duties are not directly related to the transport of dangerous substances by air.

The requirements of this section do not apply in transport by road to drivers in duties where they are required to hold a driver training certificate referred to in chapter 9 or in transport by ship to the ship's crew.

The Finnish Transport and Communications Agency may issue further regulations on the contents and structure of training in the transport of dangerous goods, practical implementation, time limits for refresher training and other technical details of training.

## **Section 43**

### ***Training programme in transport by air***

The employer shall have a detailed training programme in transport of dangerous goods by air concerning the training of its personnel attending to duties relating to the transport of dangerous goods by air and other duties relating to air operations. The training programme shall contain information on how the learning objectives of those undergoing training as well as their competence and qualifications will be achieved, and information on the sufficient qualifications of the training provider.

The training programme of a carrier shall have been approved by the competent authority of the carrier's home state. In Finland, decisions on the approval of the carriers' training programmes are made by the Finnish Transport and Communications Agency.

The training programme of an enterprise referred to in section 39 above required to hold an approval for the handling of air mail consignments shall have been approved in conjunction with the approval granted for the handling of air mail consignments referred to in section 39.

The Finnish Transport and Communications Agency may issue further regulations on the contents and structure of training programmes relating to transport by air and air operations.

## **Section 44**

### ***Provider of training relating to transport by air and other air operations***

Training providers providing training concerning the transport of dangerous goods by air and other air operations referred to in section 42 above shall have, prior to providing training, a demonstrable or assessable good knowledge of the transport of dangerous goods by air and be qualified for the training provision and the duties in which they provide training.

Training providers shall organise training at least once every two years. Failing this, the training provider shall take part in refresher training in transport by air referred to in section 42.

Where necessary, the Finnish Transport and Communications Agency may issue further regulations on the qualifications of training providers and the technical details of related training.

## **Chapter 9**

### **Driver training certificate in transport by road**

## **Section 45**

### ***Driver training certificate for drivers in transport of dangerous goods by road***

In the transport of dangerous goods by road, the driver of the vehicle shall have a driver training certificate authorising the person for the transport of dangerous goods (*ADR driver training certificate*) if the type or quantity of the substance transported or the vehicle so requires. The holder of an ADR driver training certificate may transport in their vehicle or vehicle combination such dangerous goods the markings corresponding to the class and form of transport of which are entered in their ADR driver training certificate. The ADR driver training certificate shall be carried while driving.

The Finnish Transport and Communications Agency may issue further regulations on the model for the driver training certificate as well as substance-specific technical specifications on when the type or quantity of the substance transported or the vehicle requires the driver training certificate and for which kinds of transport the ADR driver training certificate provides authorisation.

## **Section 46**

### ***Training for the ADR driver training certificate***

The training for the ADR driver training certificate consists of theoretical teaching and practical exercises. The courses in the training comprise:

- 1) a basic training course which acts as the basis for all training for the driver training certificate and provides teaching in the transport of dangerous goods by road and its requirements, dangers, safety and security measures, actions in response to incidents and other duties and skills of drivers;
- 2) a specialisation training course for explosives which provides teaching in the special characteristics of the transport of explosives;
- 3) a specialisation training course for radioactive material which provides teaching in the special characteristics of the transport of radioactive material;
- 4) a comprehensive basic course into which the teaching referred to in paragraphs 1–3 has been integrated;
- 5) a specialisation training course for transport in tanks which provides teaching in the special characteristics of transport in tanks;
- 6) refresher training courses which at specific intervals keep the driver's knowledge up to date and provide teaching in any changes that have taken place in provisions and regulations.

The Finnish Transport and Communications Agency may issue regulations on the structure, contents and practical arrangements of the training and courses as well as related technical details.

## **Section 47**

### ***Examination required for the issue of the ADR driver training certificate***

The issue of the ADR driver training certificate shall require the passing of an examination to demonstrate that the person who attended the training has the knowledge and skills required for the practice of professional driver of vehicles transporting dangerous goods the relevant training concerning which they have attended for the purpose of the examination.

The condition for taking the examination for the driver training certificate is that the person taking the examination has attended the training for the ADR driver training certificate within the past 12 months. The organiser of the examination for the driver training certificate shall verify the identity of the person taking the examination.

If the examination for the ADR driver training certificate is taken in the Finnish Defence Forces, the Finnish Defence Forces are responsible for organising and invigilating the examination.

The Finnish Transport and Communications Agency may issue further regulations on the structure, contents, method of taking, invigilation and practical arrangements of the examination for the driver training certificate as well as other related technical details.

## **Section 48**

### ***Issue of ADR driver training certificates***

ADR driver training certificates are issued upon application by the Finnish Transport and Communications Agency. The issue of the ADR driver training certificate is subject to the condition of the applicant having attended the training provided for the driver training certificate and successfully passed the examination required for the driver training certificate. The ADR driver training certificate is issued for a fixed period of time.

A temporary driver training certificate may for a special reason be issued for a maximum of one month. A temporary driver training certificate is not valid in Åland.

The period of validity of the ADR driver training certificate may, during its period of validity, be extended for a fixed period if the applicant meets the requirements set for the issue of the driver training certificate and has satisfactorily passed an examination equivalent to a refresher training course.

The Finnish Transport and Communications Agency may issue further regulations on the period of validity of the ADR driver training certificate, the determination of the period of validity and its extension, and practical measures for applications for and issue of the ADR driver training certificate.



## **Section 49**

### ***Provider of training for the ADR driver training certificate***

The training required for the ADR driver training certificate may only be provided by a holder of an authorisation for the training provision.

Applications for the authorisation for the training provision shall be made to the Finnish Transport and Communications Agency. An application for the authorisation shall be submitted and shall contain the information concerning the training and its provision. An authorisation for the training provision is granted for a maximum of five years.

An authorisation for training provision is granted subject to the condition that the applicant has, in relation to the nature and scope of the training, sufficient teaching-related, professional and financial capacities for the training provision. In addition:

1) the applicant shall have:

- a) a competent director responsible for the training who directs, guides, supervises and develops the training;
- b) a detailed training programme for each course;
- c) sufficient and professional teaching personnel with regard to the scope of the activity;
- d) appropriate teaching materials and equipment as well as the required training premises;
- e) such training circumstances that supervision can be carried out in the appropriate manner;

2) the director responsible for the training shall have:

- a) a valid ADR driver training certificate corresponding at least to the training provided and the qualification of safety adviser for the transport of dangerous goods by road;
- b) a good knowledge of the provisions and regulations concerning the transport of dangerous goods and of developments taking place in training requirements;

3) the applicant's person providing training shall have:

- a) a valid ADR driver training certificate corresponding to at least the training provided;

- b) a good knowledge of the provisions and regulations concerning the transport of dangerous goods and of developments taking place in training requirements;

The Finnish Transport and Communications Agency may issue further regulations on the details of applying for an authorisation for training provision, the contents of training programmes and other technical details of training programmes.

## **Section 50**

### ***Retention of documents concerning training and examinations for the ADR driver training certificate***

The provider of training for the ADR driver training certificate shall maintain data on the persons attending training for the ADR driver training certificate as well as on the certificates issued for the training. The data shall be retained for the six calendar years following the year in which the training was completed, after which the data shall be destroyed. Data may be disclosed to the Finnish Transport and Communications Agency for the processing of applications for the ADR driver training certificate.

The Finnish Transport and Communications Agency records and maintains data concerning the taking of examinations for the ADR driver training certificate and the ADR driver training certificates issued as laid down in chapters 26–28 of the Act on Transport Services. However, the Finnish Defence Forces records and maintains data on the taking of examinations for the ADR driver training certificate organised and invigilated by the Finnish Defence Forces as laid down in the Act on the Processing of Personal Data in the Defence Forces (332/2019).

## **Chapter 10**

### **Security measures**

## **Section 51**

### ***General security measures***

The parties to the transport of dangerous goods shall take appropriate security measures to prepare for security threats. The parties shall, as necessary, cooperate with each other and with the authorities in the necessary manner to exchange security threat information and to apply appropriate security measures.

Further provisions may be issued by government decree on preparedness for security threats and on security measures. The Finnish Transport and Communications Agency may issue substance-specific or otherwise detailed regulations on security measures and further regulations on the practical implementation of preparedness for security threats and on the technical details of security measures and obligations.

## **Section 52**

### ***Security measures in transport by road and rail***

Dangerous goods may only be handed over for transport by road or rail to a carrier that has been appropriately identified.

The preparer of the internal emergency plan referred to in section 33, subsection 1 above shall in transport by road or rail ensure that any temporary storage location is lit and otherwise secured and, where possible, that unauthorised access to the area is prevented.

During transport by road or rail, each member of the crew shall carry with them an identification document which includes their photograph.

The Finnish Transport and Communications Agency may issue further regulations on the identification of carriers, securing of temporary storage locations, and technical regulations on identification documents.

## **Section 53**

### ***Security plan for transport by road or rail and securing of means of transport***

When transporting by road or rail dangerous goods that may present a significant security threat, the parties to the transport shall prepare and keep up to date a security plan applied in their activities that shall contain the measures and procedures for preparedness for security threats.

When transporting goods referred to in subsection 1, the carrier shall equip the means of transport used for the transport with appropriate equipment or shall secure the transport by means of other arrangements to prevent theft or other intentional misuse. The equipment and arrangements shall not prevent emergency operations.

The Finnish Transport and Communications Agency may issue further regulations on the contents of the security plan and on substances that may present a significant security threat.

## **Chapter 11**

### **Transport prohibitions and restrictions**

#### **Section 54**

##### ***Obligation to remedy deficiencies and defects and suspension of transport***

If a deficiency or defect affecting safety is detected in the construction or equipment of a means of transport, packaging, tank or container, it shall not be used until the deficiency or defect has been remedied. This prohibition does not, however, apply to a deficiency or defect, detected during a journey, that is to be regarded as minor considering the circumstances and that is likely to have arisen during the journey and that could not have been immediately detected and remedied and the remedying of which cannot take place during the journey without disproportionate effort.

The transport shall be suspended if a deficiency or neglect that may jeopardise the safety of the transport is detected during a journey. The journey may be continued only when it is safe to continue the journey. When suspending a transport, account shall be taken of:

- 1) any dangers caused by the suspension;
- 2) there being an opportunity to place the consignment, cargo or load transported;
- 3) general safety and security requirements other than those referred to in paragraphs 1 and 2.

The supervisory authority may approve of the continuation of a suspended transport for the remaining journey. The supervisory authority shall provide the carrier with the administrative assistance required if:

- 1) the supervisory authority is unable to approve of the continuation of the journey of a suspended transport and the requirements cannot be met;
- 2) the carrier notifies that the consignor has not notified the properties and characteristics of the dangerous substance and, referring to the terms and conditions of the transport agreement, the carrier requests the unloading, disposal or rendering harmless of the load.

## **Section 55**

### ***Area-specific transport restrictions in transport by road or rail***

If the transport of dangerous goods may present a significant danger to persons, the environment or property, the Finnish Transport and Communications Agency may:

- 1) on the basis of a municipality's reasoned request, restrict the transport of dangerous goods by road in a specific area, road or road section (*routing restriction*); the request for a routing restriction shall provide an impact assessment for the restriction, taking account, among factors affecting safety and security, of at least the substances transported, residential areas and vulnerable sites;
- 2) on the basis of a request by the owner or occupier of a road or the railway infrastructure manager of a rail network, restrict the transport of dangerous goods by road or rail in a specific tunnel occupied by the owner or occupier of the road or by the railway infrastructure manager of the rail network by assigning a tunnel category (*tunnel restriction*) for the tunnel; a tunnel restriction shall be based on an assessment of dangers relating to the tunnel submitted by the applicant and conducted by a body independent of the applicant where account shall be taken, among factors affecting safety and security, of at least the substances transported and tunnel structures and equipment.

When imposing a restriction, it shall be ensured that opportunities to transport dangerous goods will not be restricted more than is necessary to prevent the danger presented by transport. In addition, account shall be taken of any alternative routes available for transport. The Finnish Transport and Communications Agency may attach conditions to a restriction to ensure the safety of transport and may lift a transport restriction if sufficient grounds for maintaining the restriction no longer exist.

The requester of a transport restriction shall in the assessment of the impacts and dangers of the restriction provide an assessment of any alternative route for transport and its safety. The requester for a restriction of transport by road shall have a traffic control plan for the restriction, specifying how the positioning and erection of signs indicating the restriction and guidance for diversionary routes will be implemented. The requester shall provide information on a routing or tunnel restriction it has been granted as well as on its removal.

Notwithstanding any routing or tunnel restriction, dangerous goods may be transported for a special reason in a restricted area or tunnel under an authorisation granted by the police for a fixed period of time.

The Finnish Transport and Communications Agency may issue further technical regulations on danger assessments, categories of substance under transport restrictions, implementation of restrictions, tunnel categories and other technical matters relating to transport restrictions.

## **Chapter 12**

### **Notifications of and reports on accidents and incidents**

#### **Section 56**

##### ***Notification of accident, incident or emergency***

In the event of an accident, incident or emergency during the transport of dangerous goods where the release of the goods transported or any other reason causes a risk of personal injury or damage to the environment or property, anyone observing the accident, incident or emergency shall immediately make an emergency call to report it, provide the rescue authorities with the information they require and take the protective measures required by the situation.

In transport by air, the carrier shall submit information on any dangerous goods transported in the aircraft as cargo:

- 1) without any delay to the relevant rescue authorities after an aviation accident or serious incident in which dangerous goods transported as cargo may have been involved;
- 2) after an aviation accident or serious incident referred to in paragraph 1, as soon as possible to the competent authority of the carrier's home state and to the competent authority of the state in the territory of which the aviation accident or serious incident took place;
- 3) at the request of an authority in an incident less serious than a serious incident without delay to the rescue authorities and the competent authority of the state in the territory of which the incident took place.

In Finland, the competent authority referred to in subsection 2 is the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency may issue further regulations on the technical details of the notification and the information to be submitted referred to in subsection 1 as well as on the submission of the notification referred to in subsection 2, cases to be notified, details of notifications and information contained by them as well as the notification and transmission method.

## **Section 57**

### ***Notification of an exceedance of a radiation limit***

The carrier and the consignee shall, in conjunction with the transport of radioactive material, notify any exceedance of the safe limit of radiation dose rate or radioactive contamination it observes to the parties to the transport that may have been exposed to radiation or contamination during the transport. The notification shall also be submitted to the Radiation and Nuclear Safety Authority.

The Finnish Transport and Communications Agency may issue further regulations on the safe limits for radiation dose rate and radioactive contamination.

## **Section 58**

### ***Reports on accidents and incidents***

In transport by road or rail, the loader, filler, carrier, unloader and consignee as well as the railway infrastructure manager of the rail network shall each in their activities submit a report within one month of the event to the Finnish Safety and Chemicals Agency if an accident or incident takes place during the transport of dangerous goods by road or rail or in conjunction with related loading, unloading or filling of a tank, bulk vehicle, bulk wagon or bulk container involving:

- 1) the release of or an imminent risk of loss of dangerous goods;
- 2) personal injury or damage to the environment or property; or
- 3) a request for assistance from the authorities.

At a port the carrier responsible for the transport by road or rail and in internal transfers or temporary storage anyone responsible for the cargo shall each in their operations submit a report to the Finnish Safety and Chemicals Agency and to the port operator if an accident or incident affecting persons, the environment or property takes place at the port in the transport of dangerous goods or related transfer.

Those responsible for the ship shall submit as extensive a report as possible without any delay to the competent authority of the coastal state in the event of an accident or incident during the transport of dangerous goods by ship involving:

- 1) the loss or likely loss of cargo containing dangerous goods overboard;
- 2) the release or probable release of INF cargo; or
- 3) damage, failure or breakdown of a ship carrying INF cargo which affects the safety of the ship or results in the impairment of the safety of navigation.

In transport by air, the carrier shall submit a report on:

- 1) a dangerous goods accident or a dangerous goods incident to the competent authority of the carrier's home state and the competent authority of the state in the territory of which the dangerous goods accident or dangerous goods incident took place;
- 2) cases where dangerous goods handed over for transport or transported in non-conformity with the requirements are detected in cargo or air mail to the competent authority of the carrier's home state and the competent authority of the state in the territory of which the dangerous goods were detected;
- 3) cases detected by or reported to it where non-conforming dangerous goods are detected on the person of a passenger or crew member or in baggage to the competent authority of the state in the territory of which the dangerous goods were detected;
- 4) cases detected where dangerous goods have been transported without complying with the requirements concerning loading, load segregation or load securing or without providing the required information to the competent authority of the carrier's home state.

In Finland, the competent authority referred to in subsections 3 and 4 is the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency may issue further regulations on the submission of the report referred to in this section, cases requiring a report, report contents and model, details of the information contained by reports and the report transmission method.



## **Section 59**

### ***Submission of accident and incident information***

The Finnish Safety and Chemicals Agency shall submit information on reports referred to in section 58, subsections 1 and 2 it has received annually to the Finnish Transport and Communications Agency.

With regard to accidents or incidents relating to the transport of radioactive material, the Finnish Safety and Chemicals Agency shall submit information on reports referred to in section 58, subsections 1 and 2 it has received and the Finnish Transport and Communications Agency shall submit information on reports referred to in section 58, subsections 3 and 4 it has received to the Radiation and Nuclear Safety Authority.

## **Section 60**

### ***Use of information concerning accidents and incidents***

The provisions of section 128 of the Aviation Act on the use of occurrence information, of chapter 18, section 15a of the Maritime Act (674/1994) on the use of information concerning casualties or incidents and of section 167 of the Rail Transport Act on the use of information concerning accidents or incidents apply to the right of an authority to take legal action on any unplanned or unintentional infringement that comes to its attention on the basis of a report concerning transport by air, ship or rail submitted under the provisions of this chapter.

An authority may not take legal action on any unplanned or unintentional infringement that comes to its attention on the basis of a report concerning transport by road or an accident or incident at a port unless it involves a dereliction of duty deemed to constitute gross negligence or conduct punishable under the Criminal Code of Finland (39/1889).

No employer shall discriminate against any employee in its service or any other person who submits a notification of an incident of which they may have knowledge.

## **Chapter 13**

### **Obligations of parties to transport to ensure the safety and security of transport**

#### **Obligations concerning all modes of transport**

## **Section 61**

### ***Obligation to comply with a supervisory authority's orders***

Documents shall be presented on request to a supervisory authority, and also otherwise any orders given by a supervisory authority to inspect the preparation and implementation of transport as well as the safety and security of transport shall be complied with.

## **Section 62**

### ***Obligation to ensure the safety of products used for the transport of dangerous goods***

The manufacturer, authorised representative, importer, distributor, owner, user or other placer on the market of a product used for the transport of dangerous goods shall ensure the safety and conformity of such a product used for the transport of dangerous goods. This section does not, however, apply to consumers taking retail packaging into use who use or intend to use the product for their leisure or sporting activities or for their other personal purposes.

## **Section 63**

### ***Special obligations concerning the transport of radioactive material***

Anyone carrying out duties and related measures included in and relating to the transport of radioactive material shall have:

- 1) a management system applied in the activity to ensure the conformity of duties and measures;
- 2) a radiation protection programme to ensure the radiation safety of employees and the population.

The radiation safety programme shall present the measures implemented to prevent and reduce any radiation exposure arising from the transport of radioactive material. The measures shall be commensurate with the magnitude and likelihood of radiation exposure.

The consignor of radioactive material and, in transport by ship, the consignor, shipper, carrier and consignee shall in the event of an exceedance of a radiation limit detected immediately take the necessary measures to eliminate the dangers caused by and mitigate the consequences of radiation or radioactive contamination. They shall also investigate the event, take appropriate measures to remedy the causes and circumstances in order to prevent the recurrence of similar events and notify the Radiation and Nuclear Safety Authority of the causes of the event and the corrective measures.

The Finnish Transport and Communications Agency may issue further regulations on the contents of the management system and the radiation protection programme as well as the related radiation protection and other measures.

## **Parties to transport by road or rail**

### **Section 64**

#### ***The consignor's obligations in transport by road or rail***

In transport by road or rail, the consignor may hand over for transport only consignments that meet the requirements of this Act. The consignor shall:

- 1) ensure that the dangerous goods are classified correctly and that their transport is permitted in the mode of transport used;
- 2) provide the carrier with the information necessary for carrying out the transport;
- 3) use only packagings and tanks fit for the transport of the dangerous substances concerned;
- 4) use a safe means of dispatch and comply with forwarding restrictions;
- 5) ensure that any empty tank, vehicle, wagon or bulk container for which dangers have not been eliminated is handed over for transport marked as well as closed as if they were full.

If a consignor uses the services of other parties, the consignor shall sufficiently ensure that the consignment meets the requirements of this Act. The consignor may, however, in the cases referred to in subsection 1, paragraphs 1–3 and 5, rely on information made available by other parties.

When the consignor acts on behalf of a third party, the third party shall inform the consignor in writing that the consignment contains dangerous goods and provide the consignor with all the information and documents that the consignor needs to fulfil its obligations.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the consignor's obligations.

## **Section 65**

### ***The carrier's obligations in transport by rail or road***

In transport by rail or road, the carrier shall:

- 1) ensure that any vehicle or wagon used for the transport of dangerous goods may be used for this purpose and that in transport by road the vehicle is appropriately staffed;
- 2) ensure that the transport of the dangerous goods is permitted in the mode of transport used;
- 3) ensure that the necessary information and required documents on the dangerous goods transported have been received from the consignor before transport and that the required documents are on board or available during transport;
- 4) ensure in a sufficient manner that the vehicle, wagon or load has no obvious defects or leakages or missing equipment;
- 5) ensure that the deadline for the next inspection of the tanks has not expired so that the tanks may no longer be used for the transport concerned;
- 6) ensure that the vehicle or wagon is not overloaded;
- 7) ensure that the markings indicating a load containing dangerous substances have been affixed to the vehicle or wagon;
- 8) ensure that the driver and other crew members have been provided with instructions for accidents or emergencies and ensure that they understand the instructions and are capable of acting in accordance with them and that the necessary instructions, personal protective equipment and other equipment enabling the actions required in response to an incident are on board during transport.

If the carrier observes a neglect or conduct in violation of this Act in matters referred to in subsection 1, paragraphs 1–7, the carrier shall not forward the consignment until the matter has been remedied.

The obligations referred to above in subsection 1, paragraphs 1–7 shall be fulfilled on the basis of the documents and information received for the transport by inspecting the cargo transport unit and, where necessary, the load in a sufficient manner. The carrier may in transport by road in the cases referred to in subsection 1, paragraphs 2–4 and 7 and in transport by rail in the cases

referred to in subsection 1, paragraphs 2, 3 and 5–7 rely on information made available by other parties. The carrier may in the cases referred to in subsection 1, paragraph 3 rely on what is certified in the packing certificate provided for any sea leg of the transport.

In transport by rail, the carrier shall, in addition:

- 1) notify the driver of the rolling stock of any dangerous goods transported and their location in the transport unit;
- 2) ensure that the railway infrastructure manager of the rail network used for the transport concerned has during transport rapid and unrestricted access to information sufficient during transport on the composition of the train, the location of wagons in the train and any dangerous goods transported in wagons;
- 3) ensure that the entity in charge of maintenance has sufficient information on the tanks as well as their equipment in tank wagons in those railway vehicles for the maintenance of which it is responsible.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the carrier's obligations.

## **Section 66**

### ***The consignee's obligations in transport by road or rail***

In transport by road or rail, the consignee shall not defer acceptance of a consignment without compelling reasons. After unloading, the consignee shall verify that the requirements concerning the consignees' duties have been met. A wagon or a container may be returned to the carrier or returned to service only after any neglect detected in the verification has been remedied.

If the consignee makes use of the services of other parties, the consignee shall take appropriate measures to ensure that the requirements laid down in this section have been met.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the consignee's obligations.

## **Section 67**

### ***The loader's obligations in transport by road or rail***

In transport by road or rail, the loader shall hand dangerous goods over for carriage only if their transport is permitted in the mode of transport used.

The loader shall:

- 1) when handing over for transport packaged dangerous goods or uncleaned empty packagings, check whether the packaging is damaged and that no consignment the damaged packaging of which may endanger transport safety is handed over for transport;
- 2) take account of transport safety and the dangerous properties and characteristics of the substances when loading and handling consignments and loads containing dangerous substances;
- 3) mark the wagon and container in accordance with the dangerous properties and characteristics of the substances transported after loading dangerous goods into a wagon or container and when handing them over to the carrier for immediate transport;
- 4) load together only packages that according to their dangerous properties and characteristics may be loaded into the same load compartment, and segregate them from each other and other items in the load compartment in a manner that is appropriate according to their dangerous properties and characteristics.

The loader may in the cases referred to in subsection 1 and subsection 2, paragraphs 3 and 4 rely on information made available to the loader by other parties.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the loader's obligations.

## **Section 68**

### ***The packer's obligations in transport by road or rail***

In transport by road or rail, the packer shall:

- 1) take account of transport safety and the dangerous properties and characteristics of the substances when packing dangerous goods;

2) when preparing packaged consignments for transport, ensure that packages ready for transport have the markings concerning the dangerous properties and characteristics of the contents.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the packer's obligations.

## **Section 69**

### ***The filler's obligations in transport by road or rail***

In transport by road or rail, the filler of a tank, bulk vehicle, bulk wagon or bulk container shall:

- 1) prior to filling a tank ensure that the tank and its equipment are technically in a flawless condition;
- 2) ensure that the tanks have been inspected on time;
- 3) only fill tanks with such dangerous goods for the transport of which the tank is fit;
- 4) ensure that the filling of the tank compartment takes place so that no dangerous reactions occur with substances in adjoining compartments during transport;
- 5) ensure that only a quantity permitted by the tank and the dangerous properties and characteristics of the dangerous goods is filled into the tank;
- 6) ensure, after filling the tank, that all closures are in a closed position and that there is no leakage;
- 7) ensure that no dangerous residue of the filling substance adheres to the outside of the tank;
- 8) ensure, in preparing the dangerous goods for transport, that the markings concerning dangerous properties and characteristics are affixed to the tank as well as to the vehicle, wagon or container loaded with bulk;
- 9) take account of transport safety and the dangerous properties and characteristics of the goods when filling a vehicle, wagon or container with goods in bulk.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the filler's obligations.

## **Section 70**

### ***Tank-container operator's obligations in transport by road or rail***

In transport by road or rail, the tank-container operator shall:

- 1) ensure compliance with the requirements for the construction, equipment, inspections, tests and markings of the tank-container;
- 2) ensure that the maintenance of the tank-container and its equipment is carried out in such a way as to ensure that, under normal operating conditions, they are in conformity with the requirements until the next inspection;
- 3) have an exceptional inspection of the tank-container made when the condition of the tank-container or its equipment may have been impaired by repair, an alteration or an accident.

The provisions of this section on tank-containers and tank-container operators apply also to framed multimodal portable tanks equivalent to tank-containers as well as their operators.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the tank-container operator's obligations.

## **Section 71**

### ***Tank-wagon operator's obligations in transport by rail***

In transport by rail, the tank-wagon operator shall:

- 1) ensure compliance with the requirements for the construction, equipment, inspections and markings of the tank-wagon;
- 2) have an exceptional inspection of the tank-wagon made when the condition of the tank-wagon or its equipment may have been impaired by repair, an alteration or an accident.
- 3) ensure that the results of the activities referred to in paragraphs 1 and 2 above are recorded in the tank record containing the technical information;
- 4) ensure that the entity in charge of maintenance assigned for the tank-wagon holds a valid certificate in evidence of qualifications covering tank-wagons for dangerous goods;



5) ensure that sufficient information on the tanks and equipment of the tank-wagon has been made available to the entity in charge of maintenance.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the tank-wagon operator's obligations.

## **Section 72**

### ***The unloader's obligations in transport by road or rail***

In transport by road or rail, the unloader shall:

- 1) ensure, by means of inspecting the markings concerning the goods in the load, that only the goods mentioned in the transport documents concerning the load are unloaded;
- 2) check that the packaging, tank, vehicle, wagon or container has not been damaged to an extent that would endanger the unloading operation and, where necessary, repair the damage before commencing unloading;
- 3) take account of transport safety and the dangerous properties and characteristics of the goods when unloading and handling dangerous goods;
- 4) immediately following the unloading, remove any dangerous residues which have adhered to the outside of the tank, vehicle, wagon or container during the process of unloading and ensure the closure of valves and inspection openings;
- 5) ensure that the required cleaning and elimination of dangers of the vehicle, wagon or container is carried out;
- 6) ensure that the wagon or container once completely unloaded and with any dangers of the transported goods eliminated no longer displays the markings indicating dangerous goods or loads.

If the unloader makes use of the services of other parties, the unloader shall take sufficient measures to ensure that the requirements laid down in this section have been met.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the unloader's obligations.

## **Section 73**

### ***The railway infrastructure manager's obligations***

The railway infrastructure manager shall for the rail network managed by it:

- 1) ensure that internal emergency plans are prepared for locations on the rail network referred to in section 33, subsection 1, paragraph 2;
- 2) ensure rapid and unrestricted access to sufficient information during transport on the composition of the train, the location of wagons in the train and any dangerous goods transported in wagons;

The information referred to in subsection 1, paragraph 2 above shall only be disclosed to those parties that require it for safety, security or emergency response purposes and only to the extent required by those duties.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the railway infrastructure manager's obligations.

## **Section 74**

### ***Obligations of the entity in charge of maintenance in transport by rail***

In transport by rail, the entity in charge of maintenance shall ensure that:

- 1) the maintenance of the tanks and their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank-wagon is in conformity with the requirements;
- 2) the information on railway vehicles provided for attendance to maintenance duties also covers the tanks and their equipment;
- 3) the maintenance activities concerning tanks and their equipment are recorded.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the obligations of the entity in charge of maintenance.

## **Parties to transport by ship**

### **Section 75**

#### ***The consignor's and shipper's obligations in transport by ship***

In transport by ship, the consignor and the shipper shall only hand over for transport cargo that meets the requirements of this Act. The consignor or shipper shall:

- 1) ensure that the dangerous goods are classified correctly and their transport by ship is permitted;
- 2) ensure that only packagings and cargo transport units fit for the transport of the dangerous substances concerned are used for transport;
- 3) ensure that a packaging or cargo transport unit that is ready for transport has been marked in accordance with the dangerous properties and characteristics of the goods transported;
- 4) ensure that the information necessary for carrying out the transport has been made available to the carrier;
- 5) ensure that it is certified in writing that the dangerous goods consignment is ready for transport and the goods have been packaged, marked as well as handed over for transport in the appropriate condition in conformity with the requirements;
- 6) provide the port operator and the cargo handling service provider at the port with the information on the dangerous goods necessary for the handling the goods at the port in good time prior to delivery to the harbour area and, where possible, at least 24 hours prior to arriving at the port.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the consignor's and shipper's obligations.

### **Section 76**

#### ***Obligations of the carrier and the master of the ship in transport by ship***

In transport by ship, carrier or the master of the ship shall:

- 1) ensure that the ship used for the transport of dangerous goods may be used for this purpose;

- 2) ensure that the transport of the dangerous goods by ship is permitted;
- 3) ensure that any cargo containing dangerous goods is not accepted for transport without the information necessary for transport;
- 4) ensure that cargo transport units containing dangerous goods have been loaded, stowed, placed and where necessary, safely and appropriately secured and that they have been segregated from each other and from other cargo in the load compartment as required by the dangerous properties and characteristics of the substances that they contain;
- 5) ensure that, prior to unloading the cargo in Finland, the information on the dangerous goods has been delivered to the port operator and the unloader or its representative.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the obligations of the carrier and the master of the ship.

## **Section 77**

### ***Obligations of the packer, filler and loader of a container, vehicle or wagon in transport by ship***

In transport by ship, those responsible for the packing, filling or loading of dangerous goods into a container or into a vehicle or wagon used in transport by road or rail shall certify by means of a packing certificate that:

- 1) the container, vehicle or wagon is fit to receive the load transported;
- 2) the container, vehicle or wagon does not contain any incompatible loads;
- 3) only packagings that are in a serviceable condition and ready for transport have been loaded into the container, vehicle or wagon and the packagings have been loaded and secured using methods fit for the intended transport;
- 4) any goods transported in bulk have been evenly distributed;
- 5) the container, vehicle or wagon is structurally serviceable as appropriate for the transport;
- 6) the container, vehicle or wagon is marked as required for the transport;

7) there are transport documents for the load containing the information required for the transport.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the obligations of the packer, filler and loader.

## **Parties to transport by air**

### **Section 78**

#### ***The consignor's obligations in transport by air***

In transport by air, the consignor may hand over for transport only consignments that meet the requirements of this Act. The consignor shall:

- 1) ensure that the goods are classified correctly and their transport by air is permitted;
- 2) ensure and certify in writing that the dangerous goods consignment is ready for transport and the goods have been packaged, marked as well as handed over for transport in the appropriate condition in conformity with the requirements;
- 3) ensure that the information and notifications necessary for carrying out the transport have been made available to the carrier;
- 4) ensure that the personnel have sufficient instructions in compliance with which the duties relating to the transport of dangerous goods can be performed safely.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the consignor's obligations.

### **Section 79**

#### ***The carrier's and ground handling service provider's obligations in transport by air***

In transport by air, the carrier shall:

- 1) ensure that it holds the required approval to carry dangerous goods;
- 2) ensure that an aircraft used for the transport of dangerous goods can be used for this purpose;
- 3) ensure that the transport of the dangerous goods by air is permitted;

- 4) ensure that any consignment containing dangerous goods is not accepted for transport without the information necessary for transport received from the consignor;
- 5) check prior to accepting a consignment containing dangerous goods for transport that the consignment has been handed over for transport in conformity with the requirements;
- 6) ensure that the dangerous goods are loaded and transported in the aircraft so that they will not present any danger;
- 7) check the consignment prior to loading and during unloading for any damage or leakages and, where damage or leakages are detected, take the necessary safety measures and ensure the necessary inspections and measures to prevent the consequences of the damage or leakages;
- 8) ensure that the pilot-in-command and other personnel attending to other duties relating to flight preparation and the flight are provided in a reliable manner in good time prior to the flight the information on any dangerous goods transported as cargo on board the aircraft;
- 9) ensure that the personnel have sufficient instructions in compliance with which the duties relating to the transport of dangerous goods can be performed safely;
- 10) ensure that information on the requirements concerning the transport of dangerous goods is provided in places where air cargo is received for transport;
- 11) ensure that passengers are informed of dangerous goods that are prohibited in baggage or otherwise on the person of passengers.

The provisions of subsection 1 above also apply to ground handling service providers attending to these duties.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the carrier's obligations.

## **Chapter 14**

### **Obligations to ensure the conformity of transportable pressure equipment**

#### **Section 80**

##### ***Obligations of the manufacturer of transportable pressure equipment***

The manufacturer shall:

- 1) ensure that transportable pressure equipment placed on the market has been designed, manufactured and documented in accordance with chapter 5;
- 2) ensure that the Pi marking is affixed to the transportable pressure equipment when the conformity of the pressure equipment has been demonstrated;
- 3) retain the technical documentation of the transportable pressure equipment in accordance with chapter 5.

#### **Section 81**

##### ***The manufacturer's obligation to take corrective measures***

If the manufacturer has reason to suspect that transportable pressure equipment which it has placed on the market is not in conformity with the requirements of chapter 5, the manufacturer shall:

- 1) without delay take measures to bring the transportable pressure equipment into conformity, to withdraw it or to recall it;
- 2) where the transportable pressure equipment presents a risk, immediately inform the market surveillance authority and all competent national authorities of the European Union Member States in which the manufacturer has made the transportable pressure equipment available, giving details of the non-conformity and any corrective measures taken;
- 3) document all instances of non-conformity and corrective measures referred to in this section.

The manufacturer shall also ensure that the corrective measures are taken in respect of all transportable pressure equipment that the manufacturer has placed on the market and that presents a risk to health, safety or public interest.

## **Section 82**

### ***Authorised representative for transportable pressure equipment***

The manufacturer may authorise in writing a representative for itself. The authorised representative shall perform the tasks specified in the mandate received from the manufacturer.

The authorised representative may be authorised in the mandate to perform at least the following tasks:

- 1) keeping the technical documentation at the disposal of the market surveillance authority;
- 2) providing all the information and documentation necessary to demonstrate conformity at the request of the market surveillance authority;
- 3) cooperate with the market surveillance authority to eliminate the risks posed by the transportable pressure equipment covered by the mandate.

The duties laid down in section 80, paragraphs 1 and 2 and the drawing up of technical documentation shall not, however, be assigned as tasks of the authorised representative.

The identity and address of the authorised representative shall be indicated on the certificate of conformity of the transportable pressure equipment.

## **Section 83**

### ***Obligations of the importer of transportable pressure equipment***

The importer shall:

- 1) only place on the market transportable pressure equipment which is in conformity with the requirements of chapter 5;
- 2) ensure before placing transportable pressure equipment on the market that:
  - a) the manufacturer has carried out the appropriate conformity assessment procedure and drawn up the technical documentation required;
  - b) the transportable pressure equipment bears the Pi marking and is accompanied by the certificate of conformity;



- 3) ensure that storage or transport conditions do not jeopardise the conformity of the transportable pressure equipment while the pressure equipment is under the importer's responsibility;
- 4) indicate the importer's name and the address at which the importer can be contacted either in, or attached to, the certificate of conformity;
- 5) keep a copy of the technical documentation of the transportable pressure equipment at the disposal of the market surveillance authority.

If the importer has reason to suspect that transportable pressure equipment is not in conformity with the requirements of chapter 5, the importer shall:

- 1) not place the transportable pressure equipment on the market until it has been brought into conformity;
- 2) inform the manufacturer and the market surveillance authority if the transportable pressure equipment presents a risk.

An importer is considered a manufacturer and subject to the obligations laid down in sections 80 and 81 where the importer places transportable pressure equipment on the market under the importer's name or trademark or modifies transportable pressure equipment already placed on the market in such a way that compliance with the applicable requirements may be affected.

## **Section 84**

### ***The importer's obligation to take corrective measures***

If the importer has reason to suspect that transportable pressure equipment that the importer has placed on the market is not in conformity with the requirements of chapter 5, the importer shall:

- 1) without delay take measures to bring the transportable pressure equipment into conformity, to withdraw it or to recall it;
- 2) where the transportable pressure equipment presents a risk, immediately inform the manufacturer, the market surveillance authority and all competent national authorities of the European Union Member States in which the importer has made the transportable pressure equipment available, giving details of the non-conformity and any corrective measures taken;

3) document all instances of non-conformity and corrective measures referred to in paragraph 2.

The importer shall also ensure that the corrective measures are taken in respect of all transportable pressure equipment that the importer has made available on the market and that presents a risk to health, safety or public interest.

## **Section 85**

### ***Obligations of the distributor of transportable pressure equipment***

A distributor shall:

- 1) only make available on the market transportable pressure equipment which is in conformity with the requirements of chapter 5;
- 2) before making transportable pressure equipment available on the market, verify that the pressure equipment bears the Pi marking and that it is accompanied by the certificate of conformity and the contact details of the importer;
- 3) ensure that, while transportable pressure equipment is under the distributor's responsibility, storage or transport conditions do not jeopardise its conformity.

A distributor is considered a manufacturer and subject to the obligations laid down in sections 80 and 81 where the distributor places transportable pressure equipment on the market under the distributor's name or trademark or modifies transportable pressure equipment already placed on the market in such a way that compliance with the applicable requirements may be affected.

## **Section 86**

### ***The distributor's obligation to take corrective measures***

If the distributor has reason to suspect that transportable pressure equipment is not in conformity with the requirements of chapter 5, the distributor shall:

- 1) not make the transportable pressure equipment available on the market until it has been brought into conformity;
- 2) inform the manufacturer or importer and the market surveillance authority if the transportable pressure equipment presents a risk;
- 3) document all such instances of non-conformity and corrective measures.

The distributor shall also ensure that the corrective measures are taken in respect of all transportable pressure equipment that the distributor has made available on the market and that presents a risk to health, safety or public interest.

## **Section 87**

### ***Obligations of the owner of transportable pressure equipment***

The owner shall ensure that, while transportable pressure equipment is under the owner's responsibility, storage or transport conditions do not jeopardise the conformity of the pressure equipment.

If the owner has reason to suspect that transportable pressure equipment is not in conformity with the requirements of chapter 5, the owner shall:

- 1) not make the transportable pressure equipment available on the market or use it until it has been brought into conformity;
- 2) inform the manufacturer, importer or distributor and the market surveillance authority if the transportable pressure equipment presents a risk;
- 3) document all such instances of non-conformity and corrective measures.

The obligations referred to in subsections 1 and 2 above do not apply to consumers intending to use or using transportable pressure equipment for their leisure or sporting activities or for their other personal purposes.

The owner shall also ensure that the corrective measures are taken in respect of all transportable pressure equipment that the owner has made available on the market and that presents a risk to health, safety or public interest.

## **Section 88**

### ***Obligations of the operator of transportable pressure equipment***

The operator shall:

- 1) only use transportable pressure equipment which is in conformity with the requirements of chapter 5;

2) inform the owner and the market surveillance authority if the transportable pressure equipment presents a risk.

The operator shall also ensure that the corrective measures are taken in respect of all transportable pressure equipment used by the operator that presents a risk to health, safety or public interest.

## **Section 89**

### ***Provision of information and obligation to cooperate with the authority***

Manufacturers, importers and distributors of transportable pressure equipment shall:

- 1) on request provide the market surveillance authority with all the information and documentation necessary to demonstrate the conformity of the transportable pressure equipment: the information shall be provided in a language accepted by the market surveillance authority;
- 2) at the market surveillance authority's request cooperate with the authority to eliminate the risks posed by transportable pressure equipment they have placed on the market or made available on the market.

Manufacturers, authorised representatives, importers, distributors, owners and operators of transportable pressure equipment shall, at the market surveillance authority's request, identify to it for a period of at least 10 years any manufacturer, authorised representative, importer, distributor, owner and operator:

- 1) who has supplied them with transportable pressure equipment;
- 2) to whom they have supplied transportable pressure equipment.

Manufacturers, authorised representatives, importers, distributors and owners shall only provide information to operators which is relevant to the safe use of the transportable pressure equipment.

## **Chapter 15**

### **Professional skills of personnel**

#### **Section 90**

##### ***Obligation to ensure the professional skills of personnel***

An employer shall ensure that its employees who perform duties relating to the transport of dangerous goods have the necessary training or other qualifications for the duties. The employer shall have records of this training and qualifications.

The employer shall retain the records of its employees' training in the transport of dangerous goods laid down in this Act for three years from the completion of the most recent approved training.

The Finnish Transport and Communications Agency may issue further regulations on the contents of training records and the practical implementation of the employer's obligations.

#### **Section 91**

##### ***Obligation to appoint a safety adviser in transport by road or rail***

Those engaging in the transport of dangerous goods by road or rail or in packing or consignment relating to such transport or other activity relating to the safety of the transport of dangerous goods shall appoint one or, where necessary, more safety advisers. A safety adviser need not be appointed, however, if:

- 1) only minor quantities of dangerous goods are transported; or
- 2) the transport only takes place within a harbour area or aerodrome.

The appointed safety adviser shall hold a valid certificate of having passed the safety adviser examination. In addition, the person to be appointed as safety adviser shall give their written consent for the role.

The Finnish Transport and Communications Agency may issue further regulations on the substance-specific minor quantities the transport of which does not require the appointment of a safety adviser.

## **Section 92**

### ***Obligation to notify of the appointment of a safety adviser***

Those established in Finland and obliged to appoint a safety adviser shall notify the Finnish Transport and Communications Agency of the appointment of a safety adviser for the transport of dangerous goods by road or rail. Any amendments to the information shall also be notified.

The Finnish Transport and Communications Agency records and maintains the information referred to in subsection 1.

## **Chapter 16**

### **Safety adviser's duties and examination**

## **Section 93**

### ***Safety adviser's duties***

The duties of the safety adviser for the transport of dangerous goods by road or rail are to:

- 1) provide advice on how the transport of dangerous goods is carried out as safely as possible in compliance with the provisions and regulations;
- 2) monitor and guide the activities relating to the transport of dangerous goods;
- 3) promote the introduction of safe procedures in activities relating to the transport of dangerous goods;
- 4) prepare an annual report, which shall be preserved for five years, to the undertaking on the activities relating to the transport of dangerous goods;
- 5) prepare an accident report to the undertaking on any event during the transport of dangerous goods that has presented a danger to persons, the environment or property.

The Finnish Transport and Communications Agency may issue further regulations on the activities that the safety adviser must monitor and on the contents of annual reports and accident reports.

## **Section 94**

### ***Safety adviser examination and examination certificate***

A safety adviser for the transport of dangerous goods by road or rail shall hold a valid certificate of having passed the safety adviser examination. The safety adviser examination demonstrates that the person has sufficient expertise in the transport of dangerous goods and the duties laid down for the safety adviser.

The safety adviser examination applies to the transport of dangerous goods by road or rail. The examination may also be taken by specialising in only one or more categories of substance.

The safety adviser certificate is issued upon application by the Finnish Transport and Communications Agency. The issue of the certificate is subject to the applicant having successfully passed the safety adviser examination. The certificate remains valid for a fixed period of time.

Chapters 26–28 of the Act on Transport Services apply to the recording and maintenance of information on the taking of safety adviser examinations and on the certificates issued.

The Finnish Transport and Communications Agency may issue further regulations on the safety adviser examination and its contents, on the model for, amendments to, period of validity and extension of the period of validity of the safety adviser certificate, and on practical measures for applications for and issue of the certificate.

## **Section 95**

### ***Organisation of the safety adviser examination***

The Finnish Transport and Communications Agency administers and invigilates the safety adviser examination.

The Finnish Transport and Communications Agency may assign the drawing up of examination questions, administering and invigilating the examination as well as the issue of the certificate as an auxiliary task to a public or private service provider.

Sections 210, 212, 213 and 215 of the Act on Transport Services apply to the assignment of these general public administrative duties, to requirements for service providers, agreements concluded with service providers and to oversight.

The organiser of the safety adviser examination shall verify the identity of candidates taking the examination.

The Finnish Transport and Communications Agency may issue further regulations on the method of taking, practical arrangements for and invigilation of the safety adviser examination as well as related technical details.

## **Chapter 17**

### **Qualifications of those issuing TDG-ADR approvals or carrying out TDG-ADR inspections**

#### **Section 96**

##### ***Authorisation for TDG-ADR approvals and TDG-ADR inspections***

The Finnish Transport and Communications Agency may, upon application, authorise a vehicle inspection station of a vehicle inspection licence holder referred to in the Act on Vehicle Inspections (957/2013) to issue vehicles registered in Finland TDG-ADR approvals and approvals of TDG-ADR inspections if the vehicle inspection licence holder employs personnel meeting the requirements laid down for the duties concerned. The authorisation may only be granted for the TDG-ADR approval and TDG-ADR inspection of such vehicles the vehicle inspections of which the vehicle inspection station has the right to carry out. The right of a vehicle inspection station ends when its right to carry out vehicle inspections ends.

The Finnish Transport and Communications Agency may, upon application, also authorise a place of business of an issuer of individual vehicle approvals referred to in the Act on Organising Individual Vehicle Approval (958/2013) to issue vehicles registered in Finland TDG-ADR approvals if the issuer of individual vehicle approvals employs personnel meeting the requirements laid down for the duties concerned. The authorisation may only be granted for the TDG-ADR approval of such vehicles the individual vehicle approvals of which the place of business has the right to carry out. The right of a place of business to issue TDG-ADR approvals ends when its right to carry out individual vehicle approvals ends.

#### **Section 97**

##### ***Qualifications of those issuing TDG-ADR approvals or carrying out TDG-ADR inspections***

In addition to what is separately provided by law on the qualifications of vehicle inspectors and issuers of individual vehicle approvals, the special training required for issuing TDG-ADR approvals



or carrying out TDG-ADR inspections is required as further training of persons issuing TDG-ADR approvals or carrying out TDG-ADR inspections.

Further provisions may be issued by government decree on the special training required of those issuing TDG-ADR approvals or carrying out TDG-ADR inspections as well as on the criteria for admission to the special training, examinations relating to the special training and the certificate issued for them. The Finnish Transport and Communications Agency may issue further regulations on the marking and passing criteria of examinations relating to the special training required of those issuing TDG-ADR approvals or carrying out TDG-ADR inspections as well as on the technical details of the special training.

## **Section 98**

### ***Authorisation to provide special training for those issuing TDG-ADR approvals or carrying out TDG-ADR inspections***

A person providing special training required as further training of persons issuing TDG-ADR approvals or carrying out TDG-ADR inspections shall hold authorisation for the provision of the special training (*special training authorisation*).

Decisions on the granting of a special training authorisation are made by the Finnish Transport and Communications Agency.

Where necessary, special training may be provided by the Finnish Transport and Communications Agency.

## **Section 99**

### ***Applying for a special training authorisation and conditions for granting the authorisation***

The special training authorisation is granted to applicants that meet the conditions for the granting of the authorisation for further training laid down in section 30 of the Act on Vehicle Inspections and have access to sufficient professional teaching personnel who are knowledgeable about approval operations as well as TDG-ADR approvals and TDG-ADR inspections.

In addition, a condition for the granting of the special training approval is that the information laid down in section 31 of the Act on Vehicle Inspections and information on the training and experience relating to approval operations of the person responsible for the operations are

attached to the application. In other respects, the Act on Vehicle Inspections applies to applications for training authorisations.

The special training authorisation shall be granted to an applicant who meets the conditions laid down in subsection 1 and provides the information referred to in subsection 2.

## **Section 100**

### ***Application of the Act on Vehicle Inspections in other matters relating to special training***

As regards the withdrawal of a special training authorisation, examinations relating to special training and retention of related documents, impartiality observed in the provision of special training, deviations from the disqualification requirements of the Administrative Procedure Act (434/2003) in special training as well as the oversight of holders of the special training authorisation, the provisions on these with regard to further training authorisations apply.

## **Chapter 18**

### **Inspection bodies**

## **Section 101**

### ***Inspection bodies and their duties***

The inspection bodies referred to in this Act are:

- 1) the TDG inspection bodies;
- 2) the TDG periodic inspection bodies;
- 3) the inspection bodies approved by the Radiation and Nuclear Safety Authority;
- 4) the type A notified bodies;
- 5) the type B notified bodies.

The inspection bodies have the right within their respective remits to:

- 1) approve, inspect and test packagings, tanks and bulk containers;

- 2) carry out the duties, other than those referred to in paragraph 1, required for the assessment and demonstration of conformity of packagings, tanks and bulk containers as well as the related measures;
- 3) carry out the duties of inspection bodies in conformity assessment procedures and inspection procedures referred to in the Directive on transportable pressure equipment;
- 4) carry out the quality system assessments and approvals and related surveillance relating to the periodic inspection of pressure receptacles.

Further provisions may be issued by government decree on cooperation between the inspection bodies and related duties. The Finnish Transport and Communications Agency may issue further regulations on the procedures to be followed in the duties, on quality system assessment, approval and related surveillance as well as on other practical implementation of the duties.

## **Section 102**

### ***Duties of TDG inspection bodies***

Except for duties relating to transportable pressure equipment, other pressure receptacles and pressurised tanks as well as packagings and tanks intended for the transport of radioactive material, a TDG inspection body may carry out the approvals, supervision of manufacture, inspections, testing and other duties required for the assessment and demonstration of the conformity of packagings, tanks and their valves as well as bulk containers other than those in accordance with the 1972 Convention for Safe Containers as approved as its duties in the decision concerning the approval of the body.

The Finnish Transport and Communications Agency may issue further regulations on the technical execution of approvals, supervision of manufacture, inspections, testing and conformity assessment.

## **Section 103**

### ***Duties of TDG periodic inspection bodies***

Except for duties relating to transportable pressure equipment, other pressure receptacles and packagings intended for the transport of radioactive material, a TDG periodic inspection body may carry out the approvals and testing of packagings as approved as its duties in the decision concerning the approval of the body.

The Finnish Transport and Communications Agency may issue further regulations on the practical execution of inspections and testing.

#### **Section 104**

##### ***Duties of the Radiation and Nuclear Safety Authority and of inspection bodies approved by the Radiation and Nuclear Safety Authority***

An inspection body approved by the Radiation and Nuclear Safety Authority may carry out the inspections, testing and other duties required for the assessment and demonstration of conformity of packagings and tanks intended for the transport of radioactive material.

The duties specified in subsection 1 may be carried out by the Radiation and Nuclear Safety Authority itself. In addition, the Radiation and Nuclear Safety Authority may carry out the approvals of packagings and tanks intended for the transport of radioactive material. The provisions of this Act on the duties of inspection bodies apply to these duties of the Radiation and Nuclear Safety Authority.

The Finnish Transport and Communications Agency may issue further regulations on the technical execution of approvals, inspections, testing and conformity assessment.

#### **Section 105**

##### ***Duties of type A notified bodies***

A type A notified body may carry out the approvals, supervision of manufacture, inspections, testing and duties required for the assessment, reassessment and demonstration of the conformity of transportable pressure equipment, other pressure receptacles and pressurised tanks and their valves as approved as its duties in the decision concerning the approval of the body.

The Finnish Transport and Communications Agency may issue further regulations on the technical execution of approvals, supervision of manufacture, inspections, testing and conformity assessment and reassessment.

#### **Section 106**

##### ***Duties of type B notified bodies***

A type B notified body may carry out the periodic inspections, testing and, where a type A notified body has carried out the reassessment of the conformity of the type of the pressure receptacle, the reassessments of the conformity of pressure receptacles included in transportable pressure

equipment as well as other pressure receptacles and their valves as approved as its duties in the decision concerning the approval of the body. A type B notified body may supply its services only to the undertaking of which it forms a part.

The Finnish Transport and Communications Agency may issue further regulations on the technical execution of periodic inspections, testing and conformity reassessment.

## **Section 107**

### ***Inspection service***

A type A notified body may authorise for a fixed period of time an inspection service to carry out part of its duties relating to supervision of manufacture, initial inspections and periodic inspections. The type A notified body is responsible for the surveillance of an inspection service authorised by it.

The inspection service shall notify any amendments to the authorisation conditions to the type A notified body that authorised it.

The inspection service shall be independent from the design process, manufacturing operations, repair and maintenance of the products inspected. The personnel of the inspection service shall have sufficient professional skills for their duties. The inspection service shall have a quality system relating to its activities for the appropriate performance of its duties.

If the inspection service no longer meets the requirements set or otherwise acts in material breach of the requirements, the type A notified body that authorised the inspection service shall set a sufficient deadline to remedy the matter. The type A notified body shall withdraw the authorisation granted by it if the inspection service fails to remedy the irregularity by the deadline set.

The authority that approved the type A notified body shall be informed of any authorisation and withdrawal of authorisation of an inspection service.

The Finnish Transport and Communications Agency may issue further regulations on the duties of inspection services, their performance and monitoring, authorisations, applications and conditions for, withdrawal of and fixed periods for authorisation.

## **Section 108**

### ***Subcontracting of duties of inspection bodies***

Only TDG inspection bodies, inspection bodies approved by the Radiation and Nuclear Safety Authority and type A notified bodies may subcontract technical parts of their duties relating to the demonstration of conformity and periodic and other inspections, provided that this has been agreed with the client.

The subcontractor shall be included in the accreditation of the inspection body or be separately accredited. Where the subcontractor has been accredited separately, it shall be either an inspection body in accordance with SFS-EN ISO/IEC 17020 standard for the operations of various types of bodies performing inspection or a testing laboratory in accordance with the SFS-EN ISO/IEC 17025 standard for general requirements for the competence of testing and calibration laboratories in order for it to be able to perform testing tasks in accordance with its accreditation. The accreditation shall be equivalent to the accreditation of the inspection body that subcontracted the duties.

The inspection body shall ensure that the subcontractor meets the requirements set for the inspection body. The subcontractor need not, however, be a legal person registered in Finland. The inspection body is responsible for the duties performed by the subcontractor regardless of the state of establishment of the subcontractor. The inspection body shall also monitor the subcontractor, and it shall notify the authority that approved the inspection body of its arrangements concerning subcontracting.

The Finnish Transport and Communications Agency may issue further regulations on the technical details and practical implementation of subcontracted duties and the application of the standards referred to in subsection 2.

## **Section 109**

### ***Application for approval as an inspection body***

Approval as an inspection body shall be applied for to the competent authority.

The application shall specify which inspection body duties the application concerns. The application shall be accompanied by information on the responsible person as well as information, including the required documents, on the requirements set for the inspection body being met, on conformity assessment and reassessment, inspection, testing, approvals, supervision of manufacture, quality

system assessment and approval, and related procedures as well as the products for which the body claims to be competent.

Except for applications for the approval of a TDG periodic inspection body, the application shall be accompanied by the accreditation decision.

## **Section 110**

### ***Conditions for the approval of inspection bodies***

The conditions for the approval of an inspection body are that:

- 1) the body is a legal person registered in Finland;
- 2) the body is an external expert independent of the product assessed by it;
- 3) the personnel carrying out inspection body duties are not the designer, manufacturer, supplier, installer, purchaser, owner, operator or maintainer of the products which they assess nor the authorised representative of any of those parties;
- 4) the body and its personnel have sufficient professional skills and suitable technical competence for inspection body activities;
- 5) the body is capable of carrying out the duties required in inspection body activities in accordance with the provisions and regulations;
- 6) the body provides descriptions of the procedures according to which the duties required in the inspection activities are carried out;
- 7) the activities of the body are organised so that the activities can be reasonably monitored;
- 8) the body has a reliable and appropriate maintenance and storage system for documents relating to the inspection body duties;
- 9) the body has an appropriate procedure applied in the processing of requests for administrative review.

Except for TDG periodic inspection bodies, to demonstrate that the conditions laid down in subsection 1 are met, the inspection body shall be a body accredited by FINAS Finnish Accreditation Service of the Finnish Safety and Chemicals Agency as a type A or type B inspection

body in accordance with the SFS-EN ISO/IEC 17020 standard for the operations of various types of bodies performing inspection as follows:

- 1) a TDG inspection body, inspection body approved by the Radiation and Nuclear Safety Authority and type A notified body shall meet the requirements for type A inspection bodies referred to in the standard;
- 2) a type B notified body shall meet the requirements for type B inspection bodies referred to in the standard.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of meeting the conditions for the approval of inspection bodies and on the application of the standard referred to in subsection 2.

## **Section 111**

### ***Approval of inspection bodies***

The Finnish Transport and Communications Agency approves type A and type B notified bodies, the Finnish Safety and Chemicals Agency approves TDG inspection bodies and TDG periodic inspection bodies and the Radiation and Nuclear Safety Authority approves inspection bodies approved by the Radiation and Nuclear Safety Authority if the body meets the conditions for the approval of inspection bodies.

The approval decision defines the scope of activities and duties of the inspection body and confirms the arrangements relating to the monitoring of the inspection body. The decision may impose requirements, restrictions and conditions concerning the body's activities to ensure the appropriate performance of the duties. The decision may be issued for a fixed period of time.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of the approval as well as its period of validity and its determination.

## **Section 112**

### ***Temporary approval of an inspection body***

Except for TDG periodic inspection bodies, an inspection body starting a new activity may be approved temporarily. Before temporary approval, the competent authority referred to in section 111 shall ensure that the approval applicant meets the conditions for the approval of an inspection body.



A body approved temporarily shall be accredited during its first year of activity. If the body is not accredited during its first year of activity, the validity of the temporary approval ends in one year from the temporary approval.

The Finnish Transport and Communications Agency may issue further regulations on the practical implementation of temporary approvals as well as their period of validity and its determination.

### **Section 113**

#### ***Carrying out the inspection body duties***

An inspection body shall carry out public administrative duties in a proportionate manner, avoiding causing unnecessary burden or damage to property. The inspection body shall take account of the size of the undertaking concerned, the sector in which it operates, its structure, the technology used and the mass or serial nature of the production process.

The inspection body and its personnel shall carry out the assessments and other inspection body duties with the highest degree of professional integrity and technical competence.

The inspection body shall notify the type-approval or other approval granted on the basis of a conformity assessment of a packaging, tank or bulk container intended for the transport of dangerous goods to the market surveillance authority.

The inspection body shall retain the documents related to the assessment and demonstration of the conformity of packagings, tanks and bulk containers issued by the body to ensure their availability and the retention of the information. In addition, the inspection body shall retain these documents for a sufficiently long period of time to enable subsequent inspections, assessment and surveillance. If the inspection body intends to cease its activity, it shall submit the documents to the authority that approved the inspection body.

The inspection body shall demonstrate that it meets the conditions laid down for approval and notify any modifications concerning the approval conditions to the authority tasked with approving the inspection body. In addition, the inspection body shall submit an annual report on its activities to the authority tasked with approving the inspection body concerned.

Further provisions may be issued by government decree on the contents of the annual report of the inspection body and its submission to the competent authority. The Finnish Transport and Communications Agency may issue further regulations on the retention of the documents relating to the assessment and demonstration of conformity.

## **Chapter 19**

### **Authorities and authorities' duties**

#### **Supervisory authorities and supervisory duties**

##### **Section 114**

##### ***Finnish Transport and Communications Agency as the general supervisory authority***

The Finnish Transport and Communications Agency supervises the transport of dangerous goods and compliance with this Act as well as decisions issued under it, unless otherwise provided in this Act. The Finnish Transport and Communications Agency also supervises compliance with European Union regulations.

Supervision shall:

- 1) cover all parties to transport;
- 2) cover all stages of transport;
- 3) cover the transport documents, transport operation, transport locations, means of transport, temporary storage locations and other items of inspection;
- 4) be plans-based, systematic and impartial;
- 5) contain periodic inspections.

The Finnish Transport and Communications Agency coordinates supervision related to the transport of dangerous goods carried out in cooperation with the supervisory authorities laid down in this Act and with other authorities.

Further provisions may be issued by government decree on the deadlines for inspections, items of inspection in transport and the practical implementation of supervision, inspection and the authorities' cooperation.

## **Section 115**

### ***Finnish Transport and Communications Agency as the supervisor of providers of training for the ADR driver training certificate***

The Finnish Transport and Communications Agency is responsible for the supervision of providers of training for the ADR driver training certificate. It may organise its duties relating to supervision in conjunction with organising driving examinations or as duties carried out separately from that by sourcing the necessary services in compliance with the provisions of the Act on Organising Driving Examinations (535/1998) on organising driving examinations as service duties.

## **Section 116**

### ***Police of Finland, Finnish Customs and Finnish Border Guard as supervisory authorities***

The Police of Finland, Finnish Customs and the Finnish Border Guard supervise compliance with this Act within their respective remits. Supervision takes place in cooperation with the Finnish Transport and Communications Agency.

## **Section 117**

### ***TDG roadside checks carried out by the Police of Finland, Finnish Customs and Finnish Border Guard***

The Police of Finland, Finnish Customs and the Finnish Border Guard carry out checks of the transport of dangerous goods by road (*TDG roadside checks*) to supervise compliance with this Act in transport by road. TDG roadside checks shall be carried out impartially and in such a way that does not present a danger or unreasonable inconvenience to other traffic or unnecessary delays or other unreasonable inconvenience to those being checked. In TDG roadside checks, a checklist shall be used, specifying the items of inspection concerning transport documents, the transport operation and the vehicle equipment.

The Police of Finland, Finnish Customs and Finnish Border Guard shall submit a report on the TDG roadside checks they carry out annually to the Finnish Transport and Communications Agency.

Further provisions may be issued by government decree on the checklist for TDG roadside checks and its contents and model, items of inspection, and the contents and model of the report to be submitted on the checks.

## **Section 118**

### ***Radiation and Nuclear Safety Authority as the supervisory authority for the transport of radioactive material***

The Radiation and Nuclear Safety Authority supervises the transport of radioactive material and compliance with the related provisions of this Act and decisions issued under this Act.

## **Section 119**

### ***Supervisory authorities for products used for the transport of dangerous goods***

The Radiation and Nuclear Safety Authority supervises the conformity of those products used for the transport of dangerous goods that are used for the transport of radioactive material.

The Finnish Safety and Chemicals Agency supervises the conformity of products used for the transport of dangerous goods other than those referred to in subsection 1.

The Radiation and Nuclear Safety Authority and the Finnish Safety and Chemicals Agency have the right, with regard to an individual dangerous or non-conforming product used for the transport of dangerous goods supervised by it, to:

- 1) impose a prohibition on its use for the transport of dangerous goods;
- 2) order modifications to be made so that the requirements are met, and to require the demonstration of conformity;
- 3) order the destruction of the product or impose other measures to be taken if the measures referred to in paragraphs 1 and 2 cannot be regarded as sufficient for safety.

## **Section 120**

### ***Market surveillance of products used for the transport of dangerous goods***

The Act on the Market Surveillance of Certain Products (1137/2016), except for section 26 of the Act, applies to the market surveillance of products used for the transport of dangerous goods, market surveillance authorities, external border control and requests for review of decisions by market surveillance authorities. Anyone with the obligation to ensure safety laid down in section 62 of this Act or the obligation to ensure the conformity of transportable pressure equipment laid down in chapter 14 of this Act is considered an economic operator. Provisions on the framework for market surveillance are laid down in Regulation (EC) 2019/1020 of the European Parliament

and of the Council on market surveillance and compliance of products and amending Directive 2004/42/EC and Regulations (EC) No 765/2008 and (EU) No 305/2011.

The obligation of the market surveillance authority to notify the European Commission referred to in section 27, subsection 1 of the Act on the Market Surveillance of Certain Products applies, with regard to products used for the transport of dangerous goods referred to in this Act, only to transportable pressure equipment.

The market surveillance authority shall notify the relevant inspection body of any market surveillance measures targeted at an operator referred to in section 62 and chapter 14 that apply to a non-conforming product used for the transport of dangerous goods.

### **Section 121**

#### ***Maintenance and supervision of information relating to tanks and pressure receptacles***

The Finnish Safety and Chemicals Agency shall maintain, for the purpose of the duties laid down for it in this Act, the information referred to in section 28 on tanks and pressure receptacles and supervise the notification of the information.

### **Section 122**

#### ***Monitoring of inspection bodies***

The Finnish Transport and Communications Agency, the Finnish Safety and Chemicals Agency and the Radiation and Nuclear Safety Authority monitor the inspection bodies approved by them.

### **Section 123**

#### ***Supervision plan***

The supervisory authorities shall prepare a supervision plan for their supervision. The plan shall contain information at least on the grounds for organising supervision, the items and locations of supervision and cooperation between authorities in supervision.

The plan shall be reviewed at regular intervals. The authorities shall also evaluate the implementation of the supervision plan annually.

## **Other authorities and other official duties**

### **Section 124**

#### ***Other official duties***

The Finnish Institute for Health and Welfare may decide on requirements for and restrictions on the transport of infectious biological products used for the prevention, treatment or diagnosis of disease or for related development, experimental or investigational purposes.

The Finnish Food Authority may decide on the conditions for the transport in bulk of animal material containing infectious substances.

A Regional State Administrative Agency may decide on the transport of an infectious substance in a live carrier animal and the conditions for such transport if the transport of the substance cannot be effected in any other way.

The Radiation and Nuclear Safety Authority may decide on the following matters concerning radioactive material:

- 1) classification, classification criteria and their determination, markings relating to classification and transport, tests and terms and conditions of transport;
- 2) use, construction and markings of packagings, tanks and containers used for transport to the extent that this is not a duty of an inspection body;
- 3) transport arrangements.

The Finnish Safety and Chemicals Agency may decide on the following matters:

- 1) except for radioactive material, classification of dangerous goods, classification criteria and their determination, markings and tests relating to classification and suitability for transport, and terms and conditions of transport;
- 2) use, construction and markings of packagings, tanks and containers used for the transport of dangerous goods other than radioactive material to the extent in which this is not a duty of an inspection body.

Unless otherwise provided in this Act, the Finnish Transport and Communications Agency may decide on the following matters:

- 1) the means of transport, the cargo spaces and load compartments of means of transport, the arrangement and segregation of dangerous goods in them and the terms and conditions of transport relating to these spaces and arrangement and segregation;
- 2) loading and stowage as well as related handling of dangerous goods, cargoes and loads;
- 3) except for radioactive material, transport arrangements for dangerous goods;
- 4) matters other than those referred to in paragraphs 1–3 for which no competent authority has been laid down separately.

The Finnish Transport and Communications Agency may issue further substance-specific or otherwise detailed regulations on when a decision by the competent authority or an equivalent document is required to enable transport in conformity with the requirements and to ensure sufficient transport safety.

## **Section 125**

### ***Competent authorities referred to in European Union law and international agreements***

The authorities, or those performing public administrative duties, laid down in this Act act as the competent national authorities referred to in European Union law laying down provisions on the transport of dangerous goods within the scope of application of this Act, and in the following international provisions and regulations binding on Finland:

- 1) provisions of the ADR Agreement;
- 2) RID regulations;
- 3) ICAO-TI regulations;
- 4) provisions of the IMDG Code;
- 5) the provisions of the Treaty on the Transport of Dangerous Goods in Direct International Railway Traffic between Finland and Russia (Finnish Treaty Series 76–77/2014) and the provisions of the Treaty between Finland and Russia Entered into between the Ministry of Transport and Communications of Finland and the Ministry of Transport of the Russian

Federation on the Transport of Dangerous Goods in Direct International Traffic between Finland and Russia (Finnish Treaty Series 96/2014).

## **Section 126**

### ***Obligation of the Finnish Transport and Communications Agency to submit and provide information***

The Finnish Transport and Communications Agency shall submit information or otherwise ensure the submission of information to international organisations, the European Union and a competent authority of a foreign country if the submission of the information is required under the provisions or regulations of international agreements on the transport of dangerous goods binding on Finland and of European Union law.

The Finnish Transport and Communications Agency provides information in Finnish and Swedish on the standards specified in this Act and in provisions and regulations issued under this Act.

## **Section 127**

### ***Obligation of supervisory authorities to notify of infringements and measures***

Where notification is required by European Union law or obligations under an international agreement, the supervisory authority shall notify:

- 1) any repeated and serious infringements endangering the transport of dangerous goods detected by it to the competent authority of the state in which an undertaking participating in the infringement is domiciled;
- 2) any measures implemented by it on a Finnish undertaking as a consequence of repeated and serious infringements endangering the safety of the transport of dangerous goods that have taken place abroad to a foreign competent authority.

## **Section 128**

### ***Power of the Finnish Transport and Communications Agency to approve agreements relating to the transport of dangerous goods***

The Finnish Transport and Communications Agency may conclude, for a maximum of five years, an agreement of a technical nature on the approval of a temporary derogation referred to in Annex A, Chapter 1.5 of the ADR Agreement, in Chapter 1.5 of the Annex to the RID Regulation and in



Section 7.9.1 of the IMDG Code. The condition for the conclusion of the agreement is that it authorises a derogatory technical solution or other arrangement that maintains a level of safety equivalent to that achieved through compliance with the provisions of the ADR Agreement, the RID Regulation and the IMDG Code.

A copy of the agreement shall be carried on board the means of transport if so provided by an international obligation binding on Finland.

The approved agreement may also be applied to the domestic transport of dangerous goods.

Agreements are brought into force by decree of the Ministry of Transport and Communications. The Finnish Transport and Communications Agency provides information on agreements.

## **Section 129**

### ***Recognition of measures by authorities and of documents***

The competent authority may recognise a measure relating to the transport of dangerous carried out by an authority or another actor authorised by an authority and a certificate, approval or other equivalent document issued for the measure to the extent required by European Union law or an obligation of an international agreement if the safety requirements laid down in and under this Act are met.

Further provisions may be issued by government decree on the conditions for the recognition of a measure relating to transport and a certificate, approval or other corresponding document issued for it and on safety requirements.

## **Chapter 20**

### **Powers of the authorities**

## **Section 130**

### ***Right of supervisory authorities to inspect, obtain samples and investigate***

A supervisory authority has, in order to supervise compliance with this Act and European Union regulations, the right within its remit to carry out the required inspections, have access for the purpose of supervision to the manufacturing, storage, sales, installation, repair, inspection, packing, filling, dispatch, loading, unloading, stowage and transport locations and temporary storage locations of dangerous goods and packagings, tanks and containers intended for the

transport of such goods as well as means of transport transporting dangerous goods and to obtain the required samples and carry out, without remuneration, tests, measurements and investigations required for supervision. The supervisory authority also has the right to inspect training and its provision. Inspections shall comply with section 39 of the Administrative Procedure Act.

Inspections shall not be carried out in residences of a permanent nature unless this is necessary to establish matters being investigated.

The supervisory authority has the right to take possession over material investigated or its copies for inspection to be carried out elsewhere if this is necessary for the establishment of matters being investigated and if possible without causing unreasonable inconvenience. The material shall be returned as soon as it is no longer required.

A sample obtained for the purpose of supervision shall, at the request of the entity carrying out the activity, be reimbursed at the fair market price unless the investigation discovers that it is in violation of this Act or provisions or regulations issued under this Act. The authority may obligate a party that has committed an error or neglect to compensate for the costs incurred by the authority from the investigations and sampling.

### **Section 131**

#### ***Right of supervisory authorities to prohibit transport and order the unloading of dangerous goods***

The Finnish Transport and Communications Agency, the Police of Finland, Finnish Customs, the Finnish Border Guard and the Radiation and Nuclear Safety Authority have the right within their respective remits to prohibit the transport of dangerous goods if it does not meet the requirements of this Act and to order that the dangerous goods be unloaded at the first suitable location and opportunity if the transport cannot be brought into conformity with the regulations.

If a supervisory authority has taken a measure referred to in subsection 1, it shall notify the consignor or the consignor's representative of the measure, who shall without delay take possession of the goods.

If the consignor or the consignor's representative cannot be reached or if the consignor or the consignor's representative has not within the time limit set by the supervisory authority taken possession of the goods or handed them over to a party that has the right to have possession of the goods, or if the costs arising from attending to the goods are not reasonable in relation to their

value, the State may redeem the goods. Where the State does not redeem the goods, the supervisory authority has the right, depending on the circumstances, to sell or dispose of the goods.

Any sale of goods shall be organised by public auction or, where this is not possible without difficulty, in another reliable manner. The supervisory authority shall, where possible, inform the party entitled to the goods in good time of the time and place of sale. The selling price, less any payments and selling costs on the goods, shall be held available to the party entitled to the goods for one year from the date of sale. After that, it belongs to the supervisory authority.

Any disposal of goods shall be organised in an appropriate manner. The consignor is responsible for the disposal costs. Settlement made on the matter by the supervisory authority is enforceable without a judgment or decision.

## **Section 132**

### ***Right of authorities to access and disclose information***

An authority referred to in this Act has, notwithstanding non-disclosure provisions, the right to access information necessary for the supervision of compliance with this Act and for attendance to other duties laid down in this Act from the consignor, carrier, owner, operator or manufacturer of packaging or tank, installation or repair operator, importer, seller or storer, port, aerodrome or terminal operator, port cargo handling service provider, inspection body or any other party to which the obligations of this Act apply.

An authority referred to in this Act has, notwithstanding non-disclosure provisions, the right to disclose information relating to the transport of dangerous goods to another authority or another party carrying out a duty laid down by law if necessary for attendance to the duties or obligations laid down for it by law. On the same grounds, information may also be disclosed to a foreign supervisory authority or inspection body attending to a duty relating to the transport of dangerous goods and to international bodies for attendance to these duties if the disclosure is based on law, European Union law or an obligation of an international agreement binding on Finland.

The Finnish Transport and Communications Agency and the Radiation and Nuclear Authority have the right to receive from consignors, carriers and consignees information on dangerous goods consigned, transported and received as well as their transport routes for investigation, development and statistics relating to risk management. The information may be disclosed,

notwithstanding non-disclosure provisions, to an authority for emergency operations or transport infrastructure management.

### **Section 133**

#### ***Executive assistance***

The Police of Finland, Finnish Customs and the Finnish Border Guard have the right to provide executive assistance to a supervisory authority:

- 1) to implement the right to inspect, obtain samples and investigate as laid down in section 130;
- 2) to implement an order concerning a prohibition of transport or unloading of dangerous goods as laid down in section 131.

The supervisory authorities shall for the supervision of the transport of dangerous goods provide executive assistance to foreign supervisory authorities if its provision is based on European Union law or obligations of an international agreement binding on Finland.

### **Section 134**

#### ***Expert assistance***

A supervisory authority may use the assistance of an expert in supervision if this necessary to carry out the supervision. The expert shall have a good knowledge of both the legislation and regulations on the transport of dangerous goods as well as on the practices relating to transport.

## **Chapter 21**

### **Derogation authorisations and provisions**

### **Section 135**

#### ***Authorisation to issue regulations on derogations***

The Finnish Transport and Communications Agency may issue further regulations on derogations from the requirements laid down in this Act concerning transport safety, transport preparation and security, substances, means of transport, packaging, tanks or containers if the derogation is based on European Union law or international agreements and the derogation:

- 1) is specific to a substance;
- 2) applies to a minor quantity of dangerous goods; or
- 3) does not present a danger that is greater than minor to persons, the environment or property.

The requirements referred to in subsection 1 above are:

- 1) classification and markings;
- 2) provision, maintenance and notification of information;
- 3) consignment, loading, stowage, use and storage;
- 4) transport operation and terms and conditions of transport;
- 5) design, manufacture and equipment;
- 6) security and preparedness;
- 7) qualifications, training, designation and appointment;
- 8) approvals, authorisations, permissions, permits, licences and notifications;
- 9) inspection, testing, marking and approval.

## **Section 136**

### ***Derogation authorisations in individual cases and for product development***

For a special reason, authorisation may be granted, in individual cases due to a compelling need, for non-compliance with the provisions and regulations issued under this Act. A derogation may be granted if:

- 1) compliance with provisions or regulations causes a disproportionate inconvenience;
- 2) no danger is posed to other traffic; and
- 3) the necessary safety and security can be achieved through other means.

An authorisation for non-compliance with provisions and regulations concerning a vehicle, packaging, tank or container as well as their equipment issued under this Act may also be granted otherwise than in an individual case if necessary for the testing of new technology, product development or some other equivalent special reason. The condition for this is that danger presented to safety, security, health or the environment does not increase and competition is not distorted. The authorisation may be issued for a fixed period of time and may be subject to conditions.

The derogation is granted:

- 1) by the Finnish Safety and Chemicals Agency for a packaging, tank or container other than one intended for the transport of radioactive material;
- 2) by the Radiation and Nuclear Safety Authority for the transport of radioactive material;
- 3) by the Finnish Transport and Communications Agency in cases other than those referred to in paragraphs 1 and 2.

## **Section 137**

### ***Derogation provisions concerning the authorities and emergency transport***

Derogations from the provisions of this Act may be made by exercising special care and, where required by a duty, if all measures to carry out the transport safely have been taken:

- 1) in emergency, police, border control and customs operations carried out by the authority competent for the duty or carried out on behalf of it in the public interest under the supervision and responsibility of the competent authority concerned or based on an order or regulation issued by the competent authority concerned;
- 2) in the carriage by a breakdown vehicle of vehicles transporting dangerous goods that have broken down.

Persons carrying out vehicle inspections or issuing approvals are not required to hold an ADR driver training certificate when, during inspection or approval, they are moving an empty uncleaned vehicle or transport unit that used to contain dangerous goods within the area of the place of business in the context of vehicle inspection or approval activity if the person has received appropriate training for the duties.

## **Chapter 22**

### **Administrative preventive measures and enforcement measures**

#### **Section 138**

##### ***Withdrawal of approvals, permissions, permits, licences and authorisations granted by authorities***

An authority that has granted an approval, permission, permit, licence or authorisation referred to in this Act may issue a written admonition to the holder of the approval, permission, permit, licence or authorisation if the holder no longer meets the conditions for the granting of the approval, permission, permit, licence or authorisation or no longer attends to its duties in the appropriate manner. If the irregularity is not remedied regardless of the admonition and the irregularity is material, the authority may withdraw the approval, permission, permit, licence or authorisation for a fixed period or permanently.

In urgent cases, the authority may withdraw an approval, permission, permit, licence or authorisation granted by it for a fixed period without a separate written admonition if it has justified grounds to suspect that the holder of the approval, licence or authorisation is incapable of carrying out its duties in the appropriate manner or that the transport of dangerous goods may be endangered. An approval, permission, permit, licence or authorisation may be withdrawn permanently only if the conditions for granting the approval, permission, permit, licence or authorisation are not met in material respects or if material omissions or neglects occurred in attendance to the duties.

#### **Section 139**

##### ***Administrative enforcement measures***

A supervisory authority may order those who act erroneously or neglect an obligation to remedy their error or neglect and may impose obligations or prohibit a measure if the party concerned acts in breach of this Act or provisions or regulations issued under this Act. The supervisory authority may in its decision order that the decision be complied with notwithstanding any request for review.

The authority may enforce this by a notice of a conditional fine, notice of enforced compliance or notice of enforced suspension on which provisions are laid down in the Act on Conditional Fines (1113/1990).

Instead of the enforcement measures referred to in subsection 2, the supervisory authority may issue a written admonition if the use of an enforcement measure would be unreasonable.

## **Chapter 23**

### **Sanctions**

#### **Section 140**

##### ***Reference to the Criminal Code of Finland***

Provisions on the punishment for the illegal transport of dangerous goods are laid down in chapter 44, section 13 of the Criminal Code of Finland.

Provisions of the punishment for degradation of the environment are laid down in chapter 48, sections 1, 2 and 4 and for an environmental violation in chapter 48, section 3 of the Criminal Code of Finland.

#### **Section 141**

##### ***Traffic penalty fee imposed on dangerous goods transport violation***

A traffic penalty fee may be imposed on a person who intentionally or through negligence:

- 1) breaches an obligation concerning the transport, classification or handing over of dangerous goods in violation section 8 or a regulation issued under it;
- 2) fails to carry out the danger marking in violation of section 9 or a regulation issued under it;
- 3) fails to carry on board, in violation of section 10 or 15 or a regulation issued under it, the information referred to in the said section or adequate fire extinguishers or other equipment;
- 4) hands over for transport or transports dangerous goods in violation of section 12 or a regulation issued under it;



- 5) breaches, in violation of section 13 or a regulation issued under it, an obligation concerning the loading, stowage, unloading, segregation, ensuring or securing of dangerous goods, or smokes or uses fire or naked flame in conjunction with the handling of load;
- 6) fails to supervise or parks, in violation of section 14 or a regulation issued under it, a vehicle or loads or unloads dangerous goods without a permission or notice;
- 7) transports, in violation of section 16 or a regulation issued under it, dangerous goods in a means of transport in a space not fit for the transport of the substance concerned with the form of transport used;
- 8) uses for transport, in violation of section 17 or a regulation issued under it, a vehicle without a TDG-ADR approval or TDG-ADR inspection;
- 9) breaches, in violation of a provision laid down in or a provision or regulation laid down under section 29–32, 34–36 or 52, a condition for temporary storage or an obligation concerning a place, arrangement or preparedness;
- 10) breaches, in violation of section 37, 38 or 39 or a regulation issued under them, an obligation concerning the transport of baggage or air mail;
- 11) fails, in violation of section 41 or 42 or a regulation issued under it, to obtain training or a qualification required for a duty;
- 12) provides, in violation of section 49 or a regulation issued under it, training without a training authorisation;
- 13) neglects, in violation of section 51 or a provision or regulation issued under it, the obligation to prepare for security threats;
- 14) hands dangerous goods over for transport by road or rail, in violation of section 52 or a regulation issued under it, to a party other than an appropriately identified carrier;
- 15) neglects in transport by road or rail, in violation of section 53 or a regulation issued under it, to equip a means of transport with the appropriate equipment or other arrangements;
- 16) breaches a prohibition of the use of a means of transport, packaging, tank or container laid down in section 54;

- 17) fails to comply with the obligation to comply with a supervisory authority's orders laid down in section 61;
- 18) neglects, in violation of section 58 or a regulation issued under it, the obligation to submit without delay a report on an accident or incident; or
- 19) neglects, in violation of section 90 or a regulation issued under it, the obligation to ensure that its employees who perform duties relating to the transport of dangerous goods have the necessary training or other qualifications for the duties, or neglects to retain the records of its employee's training concerning the transport of dangerous goods.

A traffic penalty fee may also be imposed in transport by road or rail:

- 1) on a consignor or carrier that intentionally or through negligence fails to retain, in violation of section 11 or a regulation issued under it, the documents containing transport information or the equivalent electronic data;
- 2) on a carrier that intentionally or through negligence neglects the obligation laid down in section 17, subsection 2 to keep the TDG-ADR approval certificate in the transport unit;
- 3) on driver of a vehicle who intentionally or through negligence transports, in violation of section 45 or a regulation issued under it, dangerous goods by road without an ADR driver training certificate or neglects the obligation laid down in section 45, subsection 1 to carry the ADR driver training certificate while driving;
- 4) on a provider of training for the ADR driver training certificate that intentionally or through negligence neglects the obligation laid down in section 50 to retain documents or destroys personal data;
- 5) on a member of a vehicle crew if they intentionally or through negligence neglect the obligation laid down in section 52 to carry with them an identity document;
- 6) on a consignor that intentionally or through negligence, in violation of section 20 or a regulation issued under it, neglects the obligation to ensure that a permit or approval has been obtained for the transport or an advance notification has been submitted for the transport, or breaches an obligation laid down in section 64 or in a regulation issued under it relating to the classification, mode of transport, packaging, means of dispatch, provision of information, forwarding restrictions or the marking or closing of a tank, vehicle or container;

- 7) on a carrier or consignee that intentionally or through negligence, in violation of section 57 or a regulation issued under it, fails to notify any exceedance of a radiation limit or radiation contamination limit in conjunction with the transport of radioactive material;
- 8) on a consignor, carrier or consignee that intentionally or through negligence, in the event of an exceedance of a radiation limit, neglects the obligation laid down in section 63 to take measures, investigate the exceedance of the limit, remedy the circumstances or notify the causes and corrective measures to the Radiation and Nuclear Safety Authority;
- 9) on a carrier that intentionally or through negligence breaches, in violation of section 65 or a regulation issued under it, an obligation relating to a vehicle or wagon used for the transport of dangerous goods, mode of transport, receipt of information, carrying documents on board and making them available, loading a vehicle or wagon, affixing a marking, providing instructions and carrying them on board transport, carrying personal protective equipment and other equipment on board transport, inspecting the cargo transport unit and the load or notifying information;
- 10) on a consignee that intentionally or through negligence breaches an obligation, in violation of section 66 or a regulation issued under it, relating to acceptance of dangerous goods, meeting of requirements, or return to service of a wagon or container;
- 11) on a loader that intentionally or through negligence breaches an obligation laid down in section 67 or a regulation issued under it relating to the handing over, inspection, loading and handling or marking of dangerous goods;
- 12) on a packer that intentionally or through negligence breaches an obligation laid down in section 68 or a regulation issued under it relating to the packing or preparation of dangerous goods;
- 13) on a filler that intentionally or through negligence breaches an obligation laid down in section 69 or a regulation issued under it relating to ensuring, filling or preparation of dangerous goods;
- 14) on a tank-container operator that intentionally or through negligence breaches an obligation laid down in section 70 or a regulation issued under it relating to ensuring or inspecting dangerous goods;

- 15) on a tank-container operator that intentionally or through negligence breaches an obligation laid down in section 71 or a regulation issued under it relating to ensuring, inspection, recording of results or provision of information concerning dangerous goods;
- 16) on an unloader that intentionally or through negligence breaches an obligation laid down in section 72 or a regulation issued under it relating to ensuring, inspecting, unloading and handling of a load containing dangerous goods, or cleaning or elimination of dangers;
- 17) on an entity in charge of maintenance that intentionally or through negligence breaches an obligation laid down in section 74 or a regulation issued under it to ensure the carrying out of maintenance measures, provision of information on railway vehicles or recording maintenance activities.

A traffic penalty fee may also be imposed in transport by air:

- 1) on a consignor or carrier that intentionally or through negligence fails to retain, in violation of section 11 or a regulation issued under it, the documents containing transport information or the equivalent electronic data, or fails, in violation of section 21 or a regulation issued under it, to obtain an approval to transport dangerous goods by air;
- 2) on a consignor that intentionally or through negligence, in violation of section 20 or a regulation issued under it, neglects the obligation to ensure that a permit or approval has been obtained for the transport or an advance notification has been submitted for the transport;
- 3) on an air carrier, an aerodrome operator or another party attending to a duty relating to transport by air that intentionally or through negligence fails, in violation of section 38 or a regulation issued under it, to ensure that passengers are provided with information on such dangerous substances that passengers may not carry as baggage or otherwise on board an aircraft;
- 4) on a consignor that intentionally or through negligence neglects an obligation, in violation of section 78 or a regulation issued under it, relating to the classification and permitting of a consignment, ensuring and certifying in writing, ensuring of information and notifications, or ensuring of instructions;
- 5) on a training provider that intentionally or through negligence breaches an obligation concerning the training provider in violation of section 44 or a regulation issued under it;

- 6) on a carrier that intentionally or through negligence neglects an obligation, in violation of section 56 or a regulation issued under it, to submit information on dangerous goods transported as cargo, or breaches, in violation of section 79 or a regulation issued under it, an obligation laid down in the said section relating to an approval requirement relating to dangerous goods, use of aircraft and permission, ensuring information, inspection, loading and transport, ensuring instruction or provision of information;
- 7) on a carrier or consignee that intentionally or through negligence fails, in violation of section 57 or a regulation issued under it, to submit a notification referred to in the said section of any exceedance of the limit of radiation dose rate or radioactive contamination to the parties to the transport or to the Radiation and Nuclear Safety Authority;
- 8) on a consignor, carrier or consignee that intentionally or through negligence that, in the event of an exceedance of a radiation limit, neglects the obligation laid down in section 63 to take measures, investigate the exceedance of the limit, remedy the circumstances or notify the causes and corrective measures to the Radiation and Nuclear Safety Authority; or
- 9) on a ground handling service provider that intentionally or through negligence neglects an obligation, in violation of section 79 or a regulation issued under it, laid down in the said section relating to ensuring or checking.

A traffic penalty fee may also be imposed in transport by ship:

- 1) on a consignor, shipper or carrier that, intentionally or through negligence, fails to retain, in violation of section 11 or a regulation issued under it, the documents containing transport information or the equivalent electronic data;
- 2) on a consignor or shipper that intentionally or through negligence, in violation of section 20 or a regulation issued under it, neglects the obligation to ensure that a permit or approval has been obtained for the transport or an advance notification has been submitted for the transport;
- 3) on a carrier or consignee that intentionally or through negligence fails, in violation of section 57 or a regulation issued under it, to submit a notification referred to in the said section of any exceedance of the limit of radiation dose rate or radioactive contamination to the parties to the transport or to the Radiation and Nuclear Safety Authority;
- 4) on a consignor, shipper, carrier or consignee that intentionally or through negligence, in the event of an exceedance of a radiation limit, neglects the obligation laid down in section 63 to

take measures, investigate the exceedance of the limit, remedy the circumstances or notify the causes and corrective measures to the Radiation and Nuclear Safety Authority;

- 5) on a consignor or shipper that intentionally or through negligence neglects an obligation, in violation of section 75 or a regulation issued under it, laid down in the said section relating to ensuring, marking, providing information and making information available, or certification in writing;
- 6) on a carrier or master of the ship that intentionally or through negligence neglects an obligation, in violation of section 76 or a regulation issued under it, laid down in the said section relating to ensuring in the transport of dangerous goods; or
- 7) on a packer, filler or loader of a container, vehicle or wagon that intentionally or through negligence neglects an obligation, in violation of section 77 or a regulation issued under it, laid down in the said section to certify by means of a packing certificate.

## **Section 142**

### ***Financial penalty imposed in the market surveillance of a product used for the transport of dangerous goods***

A financial penalty may be imposed on a person who intentionally or through negligence:

- 1) neglects, in violation of section 23 or a provision or regulation issued under it, an obligation relating to the design, manufacture, equipment, inspection, testing or marking, or the use, maintenance or repair of a packaging, tank or container;
- 2) manufactures a packaging, tank or bulk container in violation of section 25 or a regulation issued under it;
- 3) neglects an obligation concerning documents laid down in or imposed under section 25 or 26;
- 4) uses a packaging, tank or container in violation of section 26 or a regulation issued under it.

A financial penalty may also be imposed:

- 1) on an owner or operator of a tank or pressure receptacle that intentionally or through negligence neglects the obligation to notify laid down in or under section 28;

- 2) on a manufacturer or authorised representative that intentionally or through negligence neglects an obligation laid down in section 80 or 81 relating to ensuring, retaining documentation or bringing transportable pressure equipment into conformity, withdrawing it or recalling it, taking measures, informing, notifying the authorities or documenting, or an obligation laid down in section 89 on provision of information and cooperation;
- 3) on an importer that intentionally or through negligence neglects an obligation laid down in section 83 or 84 relating to placing on the market, ensuring, indicating, keeping, not placing on the market or keeping or bringing transportable pressure equipment into conformity, withdrawing it or recalling it, informing or documenting, or an obligation laid down in section 89 on provision of information and cooperation;
- 4) on a distributor that intentionally or through negligence neglects an obligation laid down in section 85 relating to making available or ensuring or an obligation laid down in section 86 relating to not making available, informing, documenting or ensuring, or an obligation laid down in section 89 relating to provision of information and cooperation;
- 5) on an owner that intentionally or through negligence neglects an obligation laid down in section 87 relating to ensuring, not making available, informing or documenting, or an obligation laid down in section 89 relating to provision of information and cooperation;
- 6) on an operator that intentionally or through negligence neglects an obligation laid down in section 88 relating to using, informing or ensuring, or an obligation laid down in section 89 relating to provision of information and cooperation.

### **Section 143**

#### ***Imposition and amount of traffic penalty fee and financial penalty***

The Police of Finland, Finnish Customs and the Finnish Border Guard impose the traffic penalty fee referred to in section 141. The Finnish Safety and Chemicals Agency and the Radiation and Nuclear Safety Authority impose the financial penalty referred to in section 142, subsection 1. The Finnish Safety and Chemicals Agency imposes the financial penalty referred to in section 142, subsection 2. The traffic penalty fee and the financial penalty are made payable to the State.

The traffic penalty fee for a breach of the obligation to carry a document laid down in section 141, subsection 2, paragraphs 2, 3 and 5 is EUR 40.

The traffic penalty fee for a dangerous goods transport violation other than one referred to in subsection 2 imposed on a natural person is a maximum of EUR 500 and imposed on a legal person a maximum of EUR 1,000. Where a traffic penalty fee is imposed at the same time for two or more dangerous goods transport violations, the fee is increased for a natural person by EUR 100 and for a legal person by EUR 200 for the violation for which the highest traffic penalty fee is laid down.

Where a financial penalty is imposed on a natural person, the financial penalty may be a maximum of EUR 3,000 but, however, no more than one per cent of the person's income in accordance with their most recent tax decision. Where a financial penalty is imposed on a legal person, the financial penalty may amount to a maximum of EUR 30,000 but, however, no more than one per cent of the legal person's turnover for the financial period for the previous year.

When assessing the amount of the traffic penalty fee and the financial penalty, the nature, scope, harmfulness, duration and recurrence of the conduct shall be taken into account. No traffic penalty fee or financial penalty is imposed if the conduct is to be considered minor or if the imposition of the fee or penalty is unreasonable taking account of the nature, recurrence, premeditated nature and other circumstances of the conduct. The perpetrator may in such cases be issued an admonition if there are grounds for this.

No traffic penalty fee shall be imposed if more than one year has elapsed since the act. No financial penalty shall be imposed if more than five years have elapsed since the act. Where a violation or neglect has been continuous, the time limit is calculated from the date on which the violation or neglect ended. Nor shall a traffic penalty fee or financial penalty be imposed on anyone that is suspected of the same act in a criminal matter undergoing pre-trial investigations, consideration of charges or proceedings instituted in a court of law or that has received a final judgment for the same act. Anyone on whom a traffic penalty fee or a financial penalty has been imposed may not be imposed a punishment for the same act in a court of law.

## **Section 144**

### ***Enforcement of the traffic penalty fee and financial penalty***

Provisions on the enforcement of the traffic penalty fee and the financial penalty are laid down in the Act on the Enforcement of Fines (672/2002).

The Legal Register Centre is responsible for the enforcement of decisions concerning traffic penalty fees and financial penalties. The Police of Finland, Finnish Customs, the Finnish Border



Guard, the Finnish Safety and Chemicals Agency, the Radiation and Nuclear Safety Authority and courts of law shall notify the Legal Register Centre of their decisions concerning the imposition of traffic penalty fees and financial penalties. The Legal Register Centre shall also be notified of decisions by which any fees or penalties have been cancelled.

The statute of limitations for traffic penalty fees and financial penalties expires five years after the date of a final decision.

## **Section 145**

### ***Temporary prohibition on taking the examination for the ADR driver training certificate or the safety adviser examination***

If a person taking the examination for the ADR driver training certificate or the safety adviser examination cheats in the examination, the organiser of the examination shall terminate the person's examination and fail them in the examination. The person shall also be failed in the examination if the cheating is detected after the examination. Cheating is considered to be a dishonest act or omission the purpose of which is to give a wrong impression of one's own or another person's competence.

The Finnish Transport and Communications Agency may impose a six-month fixed-term prohibition on taking an examination on a person who has cheated. The time limit is calculated from the examination date on which the activity considered as cheating took place. A decision of the Finnish Transport and Communications Agency on a fixed-term prohibition on taking an examination is enforceable even where not final. The examination organiser shall notify and provide a report on cheating discovered to the Finnish Transport and Communications Agency.

The Finnish Transport and Communications Agency may issue further regulations on activity considered as cheating and verification of cheating and the procedure in cases of cheating.

## **Section 146**

### ***Requests for review and enforcement***

Decisions made under this Act are eligible for review. Provisions on requests for an administrative review are laid down in the Administrative Procedure Act. Provisions on requesting a judicial review in an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

Requests for administrative review of decisions on TDG-ADR approval and TDG-ADR inspections and on decisions by holders of special training authorisation in training matters may be made to the Finnish Transport and Communications Agency.

Except for decisions on the traffic penalty fee referred in 141 above and the financial penalty referred to in 142 above, a decision made under this Act may be enforced notwithstanding any request for administrative review or request for judicial review.

## **Section 147**

### ***Application of the Environmental Protection Act to remedying environmental damage***

Section 137 and section 172, subsection 2 of the Environmental Protection Act (527/2014) apply to remedying of substantial pollution of groundwater or surface waters or damage to nature referred to in section 5a of the Nature Conservation Act (1096/1996).

## **Chapter 24**

### **Miscellaneous provisions**

## **Section 148**

### ***Loss or destruction of a personal licence document***

The ADR driver training certificate referred to in section 45 above and the safety adviser certificate referred to in section 94 above are issued in a single original. On request, a duplicate of such a document may be issued if its holder has reported the document as lost, stolen or destroyed or if the information contained in the document has been amended.

The Finnish Transport and Communications Agency may issue further regulations on the reporting of a document as lost, stolen or destroyed as laid down in this Act and on the invalidation of the original document.

## **Section 149**

### ***Liability for acts in office***

Provisions on criminal liability for acts in office apply to persons responsible for further training activities and persons providing further training in duties relating to the further training referred to in section 99 above, those carrying out inspection body duties referred to in section 101, those

carrying out an expert duty referred to in section 134 and those carrying out service provider duties referred to in section 95.

Provisions on liability for damages are laid down in the Tort Liability Act (412/1974).

## **Chapter 25**

### **Transitional provisions and entry into force**

#### **Section 150**

##### ***Entry into force***

This Act enters into force on 1 September 2023.

This Act repeals the Act on the Transport of Dangerous Goods (719/1994), hereinafter *the repealed Act*.

If there is a reference elsewhere in legislation to the repealed Act, the reference shall be considered to refer to this Act.

#### **Section 151**

##### ***Transitional provisions***

Decisions, approvals, authorisations, permissions, permits, licences, certificates, plans, reports, agreements, appointments and designations issued or made under the repealed Act, and under provisions issued under it, that are valid when this Act enters into force remain valid as provided in them unless otherwise provided below.

The consideration of matters pending when this Act enters into force will be completed in compliance with the provisions in force when this Act enters into force.

The obligation laid down in section 28 of this Act to notify information on tanks and pressure receptacles to the Finnish Safety and Chemicals Agency applies starting from the next inspection carried out after the entry into force of this Act.

Section 94, subsection 3 of this Act on the application for a safety adviser certificate applies in six months from the entry into force of the Act.

The internal emergency plan referred to in section 33 of this Act shall be prepared and the responsible person shall be designated no later than in 18 months from the entry into force of the Act.

The director responsible for training and persons providing training of an approved organisation referred to in section 11b of the repealed Act remain eligible for a duty referred to in section 49 of this Act for the period of validity of the training permission.

A TDG inspection body approved by the Finnish Safety and Chemicals Agency and an inspection body approved by the Radiation and Nuclear Safety Authority that has not been accredited and that does not meet the accreditation requirement laid down in section 110, subsection 2 of this Act remains eligible for its duty for one year from the entry into force of the Act.

The supervision plan laid down in section 123 of this Act shall be prepared no later than in one year from the entry into force of the Act.

Valid decisions made under the repealed Act concerning restrictions of transport of dangerous goods by road remain valid for 18 months from the entry into force of this Act.

The regulations of the Finnish Transport and Communications Agency issued under the repealed Act remain in force.

Section 6, subsection 2 of the repealed Act on the supervision duties of the military authorities, section 7b, subsection 3 of the repealed Act on the duties of vehicle testing staff of the Finnish Defence Forces and on the supervisory duties of the Defence Command of the Defence Forces as well as section 13d, subsection 2 of the repealed Act on the duties of a military institution or a military authority recognised by the Defence Command remain in force.

The Decree on the Transport of Dangerous Goods by Air (210/1997) and the Decree on the Transport of Dangerous Goods in Packaged Form by Sea (666/1998) issued under the repealed Act remain in force for six months from the entry into force of this Act. Decrees of the Ministry of Defence and decisions of the Ministry of Defence on individual cases as well as orders of the Defence Command remain in force for two years from the entry into force of this Act.

The provisions of the repealed Act on criminal liability apply to violations committed before the entry into force of this Act. If the application of this Act leads to a more lenient outcome, this shall be taken into account in the determination of punishment.