

Repealed by 541/2023

NB: Unofficial translation; legally binding texts are those in Finnish and Swedish

Government Decree on the Transport of Dangerous Goods by Road

(194/2002; amendments up to 536/2007 included)

Chapter 1

General provisions

Section 1

Scope of application

(1) This Decree applies to the transport of dangerous goods by road when the transport starts, takes place and ends in Finland.

(2) If the transport of dangerous goods starts, takes place or ends outside Finland, the provisions of this Decree or the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Treaty Series of the Statutes of Finland 23/1979) shall apply to the transport of dangerous goods by road in Finland.

(3) Where a vehicle intended for road traffic and carrying out a transport operation of dangerous goods subject to the provisions of this Decree is taken to be conveyed by another transport medium, the provisions and regulations applying to the said transport medium are alone applicable to the section of the journey carried out by the said transport medium.

(4) The provisions and regulations pertaining to transport by road are applied to the transport of dangerous goods taking place in a terrain and on a snowmobile route referred to in the Act on Off-Road Transport (1710/1995) unless otherwise provided for by a Decree of the Ministry. (250/2005)

(5) This Decree does not apply to the transport or temporary storage of dangerous goods inside a port or an airport. However, sections 5 and 15 are applied to the transport of liquid fuels in an airport. (250/2005)

Section 2

Definitions

(1) For the purposes of this Decree:

1) *TDG Act* means the Act on Transport of Dangerous Goods (719/1994);

2) *ADR Regulations* mean the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) as in force and binding on Finland;

3) *RID Regulations* mean the regulations concerning the international carriage of dangerous goods by rail constituting an Annex C to the

Convention concerning international carriage by rail (COTIF) (Finnish Treaty Series 52/2006) as in force and binding on Finland (536/2007);

4) *ADR Directive* means Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, as last amended by Commission Directive 2006/89/EC (536/2007);

5) *RID Directive* means Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, as last amended by Commission Directive 2006/90/EC (536/2007);

6) *IMDG Regulations* mean the provisions defined in Annex VII, Chapter A, Part 1 of the International Convention for the Safety of Life at Sea adopted in 1974 (Finnish Treaty Series 11/1981), which contains provisions on the transport of dangerous goods by sea in packaged form;

7) *ICAO-TI* means the technical regulations published by the International Civil Aviation Organisation as standards under the Convention on International Civil Aviation (Finnish Treaty Series 11/1949);

8) *Decree of the Ministry* means the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Road (277/2002);

9) *packaging* means packagings, IBC packagings and overpacks approved for the transport of dangerous goods;

10) *a tank* means a tank-vehicle, a demountable tank, a battery-vehicle, an MEGC, a UN tank or a tank container;

11) *a bulk container* means a bulk container referred to in Annex A, Chapter 6(11) of the Decree of the Ministry; and

12) *a pressure vessel* means a gas cylinder, a tube, a bundle of cylinders or a closed cryogenic receptacle.

(2) Information on the standards referred to in subsection 1(7) is available from the Civil Aviation Administration.

Section 3

Temporary storage

In addition to the provisions of the TDG Act, temporary storage means a temporary interruption of a journey due to transport conditions, or due to a change of the transport mode or transport medium provided that, upon a request of a supervisory authority,

documents indicating the places of dispatch and delivery are presented and that the container or tank is not opened during the temporary storage except for an inspection carried out by the supervisory authority, if any.

Section 4 (250/2005)

International agreements to be applied

Notwithstanding the provisions of section 1(2), multilateral agreements referred to in the ADR Regulations and approved by Finland can also be applied to national road transport of dangerous goods in Finland. Information on these multilateral agreements is available from the Ministry of Transport and Communications.

Section 5

Classification of dangerous goods

(1) Dangerous goods shall be divided into the following danger classes:

Class 1 Explosive substances and articles

Class 2 Gases

Class 3 Flammable liquids Class 4.1 Flammable solids, self-reactive substances and solid desensitized explosives

Class 4.2 Substances liable

to spontaneous combustion Class 4.3 Substances which, in contact with water, emit flammable gases

5.1 substances

5.2 Organic peroxides

6.1 Toxic substances

6.2 Infectious

substances Class 7 Radioactive substances

Class 8 Corrosive substances Class 9 Miscellaneous dangerous substances and articles (283/2003)

(2) Further provisions on the criteria for the classification of dangerous substances and the tests relating to the classification shall be issued by a Ministry decree.

(3) In the cases laid down in Annex A, Chapter 2.2 of the Decree of the Ministry, the substance shall be classified or the classification approved by the Safety Technology Authority. However, the Radiation and Nuclear Safety Authority in Finland

(STUK) shall classify radioactive substances or approve their classification. The authority may require that the consignor of the goods presents the test results in order to ascertain the classification. (250/2005)

(4) Finland recognises the classification and approval of classification carried out by a competent authority or by another body authorised by it referred to in the ADR and RID Regulations or the ADR and RID Directives. (250/2005)

Chapter 2

Obligations of the parties

Section 6 (250/2005)

Safety Plan

The Safety Plan referred to in section 11 d(1) of the TDG Act shall include at least:

- 1) a detailed distribution of responsibility for safety measures among skilled and qualified persons who have the appropriate authority to perform their obligations;
- 2) a list of the dangerous goods or types of dangerous goods relating to the operations;
- 3) a mapping of the transportations and an evaluation of the safety hazards relating thereto including the necessary transport interruptions, the dangerous goods in the vehicle, tank or container both during, before and after transport as well as the temporary storage of the dangerous goods when moving from one mode or vehicle of transport to another;
- 4) a clear presentation of the measures meant to reduce the safety hazards in relation to the responsibility and tasks of the actor; at least the following constitute such measures:
 - a) training;
 - b) procedure in situations affecting safety, such as upon a serious threat as well as checks when engaging employees or moving them to new tasks;
 - c) procedure in different transport situations, such as the choice and use of transport routes, operations during temporary storage and in places where it is possible for outsiders to affect the safety of the transport;
 - d) equipment and resources meant to reduce safety hazards;
- 5) efficient and up-to-date procedure to notify of a threat to safety, safety breach or incident and to handle them;
- 6) procedure to evaluate and test the safety plan and its regular inspection and updating;
- 7) procedure to ensure the data security of transport data relating to the safety plan;

8) procedure to ensure the restriction of the distribution of the transport data connected to the safety plan only to those needing it; this procedure may not restrict the availability of other information needed in the transport.

Section 7

The consignor

(1) Obligations of the consignor are provided in section 8 of the TDG Act. The consignor of dangerous goods may hand over for carriage only consignments that comply with the provisions. In addition, the consignor shall in particular:

- 1) ascertain that the dangerous goods are classified in compliance with the provisions and that they may be carried by road;
- 2) furnish the carrier with the information necessary for the transport, the required consignment note or the corresponding dispatch document and other documents, like authorisations, approvals, notifications and certificates;
- 3) use only packaging and tanks approved for and suited to the transport of the dangerous substances concerned and bearing markings complying with the provisions;
- 4) comply with the requirements on the means of dispatch and forwarding restrictions;
- 5) ensure that empty unclean and not degassed tanks as well as empty unclean vehicles and large or small bulk containers are appropriately marked and labelled and that empty unclean tanks are closed and present the same degree of leakproofness as if they were full.

(2) If a consignor uses the services of other participants, like the packer, loader or filler of a tank, he or she shall take appropriate measures to ensure that the consignment meets the provided requirements. However, in cases referred to in subsection 1(1-3 and 5), he or she may rely on the information and data made available to him or her by the other participants.

(3) When the consignor acts on behalf of a third party, the latter shall inform the consignor in writing of the dangerous goods involved and make available to them all the information and documents that is needed to perform their obligations.

Section 8

The carrier and driver of the transport

(1) Obligations of the carrier and driver of the transport are provided in sections 9 and 10 of the TDG Act. When taking over dangerous goods for transport, the carrier and driver of the transport shall, at the place of departure, in particular:

- 1) ascertain that the dangerous goods handed over for transport may be carried by road;
 - 2) ascertain that the prescribed documentation is on board the transport unit;
 - 3) ascertain visually that the vehicles and loads have no obvious defects, leakages or cracks and no missing equipment;
 - 4) ascertain that the tanks have been inspected on time;
 - 5) ascertain that the loading limits per transport unit laid down in the decree of the Ministry have not been exceeded;
 - 6) ascertain that the placards and markings prescribed for the vehicle and the tank of a tank-vehicle have been affixed;
 - 7) ascertain that the equipment provided for to be carried on board the vehicle and prescribed in the written instructions for the driver is on board.
- (2) The carrier and driver of the transport shall ascertain that the placards and markings of the vehicle and tankvehicle will be removed.
- (3) Where appropriate, the obligations referred to in subsection 1 shall be met on the basis of the transport and other documents by visually inspecting the vehicle and containers and, where appropriate, the load. In the cases referred to in subsection 1(1, 2, 5 and 6), the carrier and driver of the transport may rely on the information and data made available to him or her by the other participants.
- (4) The safety equipment of the vehicle referred to in section 11 d(2) of the TDG Act shall be kept in an appropriate order. This equipment and other safety arrangements shall not hinder rescue operations. (250/2005)

Section 9

Consignee

- (1) The consignee may not refuse to accept a consignment except for compelling reasons. After unloading, the consignee shall also verify that the applicable requirements laid down in the provisions have been complied with. The consignee shall in particular:
- 1) carry out the prescribed cleaning and decontamination of the vehicles and containers;
 - 2) ensure that the containers, once completely unloaded, cleaned and decontaminated, and other than tanks of a tank-vehicle no longer bear placards or orange-coloured plates.
- (2) If the consignee uses the services of other participants, like an unloader, cleaner or other decontamination facility, he or she shall take appropriate measures to ensure that the requirements laid down are met.

(3) The consignee shall not return the container to the carrier of the transport until the measures referred to in subsection 1 have been carried out.

Section 10 (250/2005)

Other participants

The other parties participating in the transport besides those referred to in sections 7-9 are the loader, packer, filler of a tank, filler of a bulk-goods vehicle, filler of a container, an operator of a tank container, and an operator of a UN tank. The obligations of the other parties are derived from the obligations laid down in the TDG Act.

Section 11

Loader

(1) The loader shall be subject, in particular, to the following obligations:

- 1) to hand over the dangerous goods to the carrier only if they are authorised for carriage on the road under the provisions;
- 2) when handing over packed dangerous goods or unclean empty packaging for carriage, to check whether the packaging are damaged; not to hand over a package the packaging of which is damaged, especially if it is not leakproof and there are leakages or a possibility of leakages of dangerous substance, until the damaged packaging has been repaired; this obligation also applies to empty unclean packaging;
- 3) when loading dangerous goods in a vehicle or in a small or large container, to comply with the special requirements concerning loading and handling;
- 4) after loading dangerous goods into a container, to comply with the requirements concerning placards and orange-coloured plates;
- 5) when loading packages, to comply with the prohibitions on mixed loading taking into account dangerous goods already in the vehicle or large container and requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs.

(2) In cases referred to in subsection 1(1, 4, 5) the loader may rely on the information and data made available to him or her by the other participants.

Section 12

Packer

The packer shall be subject, in particular, to the following obligations:

- 1) to comply with the requirements concerning packing and mixed packing;
- 2) when preparing packages for carriage, to comply with the requirements concerning marking and labelling of the packages.

Section 13 (536/2007)

Filler of a tank, a bulk-goods vehicle or a container

The filler of a tank, a bulk-goods vehicle, or a container shall be subject, in particular, to the following obligations:

- 1) to ascertain prior to the filling of the tank that both the tank and its equipment are technically in a satisfactory condition;
- 2) to ascertain that the tanks have been inspected on time;
- 3) to only fill the tank with dangerous goods authorised for carriage in the tank;
- 4) in filling the tank, to comply with the requirements concerning the adjoining compartments;
- 5) during the filling of the tank, to observe the maximum permissible degree of filling or the maximum permissible mass of contents per litre of capacity for the substance being filled;
- 6) after filling the tank, to check the leakproofness of the closing devices;
- 7) to ensure that no dangerous residue of the filling substance adheres to the outside of the tank filled by him;
- 8) in preparing the dangerous goods for carriage, to ensure that the placards and orange-coloured plates or danger labels are affixed on the tank, on a vehicle loaded with bulk goods as well as on a large and small container;
- 9) when filling vehicle or container with dangerous goods as bulk, to ascertain that provisions referred to in section 7.3 of the Annex A to the Decree of the Ministry are applied in the filling.

Section 14

Tank container/UN tank operator

The tank container/UN tank operator shall be subject, in particular, to the following obligations:

- 1) to ensure compliance with the requirements for construction, equipment, tests and marking of a tank container and a UN tank;
- 2) to ensure that the maintenance of a tank container and a UN tank as well as of their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank container/UN tank will meet the requirements until the next inspection;

3) to have an exceptional check made when the safety of a tank container and a UN tank or of their equipment is liable to have been impaired by a repair, an alteration or an accident.

Section 15

Training of transport personnel

(1) The training referred to in section 11(1) of the TDG Act shall include comprehensive training applicable to the responsibilities and tasks of the personnel as required by the transport. The training shall include:

- 1) *general awareness training* providing the personnel with general knowledge of the provisions relating to the transport of dangerous goods by road;
- 2) *task-specific training* providing the personnel with detailed training appropriate to the tasks and responsibilities of the personnel in the provisions governing the transport of dangerous goods by road as well as, if part of the transport is carried out as other than transport by road, also information on the provisions and regulations on that mode of transport;
- 3) *safety training* providing the personnel with training in the hazards of dangerous goods about the possible risk of injury and exposure to the substance caused by an accident during transport, loading and unloading; the training shall aim to provide the personnel with information on the safe handling of dangerous substances and the measures to be taken in an emergency situation;
- 4) *training in the transport of radioactive materials* providing the personnel participating in the transport of radioactive materials with appropriate training about radiation protection and safety measures relating to the transport of radioactive materials in order to restrict their occupational exposure and the exposure of other people (536/2007);
- 5) *training in safety measures*, which concentrates on safety hazards and their identification and methods to reduce them as well as on measures necessary in cases of breach of safety; the training shall contain information on a possible safety plan and particularly about the responsibilities, obligations and tasks of the people implementing the plan;
- 6) *refresher training* given at regular intervals about changes that have taken place in the provisions and regulations; the training referred to in paragraph 5 is not restricted to changes in the provisions and regulations.

(2) Training about the safety adviser and the training required for an ADR certificate shall be provided for separately.

Chapter 3

Packaging

Section 16

Technical requirements of packaging

The technical requirements of packaging and tanks used to transport dangerous goods are provided for in section 13 a of the Act on Transport of Dangerous Goods and in a Ministry's decree issued pursuant to it.

Section 17 (250/2005)

Pressure drums belonging to transportable pressure equipment

(1) Finland recognises conformity assessments, reassessments of conformity, periodic inspections and other measures to prove conformity carried out outside Finland on pressure drums and their accessories in accordance with Council Directive 1999/36/EC on transportable pressure equipment.

(2) With the exception of the transport of dangerous goods referred to in section 1(2), the material of a pressure drum and its accessories belonging to transportable pressure equipment used in the transport shall be resistant to brittle fracture up to 40°C.

(3) With regard to the durability of the material referred to in subsection 2, the pressure drum shall bear the marking of "-40°C" after the conformity marking referred to in section 6(1) of the Government Decree (302/2001) on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods, and an identification number of the inspection body or another marking approved by the Safety Technology Authority.

Section 18

Indication of conformity of packaging

Provisions on the indication of conformity of a packaging used in the transport of dangerous goods are laid down in section 3 of the Government Decree on the Indication of Conformity of Packaging and Tanks Used in the Transport of Dangerous Goods.

Section 19 (250/2005)

Use of ADR and RID packagings

(1) Packagings, IBC's and overpacks with the exception of packagings belonging to transportable pressure equipment, type-approved in conformity with the ADR or RID Regulations or the ADR and RID Directives in force may also be used as packagings in the transport of dangerous goods. In the cases referred to in the Decree of the Ministry, the drop test of plastic packagings shall, however, in derogation from the ADR and RID Regulations and the ADR and RID Directives, be carried out at a temperature of -40°C. In this case, the packaging shall bear the marking on the temperature of the drop test complying with the provisions, or the marking shall be entered in the freight bill or other corresponding consignment note: *"Packaging in conformity with the ADR/RID Regulations, tested at -40°C"*.

(2) A pressure drum filled abroad, approved in accordance with the ADR or RID Regulations elsewhere than in Finland, which does not bear the marking, may, after the termination of a transport in accordance with the ADR Regulations, be transported to be discharged in Finland and returned abroad empty without the marking referred to in section 17 if the consignor confirms in the freight bill or corresponding consignment note that the pressure drum and its accessories are resistant to brittle fracture up to the temperature of -40°C as follows: *"Pressure drum and its accessories are durable at the temperature of -40°C"*.

Section 20

Report on a breakage of a packaging

The consignor, carrier and consignee shall be liable to report to the Radiation and Nuclear Safety Authority a breakage of a structure of a packaging that has been approved or the conformity of which has been otherwise indicated when the breakage has taken place under normal conditions of transport and the breakage has taken place during the transport of radioactive materials; if the breakage has taken place during the transport of other dangerous goods the report shall be addressed to the Safety Technology Authority.

Chapter 4

Vehicles, tanks and containers

(250/2005)

Section 21

Construction of a vehicle

(1) The construction of a vehicle intended for the transport of dangerous goods shall be durable and suitable for the purpose, so that dangerous goods may be transported therein as safely as is reasonably possible taking into consideration the properties of the goods transported.

(2) A transport unit transporting dangerous goods shall not have more than one trailer or semi-trailer unless otherwise provided for by a decree of the Ministry.

Section 22

Vehicle approval

(1) Vehicles transporting demountable tanks and vehicles intended for the transport of explosives provided for in a decree of the Ministry shall, in addition to other provisions on the inspection, be approved in an inspection for the transport of dangerous goods or a group of dangerous goods as well as be reinspected annually. An approval certificate complying with the decree of the Ministry shall be drafted on the approval in the inspection.

(2) The vehicle approval referred to in subsection 1 and in the ADR Regulations is granted and the inspections referred to in the said subsection are carried out by a motor vehicle inspection company authorised by the Finnish Vehicle Administration which has the qualifications required to carry out the said measures. The Finnish Vehicle Administration may revoke the authorisation either for a fixed period or permanently if the approvals and inspections are not carried out appropriately. The person granting the approval and carrying out the inspections shall have the qualifications referred to in section 10 of the Act on Licenses for Vehicle Inspection (1998/1099).

(3) In the cases provided for by the decree of the Ministry, the base vehicle shall be type-approved. This approval and the type-approval referred to in the ADR Regulations shall be granted to the basevehicle by the Finnish Vehicle Administration.

Section 23

Technical requirements of a tank

The technical requirements of tanks used for transporting dangerous goods are provided for in section 13 a of the Act on Transport of Dangerous Goods and in a decree of the Ministry issued pursuant to it.

Section 24 (250/2005)

Putting a foreign tank or a bulk container into service

(1) With the exception of a tank belonging to transportable pressure equipment, the manufacturer or importer of a tank manufactured abroad and imported may not put a tank into service until a TDG inspection body has approved the design type of the tank and, in an inspection carried out by it, ascertained that the tank complies with the provisions in force in Finland. A tank intended for the transport of radio-active materials shall be approved for service by the Radiation and Nuclear Safety Authority.

(2) If the inspections and tests of a tank manufactured abroad and imported into Finland have been carried out by a competent authority referred to in the ADR or RID Regulations or the ADR and RID Directives or by an organisation authorised by it in conformity with the provisions in force in Finland and if an appropriate certificate thereon is presented with the appropriate accounts, the inspection need not be renewed unless there is a special reason to renew the inspection.

(3) Bulk containers approved in conformity with the ADR or RID Regulations or the ADR and RID Directives in force may also be used as bulk containers in the transport of dangerous goods.

Section 25 (250/2005)

Tanks belonging to transportable pressure equipment

(1) Finland recognises conformity assessments, reassessments of conformity, periodic inspections and other measures to prove conformity carried out outside Finland on tanks and their accessories in accordance with Council Directive 1999/36/EC on transportable pressure equipment.

(2) With the exception of the transport of dangerous goods referred to in section 1(2), the material of a tank and its accessories belonging to transportable pressure equipment used in the transport shall be resistant to brittle fracture up to 40°C.

(3) With regard to the durability of the material referred to in subsection 2, the tank shall bear the marking of "-40°C" after the conformity marking referred to in section 6(1) of the Government Decree on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods, and the identification number of the inspection body or another marking approved by the Safety Technology Authority.

Chapter 5

Transport

Section 26

Documents

(1) Upon handing over dangerous goods for transport, the consignor shall submit to the carrier a consignment note or a corresponding transport document containing the information on the goods handed over for transport. If the transport of dangerous goods by road in a large container is followed by transport by sea, the consignor shall append to the consignment note or the corresponding transport document a container packing certificate complying with the regulations of the IMDG.

(2) In cases provided for by a decree of the Ministry, the consignor shall deliver safety instructions in writing to the carrier well before the start of the transport.

(3) A vehicle approval certificate referred to in section 22 shall be on board the vehicle, if the vehicle is subject to approval.

(4) When transporting dangerous goods in excess of the quantities referred to in Annex A, 1.1.3.6. of the Decree of the Ministry, each crew member of the vehicle shall carry along an identification card with a photograph. (250/2005)

(5) Provisions on the ADR certificate are laid down in section 11 b of the TDG Act and in the Decree on a Driving Certificate of Drivers of Vehicles Carrying Dangerous Goods (1112/1998). (250/2005)

(6) The documents referred to in subsections 1–5 shall be on board the vehicle during the transport. (536/2007)

Section 27 (250/2005)

Transport

(1) If the transport of dangerous goods has been interrupted for a reason referred to in section 14(2) of the TDG Act, the supervisory authority may grant permission to continue the transport after ensuring its safety. In case the requirements of the provisions cannot be met and the supervisory authority has not granted permission to continue the transport, the supervisory authority shall provide the carrier with the necessary administrative assistance. The same shall apply in case the carrier of the transport informs the supervisory authority that the hazardous nature of the goods carried was not communicated to him by the consignor and that he wishes, by virtue of the terms of the transport contract, to unload, destroy or render the hazardous load harmless.

(2) Transport of people in a transport unit carrying dangerous goods is prohibited with the exception of the crew members of the transport unit unless otherwise provided for in the Decree of the Ministry.

Section 27 a (250/2005)

Safeguarding an area of temporary storage

If dangerous goods are transported in excess of the quantities referred to in Annex A, point 1.1.3.6.3 of the Decree of the Ministry, section 11 d(4) of the TDG Act shall be applied to the temporary storage of dangerous goods in a terminal, vehicle depot or other corresponding place. The terminal, vehicle year or other corresponding place shall, where possible, be well lit, with general access prevented and the area also otherwise well safeguarded.

Section 28 (250/2005)

Dangerous goods as luggage

Dangerous goods may be transported as luggage in the quantities referred to in Annex A, point 1.1.3.1 (a) and Annex C, point 20.3 of the Decree of the Ministry. When transporting dangerous goods as luggage on a bus, the passenger shall inform the driver or the carrier of the dangerous goods transported as luggage before the beginning of the journey. The Decree of the Ministry shall be applied to the packing and marking of dangerous goods transported as luggage.

Section 29 (250/2005)

Approval and notification of transport of radioactive materials

In the cases laid down in Annex A, chapter 5.1 of the Decree of the Ministry, the consignor shall apply to the Radiation and Radiation and Nuclear Safety Authority in Finland for approval of the transport of radioactive materials and notify the Radiation and Nuclear Safety Authority in Finland of the transport of radioactive materials.

Section 29 a (250/2005)

Radiation protection and quality assurance programmes

(1) Anyone who carries or temporarily stores radioactive materials shall have a radiation protection programme unless otherwise provided for in Annex A, chapter 1.7 of the Decree

of the Ministry. The radiation protection programme shall indicate the measures of how to prevent and restrict radiation exposure caused by the transport or temporary storage of radioactive materials. These measures shall be proportional to the amount and likelihood of radiation exposure. Before undertaking any transport or storage operations, the radiation protection programme shall be submitted for information to the Radiation and Nuclear Safety Authority in Finland.

(2) Unless otherwise provided for in Annex A, chapter 1.7 of the Decree of the Ministry, the operator shall draw up a quality assurance programme to be applied in its operations to ensure the conformity of its operations:

- 1) for the transport of all radioactive substances in special form and of radioactive materials with low dispersibility;
- 2) for the design, manufacture, testing, documentation, use, maintenance and inspection of all packages used for the transport and temporary storage of radioactive materials; as well as
- 3) for measures relating to the transport and temporary storage of radioactive materials.

(3) The quality assurance programme referred to in subsection 2 shall be based on requirements or instructions considered acceptable by the Radiation and Nuclear Safety Authority in Finland. Upon request, the quality assurance programme shall be made available to the Radiation and Nuclear Safety Authority in Finland.

Chapter 5 a

Inspections by the supervisory authority (250/2005)

Section 29 b (250/2005)

Inspections

The supervisory authorities referred to in section 30(1) shall carry out inspections referred to in this Chapter to a representative portion of the transport of radioactive substances by road to ensure that the provisions and regulations on the transport of dangerous goods are complied with in the transport.

Section 29 c (250/2005)

Performance of the inspections

(1) When performing the inspections, a check list shall be used complying with the model in Annex I of Council Directive 95/50/EY on uniform procedures for checks on the transport

of dangerous goods, as last amended by Council Directive 2004/112/EC adopting to technical progress Council Directive 95/50/EY on uniform procedures for checks on the transport of dangerous goods.

(2) The inspections shall also supervise that the safety measures required in the transport of dangerous goods comply with the provisions and regulations.

(3) The inspections shall be performed at random and they shall be performed as quickly as possible without causing unreasonable delay or other harm to the transport.

Section 29 d (250/2005)

Inspection site

(1) Inspections shall be performed on the road network as extensively as possible. Inspections may be carried out in port, storage or factory areas, at an airport or in another corresponding place if the transport is, under section 3(1)(4) of the TDG Act, to be deemed transport by road.

(2) The inspections shall be carried out in places where the inspection or the holding of the vehicle from traffic does not cause harm to the traffic or the environment. When choosing the inspection site, attention shall also be paid to the possibilities of correcting any defects observed in the transport.

Section 29 e (250/2005)

Inspection certificate

The person carrying out the inspection shall give the driver of the vehicle a copy of the check list referred to in section 29 c(1) as proof of the inspection carried out. The certificate shall be carried onboard the vehicle during the transport and, on request, be presented to an authority supervising transport.

Section 29 f (250/2005)

Reporting

The Police, the Border Guard and the Customs shall each submit to the Ministry of Transport and Communications, no later than by the end of the following January, a report complying with Annex III of the

Directive referred to in section 29 c(1) on the checks it has carried out during each calendar year. The number of infringements noted shall be notified itemised in accordance with Annex II of the Directive.

Chapter 6

Miscellaneous provisions

Section 30 (250/2005)

Supervisory authorities

(1) The police shall supervise the transport of dangerous goods by road and temporary storage relating thereto. Transport of dangerous goods by road from and to Finland as well as temporary storage relating thereto shall also be supervised by the Customs Administration and the Border Guard, each within its scope of authority. Provisions on transport operations taking place under the supervision of the Defence Forces are laid down in the TDG Act.

(2) The Radiation and Nuclear Safety Authority in Finland shall act as the supervisor of the transport and temporary storage of radioactive substances in cooperation with the authorities referred to in subsection 1.

Section 31

Co-operation of the supervisory authorities

(1) For the purpose of supervising the transport of dangerous goods, the supervisory authorities referred to in section 30 shall provide official assistance to foreign supervisory authorities if the provision thereof is based on the provisions of the European Community or on obligations of an international treaty binding on Finland. The Finnish supervisory authority shall report repeated and serious infringements endangering the safety of the transport of dangerous goods to the competent authority of the State in which the vehicle party to the infringement is registered or in which the registered office of the undertaking is located if such reporting is based on Community provisions or on an obligation of an international treaty.

(2) The supervisory authorities referred to in section 30 shall report to a foreign competent authority the consequences imposed on a carrier or an undertaking in Finland attributable to repeated and serious infringements that have taken place abroad and that endanger the transport of dangerous goods if the reporting is based on the provisions of the European Community or on an obligation of an international treaty binding on Finland.

Section 32

Right of the Safety Technology Authority and the Radiation and Nuclear Safety Authority to carry out tests

Where necessary, and especially if a packaging or a tank upon breakage causes harm or danger, the Safety Technology Authority and the Radiation and Nuclear Safety Authority have the right to carry out tests in a laboratory specified by them to ensure that the packaging and tank fulfil the requirements set thereon.

Section 33

Derogations in emergency operations

In urgent emergency operations the provisions of this Decree may be derogated from if compliance with the provisions hampers the emergency operations.

Section 34 (250/2005)

Accidents and reporting thereon

(1) If an accident takes place during the transport of dangerous goods causing a danger of personal, environmental or property damage due to a leakage of the substance being transported or to another reason, the driver of the vehicle or the party in charge of the loading or unloading shall immediately report the incident to the Emergency Dispatch Centre, give the necessary information to the rescue authorities and take the appropriate protective measures required by the situation.

(2) If an accident referred to in 1.8.5 of Annex A of the Decree of the Ministry takes place when loading, transporting or unloading dangerous goods or while filling the tank, bulk vehicle or bulk container with dangerous goods, the loader, filler, driver of the vehicle and consignee shall each, without delay, submit an accident report to the Safety Technology Authority on their actions in accordance with the model in the Decree of the Ministry. When there are radioactive substances involved, the report shall, however, be submitted to the Radiation and Nuclear Safety Authority in Finland. (536/2007)

(3) The Safety Technology Authority and the Radiation and Nuclear Safety Authority have the right to require more detailed additional accounts than those referred to in subsection 2 if they are considered necessary taking into consideration the type and extent of the accident.

(4) With regard to serious accidents, the Ministry shall submit an accident report referred to in the ADR Regulations to the Secretariat of the United Nations Economic Commission for Europe.

Section 35

on the approval of a packaging or a tank

(1) The inspection body shall notify the Safety Technology Authority of the typeapproval of a packaging or tank used to transport dangerous goods or of a corresponding indication of conformity.

(2) The Radiation and Nuclear Safety Authority shall keep a record of packaging and tanks meant for the transport of radioactive materials, which have been type-approved or the conformity of which has been otherwise indicated. If a packaging or tank is meant for the transport of other dangerous goods, the register shall be kept by the Safety Technology Authority.

Section 36

Derogations

The Ministry may, upon application, in an individual case, grant derogation from the provisions of this Decree if there are special compelling reasons thereto or if compliance with the provisions causes unreasonable costs or considerable detriment. The granting of derogation also requires that the required safety be achieved by other means.

Section 37

Application for rectification

Rectification of a decision of a vehicle inspector in a vehicle inspection matter referred to in section 22(1 and 2) shall be provided for in section 26 of the Act on Licenses for Vehicle Inspection.

Section 38 has been repealed by the Act of 10 May 2007 (536/2007).

Section 39

Entry into force

(1) This Decree enters into force on 1 April 2002. Sections 6-14 of the Decree shall, however, enter into force on 1 January 2003 and section 15(3) on 1 June 2003.

(2) This Decree repeals the Decree on the Transport of Dangerous Goods by Road issued on 16 August 1996 (632/1996) as amended.

Section 40

Transitional provisions

(1) The approvals of classifications and vehicles granted under the decree repealed by this Decree remain in force as such.

(2) The packaging and tanks in compliance with the decree repealed by this Decree may be used further.

(3) Measures necessary for the implementation of this Decree may be taken prior to its entry into force.

The implementing provisions of Decree of 3 April 2003 (283/2003) read as follows:

(1) This Decree enters into force on 1 May 2003.

(2) Provisions in force at the time of the entry into force of this Decree may be applied until 30 June 2003.

The implementing provisions of Decree of 21 April 2005 (250/2005) read as follows:

(1) This Decree enters into force on 1 June 2005. However, sections 8(5), 15(1)(5 and 6), 24(1 and 2), 26(4-6), 27 a, 29 c(2) enter into force on 1 July 2005.

(2) Sections 6 and 25 of this Decree will be applied as of 1 July 2005.

- (3) A gas tank, gas container, bottle container, and bottle package manufactured abroad and imported may be taken into use in Finland until 1 July 2007 by applying sections 24(1 and 2) as in force on 20 June 2005.
- (4) Anyone who carries or temporarily stores radioactive materials shall submit a radiation protection programme referred to in section 29 a(1) to the Radiation and Nuclear Safety Authority by 1 June 2006.
- (5) Until 31 December 2005 a check list and a report in accordance with provisions in force at the time of the entry into force of this Decree shall be used in road transport inspections referred to above in chapter 5 a instead of a check list as referred to in section 29 c(1) and a report referred to in section 29 f. Thus, discovered infringements shall be specified in accordance with provisions in force at the time of the entry into force of this Decree.

The implementing provisions of Decree of 10 May 2007 (536/2007) read as follows:

This Decree enters into force on 1 July 2007.
