

Repealed by 401/2011

NB: Unofficial translation; legally binding only in Finnish and Swedish
Ministry of Transport and Communications of Finland

Decree
on a Driving Certificate of Drivers of Vehicles
Carrying Dangerous Goods
(1112/1998; amendments up to 266/2009 included)

Section 1 (294/2005)

Scope of application

- (1) This Decree shall apply to the driving certificate authorising a driver to transport dangerous goods by road (an ADR certificate) referred to in section 11 b of the Act on the Transport of Dangerous Goods (719/1994).
- (2) The right to drive is governed by chapter 5 of the Road Traffic Act (267/1981) and the Decree on Driving Licenses (845/1990).

[Section 2 has been repealed (294/2005)]

Section 3 (294/2005)

Recognition of a driving certificate issued abroad

Finland shall recognise the driving certificates appropriately issued by other States acceded to the European Agreement concerning the International Carriage of Dangerous Goods by Road (Treaty Series of the Statutes of Finland 23/1979) and by the States belonging to the European Economic Area.

Section 4 (281/2003)

Definitions

- (1) For the purposes of this Decree:

- 1) *vehicle* shall mean any power-driven vehicle intended for use on the road, being complete or incomplete, having at least four wheels and a maximum design speed of over 25 kilometres per hour, as well as a trailer with the exceptions of an agricultural tractor, a forestry tractor, an all-terrain vehicle and mobile machinery with their trailers;
- 2) *transport unit* shall mean a towing vehicle or a combination of a towing vehicle and a trailer;
- 3) *Ministry* shall mean the Ministry of Transport and Communications;
- 4) *receiver of an examination for a driving certificate* shall mean a service provider with whom the Vehicle Administration has concluded an agreement for receiving an examination for a driving certificate, for the supervision of the training for a driving certificate as well as for the issuing of the driving certificate referred to in the Act on Arranging Driver Examination Operations (535/1998).

- (2) When the Vehicle Administration receives examinations for a driving certificate, supervises the training for a driving certificate or issues driving certificates, the provisions of this Decree on the receiver of an examination for a driving certificate shall be applied thereto where applicable.

Section 5 (294/2005)

Requirement of a driving certificate

- (1) The driver of a vehicle transporting by road dangerous goods referred to in section 3(1)(1) of the Act on the Transport of Dangerous Goods shall have a driving certificate as follows:
- 1) an ADR certificate (the basic certificate) obtained on the basis of a basic course and a corresponding approved examination, when transporting:
 - a) dangerous goods in quantities exceeding the limit per transport unit referred to in paragraph 1.1.3.6.3 of Annex A to the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Road (277/2002) (exemption limit); or
 - b) dangerous goods in tanks in other transport operations than those referred to in subsection 2 in quantities exceeding the maximum limits referred to in the exemption limit;

- 2) an ADR certificate (the tank certificate) obtained on the basis of a basic course and a tank course as well as a corresponding approved examination, when transporting:
- a) dangerous goods in a vehicle the capacity of whose fixed or demountable tank exceeds 1 m³;
 - b) dangerous goods in a battery vehicle the total capacity of the tanks of which exceeds 1 m³; or
 - c) dangerous goods in a tank container, an MEGC or in a UN tank with an individual capacity exceeding 3 m³.
- (2) Notwithstanding subsection 1, a driving certificate shall, however, not be necessary for the transport of small quantities referred to in paragraph 1.1.3 and in Chapters 3.4 and 3.5 of Annex A to the Decree referred to in subsection 1(1)(a) as well as in Annex C. (266/2009)

Section 6

Purpose and contents of the training

- (1) The purpose of the training for an ADR certificate shall be to give the person in question knowledge of the risks relating to the transport of dangerous goods, basic knowledge in order to avoid accidents as well as knowledge of the necessary measures required in the event of an accident to protect persons, property and the environment as well as to limit the effects of the accident.
- (2) The training shall be divided into a basic course, a specialised course for tanks, a refresher training course as well as awareness training on radioactive materials.
(294/2005)

Section 7 (294/2005)

Application for a training permission

The Vehicle Administration Centre shall, upon a written application, grant a training permission if the applicant is considered to have the qualifications to provide the training.

Section 8*Arranging of the training*

- (1) The training provider shall ensure that the training personnel has a good knowledge of the provisions and orders relating to the transport of dangerous goods as well as of the developments of training requirements.
- (2) The training shall be arranged in compliance with the application for the permission and the permission granted for the training. If the intention is to make any alterations in the training programme presented in the application for permission or in other relevant details presented in the application, approval of the Vehicle Administration shall be obtained for the alterations.

Section 9*Supervision of the training*

- (1) The receiver of an examination for a driving certificate and the Vehicle Administration shall have the right to be present to monitor the teaching given.
- (2) The receiver of an examination for a driving certificate shall inform the Vehicle Administration of any defects it has noticed in the training.
- (3) Where necessary, the Vehicle Administration shall issue instructions on the supervision of the training.

[Section 10 has been repealed (294/2005)]

Section 11 (294/2005)*Requirements for a candidate to take part in the examination for a driving certificate*

The requirement for a candidate to take part in the examination for a driving certificate is that the candidate has, at most 12 months earlier, participated in the training for the driving certificate for drivers of vehicles carrying dangerous goods.

Section 12*Examination for a driving certificate*

- (1) Unless otherwise specified by the Vehicle Administration, the examination for a driving certificate shall be taken in the area of operation of the receiver of the examination for a driving certificate in whose area of operation the person has participated in the training or in whose area of operation his place of residence is in accordance with the Municipality of Residence Act (201/1994). For a special reason the Vehicle Administration may receive the examination for a driving certificate abroad.
- (2) In the examination, the candidate shall prove that he has the knowledge and skills required for the practice of professional driver of vehicles carrying dangerous goods in the transport operations in the training for which he has participated.
- (3) A person who has failed the examination may not participate in the examination again until at least three days have passed from the examination, which he failed.
- (4) The Vehicle Administration Centre shall prepare a catalogue of questions to be used in the examinations. (294/2005)

Section 13 (275/2002)*Issue and expiration of a driving certificate*

- (1) An ADR certificate or any amendment thereto shall be applied for in writing from the receiver of an examination for a driving certificate in whose area of operation the examination for a driving certificate has been passed or in whose area of operation the municipality of residence of the applicant is.
- (2) The certificate shall be issued to an applicant who has successfully passed the examination for a driving certificate at the most six months earlier. (294/2005)
- (3) The certificate shall be issued to be in force at the most five years from the date of issue or the expiry date of the certificate to be renewed. (275/2002)
- (4) The certificate shall expire and the receiver of an examination for a driving certificate may dispose of a certificate issued if the certificate has not been collected within one year from its application. After the expiration of the certificate, the applicant for a driving certificate shall again present an account of the existence of the qualifications for the issue of the certificate.

Section 14

[Section 14 has been repealed (281/2003)]

Section 15

[Section 15 has been repealed (275/2002)]

Section 16 (294/2005)*Renewal of a driving certificate*

The period of validity of an ADR certificate may be extended by a maximum of five years if the applicant meets the requirements set for issuing the driving certificate and if he has participated in a refresher course and successfully passed an examination corresponding thereto no earlier than within the last 12 months prior to and no later than within three months from the termination of the period of validity of the certificate.

[Section 17 has been repealed (294/2005)]

Section 18*Duplicate of the driving certificate*

If the driving certificate has been lost, destroyed or stolen or if the information contained in the driving certificate has changed, the holder of the certificate shall apply for a duplicate of the driving certificate from the receiver of an examination for a driving certificate in whose area of operation the examination for the driving certificate has been passed or in whose area of operation the municipality of residence of the applicant is. The driving certificate, if the holder still has it, or a detailed explanation of the disappearance or destruction of the driving certificate shall be appended to the application. The Vehicle Administration shall be informed of the delivery of the duplicate.

Section 19

[Section 19 has been repealed (1120/2003)]

Section 20 (281/2003)*Format of the driving certificate*

The ADR certificate shall be orange-coloured and written in Finnish, Swedish and English. The certificate is reproduced in 8.2.2.8.3 of Annex B to the Decree referred to in section 5(1)(1)(a).

[Section 21 has been repealed (294/2005)]

Section 22

Derogations in emergency and police operations

- (1) When attending to urgent emergency operations the provisions of this Decree may be derogated from if compliance with the provisions hampers the emergency operations.
- (2) While carrying out police duties, a police officer may, for a special reason, transport dangerous goods belonging to class 1 without the relevant driving certificate if he has the professional skill required to carry out the transport safely and if the safety of the transport is also otherwise attended to.
- (3) While carrying out duties relating to traffic control, a police officer, a customs officer or a frontier guard may without the relevant driving certificate transport a vehicle intended for dangerous goods, if the transfer of the vehicle is necessary in order to protect people, property or the environment. The safety of the transfer shall be ensured. (281/2003)

Section 23

Rectification and enforceability of a decision

- (1) The provisions of section 14 of the Act on Arranging Driver Examination Operations shall apply to seeking rectification of a decision made under this Decree by the receiver of an examination for a driving certificate.
- (2) A decision made under this Decree may be enforced despite a demand for rectification.

Section 24

Entry into force

- (1) This Decree enters into force on 1 January 1999.
- (2) This Decree repeals the Decree on a Driving Certificate of Drivers of Vehicles Carrying Dangerous Goods of 19 April 1991 (724/1991), as amended.
- (3) Measures necessary for the implementation of this Decree may be undertaken before its entry into force.

Section 25

Transitional provisions

- (1) Training permissions valid upon the entry into force of this Decree shall be valid as such for the time period indicated in the permission.
- (2) The validity of a VAK certificate issued before 1 January 1995 and valid upon the entry into force of this Decree shall be laid down in section 26 of the Act on the Transport of Dangerous Goods. Other VAK or ADR certificates valid upon the entry into force of this Decree shall be valid as such for the time period indicated in the certificate.
- (3) A driving certificate issued before 1 January 1995 and valid upon the entry into force of this Decree authorising its holder to transport explosive substances and articles in packages or other substances in packages may be renewed and converted into an ADR certificate authorising its holder to transport operations referred to in section 5(1)(4 – 6) in accordance with the provisions of this Decree on the renewal of the driving certificate.
- (4) A driving certificate issued before 1 January 1995 and valid upon the entry into force of this Decree authorising its holder to transport explosive substances and articles in packages or other substances in packages may be renewed and converted into an ADR certificate authorising its holder to transport operations referred to in section 5(1)(1 – 6) by passing a refresher course and a specialised course for tanks as well as the corresponding examination for a driving certificate.
- (5) A driving certificate issued before 1 January 1995 and valid upon the entry into force of this Decree authorising its holder to transport substances in tanks or explosive substances and articles of classes 1 a and 1 b in quantities exceeding 1,000 kilos may be renewed and converted into an ADR certificate authorising its holder to transport operations referred to in section 5(1)(1 – 6) in accordance with the provisions of this Decree on the renewal of the driving certificate.
- (6) A VAK driving certificate other than one referred to in subsections 3 - 5 valid upon the entry into force of this Decree may be renewed and converted into an ADR certificate in accordance with the provisions of this Decree on the renewal of the driving certificate.

Decree 275/2002; 27 March 2002:

This Decree enters into force on 1 May 2002.

Decree 281/2003; 3 April 2003:

This Decree enters into force on 1 May 2003.

Decree 294/2005; 12 May 2005:

- (1) This Decree enters into force on 1 June 2005. Section 5 of the Decree shall, however, enter into force on 1 January 2007.
- (2) The ADR driving certificates valid upon the entry into force of this Decree shall be valid as such for the time period indicated in the certificate.

Decree 266/2009; 23 April 2009:

- (1) This Decree enters into force on 1 May 2009.
 - (2) The ADR driving certificates valid upon the entry into force of this Decree shall be valid as such for the time period indicated in the certificate.
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