

**Government Decree on the
Transport of Dangerous Goods by Air**
(210/1997; amendments up to 659/2009 included)

Section 1
Scope of application (659/2009)

Unless otherwise provided in European Community regulations or required by international obligations binding on Finland, this Decree applies to:

- 1) transport of dangerous goods by air in the Finnish territory;
- 2) transport of dangerous goods by air by a Finnish aircraft outside the Finnish territory;
- 3) temporary storage of dangerous goods at an aerodrome located in Finland.

Section 1 a
Definitions (885/2007)

For the purposes of this Decree:

- 1) *TDG Act* means the Act on Transport of Dangerous Goods (719/1994);
- 2) *ICAO-TI* means the technical regulations concerning transport of dangerous goods by air published by the International Civil Aviation Organization as standards under the Convention on International Civil Aviation (Finnish Treaty Series 11/1949);
- 3) *Dangerous goods* means a substance, which by hazard of explosion, inflammation, risk of infection or radiation, toxicity, corrosiveness or other such property may cause damage to people, the environment or property. The provisions of this Decree on dangerous goods also apply to dangerous compounds, articles, devices, goods, empty packagings, genetically modified organisms and micro-organisms;
- 4) *Pilot-in-command* means a pilot designated by the owner, holder or operator of an aircraft as being in command and charge for safe conduct of a flight;
- 5) *Operator* means a person, organization or other legal person engaged in or offering to engage in an aircraft operation;
- 6) *Home state of the operator* means the state in which the operator has its principal place of business or, if in absence of such a place of business, the permanent place of residence;
- 7) *Ground handling service provider* means a person, organization or other legal person who carries out ground handling services relating to the transport or temporary storage of dangerous goods on behalf of the operator;
- 8) *Dangerous goods accident* means an occurrence associated with and related to the transport of dangerous goods which results in fatal or serious injury to a person or major property damage;
- 9) *Dangerous goods incident* means an occurrence, other than a dangerous goods accident, associated with and related to the transport of dangerous goods, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained. Any occurrence relating to the

transport of dangerous goods which seriously jeopardises the aircraft or its occupants is also deemed to constitute a dangerous goods incident;

10) *Aircraft accident* means an aircraft accident referred to in Annex 13 to the Convention on International Civil Aviation; and

11) *Serious aircraft incident* means a serious aircraft incident referred to in Annex 13 to the Convention on International Civil Aviation.

Section 2

Applicable standards (885/2007)

- (1) The provisions of ICAO-TI, with the reservations made by Finland, shall be complied with as adopted in 2009 and 2010, in air transport and temporary storage of dangerous goods as provided in this Decree and as specified by the Civil Aviation Authority. (659/2009)
- (2) Information on ICAO-TI is available from the Civil Aviation Authority.

Section 3

Classification of dangerous goods (429/2005)

- (1) Dangerous goods are classified as follows:
 - Class 1 Explosives
 - 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
 - Class 5.1 Oxidizing substances
 - Class 5.2 Organic peroxides
 - Class 6.1 Toxic substances
 - Class 6.2 Infectious substances
 - Class 7 Radioactive material
 - Class 8 Corrosives
 - Class 9 Miscellaneous dangerous goods
- (2) Further regulations on the classification of dangerous goods are issued in the Decision of the Civil Aviation Authority. (885/2007)
- (3) If ICAO-TI requires dangerous goods to be classified or the classification approved by competent authorities, in Finland the competent authority for radioactive material is the Radiation and Nuclear Safety Authority (STUK) and for other substances the Safety Technology Authority. The authority may require that the shipper of the goods presents the test results in order to ascertain the classification.
- (4) If a foreign competent authority referred to in ICAO-TI has made or approved the classification of a dangerous substance, the classification may also be used in Finland.

Section 4

Dangerous goods as baggage (885/2007)

- (1) Passengers and crew members are not permitted to take dangerous goods on aircraft in their baggage or to carry dangerous goods with them unless otherwise provided by the Civil Aviation Authority in accordance with ICAO-TI. Dangerous goods that are allowed for transport in an aircraft subject to an approval from the operator in accordance with ICAO-TI, shall not, however, be taken aboard an aircraft by a passenger or a crew member before the operator has approved the carriage.
- (2) The operator, aerodrome operator or travel agent shall ensure that the passengers are informed in accordance with sections 7;5 and 8;1.1.3 of ICAO-TI of goods that are not permitted for transport on aircraft. (659/2009)

Section 5

Dangerous goods as air cargo (885/2007)

- (1) Dangerous goods whose transport by air without approval or special exemption is forbidden in ICAO-TI are subject to an approval or exemption referred to in section 14a (2) of the TDG Act granted by the Civil Aviation Authority. An application for an approval or exemption shall include at least the following:
 - a) name and address of the shipper and the consignee;
 - b) places of departure and destination of the flight, an itinerary, and date of transport;
 - c) applicant's reasons for the necessity of transporting the goods by air;
 - d) applicant's view of how the security level required in ICAO-TI will be achieved;
 - e) possible control actions for security specified by the applicant;
 - f) name, hazard class and UN-number of the substance and technical information relating to the substance;
 - g) information about the packaging;
 - h) information about the quantity of substance;
 - i) information about any special treatment necessary;
 - j) special instructions for emergencies.
- (2) The operator and the ground handling service provider shall ensure that in places where air cargo is checked in, information about regulations and provisions relating to the transport of dangerous goods are provided in accordance with ICAO-TI.

Section 5 a

Approval and notification of transport of radioactive material by air (429/2005)

In cases referred to in section 5;1.2.2 of ICAO-TI, the shipper shall apply from STUK for approval for the transport of radioactive material by air and notify STUK of the transport of radioactive material.

Section 5 b

Radiation protection and quality assurance programmes (429/2005)

- (1) Anyone who carries or temporarily stores radioactive material shall have a radiation protection programme referred to in section 1;6.2 of ICAO-TI. The programme shall indicate the measures to be taken to prevent and restrict radiation exposure caused by transport and temporary storage of radioactive material or by an accident or incident

occurred in connection with transport or temporary storage of radioactive material. Measures shall be commensurate with the amount and likelihood of radiation exposure. Before undertaking transport or storage operations, the radiation protection programme shall be submitted for information to STUK. (659/2009)

- (2) In order to ensure conformity of operations an operator shall draw up a quality assurance programme referred to in section 1;6.3 of ICAO-TI:
 - 1) for the transport of all radioactive substances in special form and radioactive material with low dispersability;
 - 2) for design, manufacture, testing, documentation, use, maintenance and inspection of all packages used for the transport of radioactive material;
 - 3) for measures relating to the transport of radioactive material. (659/2009)
- (3) The quality assurance programme referred to in subsection 2 shall be based on requirements considered acceptable by STUK. The quality assurance programme shall be made available to STUK upon request.

Section 6 *Shipper's responsibilities (885/2007)*

- (1) Before a shipper hands over dangerous goods for carriage as air cargo, it shall ensure that air transport of the goods is not forbidden and that the operator has been given the documents referred to in ICAO-TI. If the shipper, based on an agreement made with the transporting operator, provides the documents to the operator in an electronic form, the signatures can be replaced by the names in block capitals of the persons authorised to sign the document. It must be immediately possible to print the electronic documents on paper in accordance with section 5;4.1.1 of ICAO-TI. (659/2009)
- (2) The shipper shall give its personnel sufficient instructions for meeting their duties relating to the transport of dangerous goods.
- (3) The shipper shall ensure that the packaging is suitable for the dangerous goods to be carried. Information about how the suitability of the packaging has been ensured shall be submitted upon request to STUK with regard to transport of radioactive material and to the Civil Aviation Authority with regard to transport of other substances.
- (4) In addition to the responsibilities referred to in subsections 1–3, the shipper shall comply with all other provisions and orders regarding its responsibilities.

Section 7 *Responsibilities of the operator and the ground handling service provider (885/2007)*

- (1) Provisions on a permit for the transport of dangerous goods by air are laid down in section 9(2) of the TDG Act. A permit is, however, not required with regard to:
 - 1) fuel used by the aircraft during the flight;
 - 2) a substance required to be transported in the aircraft according to regulations relating to airworthiness or flight operations of the aircraft;
 - 3) a substance referred to in section 4(1) and allowed to be transported;

- 4) a substance referred to in ICAO-TI and intended for sale to passengers during the flight;
 - 5) a substance referred to in ICAO-TI and carried for medical treatment of patients during the flight;
 - 6) another dangerous substance referred to in ICAO-TI and excluded from the scope of application of ICAO-TI due to its special purpose of use.
- (2) A permit referred to in section 6 a of the TDG Act for transporting dangerous goods by air issued by a foreign authority to a transport operator is valid in Finland, if a transport operator with its principal place of business or permanent place of residence outside Finland proves to meet the licence, qualification and other requirements set for similar operations in that particular country.
 - (3) The operator shall comply with the provisions of ICAO-TI in transport of dangerous goods by air and in temporary storage of dangerous goods as well as in informing and instructing people, including its personnel. The operator's operations manual and other applicable manuals shall contain sufficient instructions to the personnel for meeting their duties relating to the transport and temporary storage of dangerous goods. Those responsible for accepting cargo for transport and those responsible for passenger check-in shall have easy access to instructions for the job so that no dangerous goods that have not been declared as cargo be loaded on board and no dangerous goods that cannot be carried by air passengers be taken on board. (659/2009)
 - (4) If the transport documents are provided to the transporting operator in an electronic form as referred to in section 5;4.1.1 of ICAO-TI, the documents shall be available to the operator at all times during transport in accordance with section 7;1.2.2 of ICAO-TI. It must be immediately possible to print the electronic documents on paper in accordance with section 7;1.2.3 of ICAO-TI. (659/2009)
 - (5) The operator of an aircraft in which dangerous goods are to be carried shall provide the pilot-in-command, as early as practicable before aircraft departure, written or printed information complying with ICAO-TI concerning dangerous goods that are to be carried as cargo.
 - (6) If an in-flight emergency occurs, the pilot-in-command shall, as soon as the situation permits, inform the air traffic control or other similar body of any dangerous goods carried as cargo on board the aircraft.
 - (7) In addition to the responsibilities referred to in subsections 1–6, an operator shall comply with all other provisions concerning its responsibilities. (659/2009)
 - (8) The provisions of this Decree regarding the responsibilities of operators are also applicable to ground handling service providers.

Section 8

Technical requirements for packaging and tanks (429/2005)

The technical requirements for packaging and tanks used for transporting dangerous goods are laid down in section 13 a of the TDG Act and in provisions issued under it.

Section 9
Use of packaging and tanks

- (1) Inner packaging containing dangerous goods shall be placed in the outer packaging and secured thereto or padded, using cushioning material, so as to prevent their breakage, leakage or movement during normal conditions of transport. Cushioning material and absorbent material, used where necessary, must not react dangerously with the contents.
- (2) If a packaging or a tank used for the transport of dangerous goods is reused, all necessary measures shall be taken to prevent the contamination of the new contents. No packaging or tank must be reused unless it has been inspected and found free from corrosion or other damage.

Section 10
Empty packaging and tanks

Empty, uncleaned packaging and tanks shall be closed in the same way and as tightly as if they were full.

Section 11
Marking and labelling of containers

- (1) If there are several dangerous substances in a container, each of the dangerous substances shall be marked and placed a danger label on the container.
- (2) Containers with empty, uncleaned packaging shall bear the same markings and danger labels as if they were full.

Section 12
Overpacks

A container may be packed in a separate overpack, which must not, however, be incompatible with the packing regulations pertaining to the goods transported. The overpack shall bear package markings and danger labels complying with valid regulations.

Section 13
Indication of conformity of packaging and tanks (527/2001)

- (1) Provisions regarding indication of conformity of packaging and tanks used in the transport of dangerous goods are laid down in section 3 of the Government Decree on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods (302/2001).
- (2) A packaging or a tank approved by a foreign competent authority referred to in ICAO-TI or by a body authorised by it may also be used in the transport of dangerous goods.

Section 14
Competent authorities (885/2007)

- (1) The Civil Aviation Authority supervises the transport of dangerous goods by air and the temporary storage of dangerous goods. The Finnish Customs, the police authorities and the Border Guard supervise the transport of dangerous goods by air and the temporary storage of dangerous goods each within its scope of authority. In addition to the provisions of section 6(2) of the TDG Act, the military authorities also supervise transport of dangerous goods in military aviation.
- (2) With regard to issues relating to the transport and temporary storage of radioactive materials in Finland, the supervising authority in Finland is STUK together with the authorities mentioned in subsection 1.
- (3) Unless otherwise laid down in the provisions of the TDG Act or provisions issued under it, the competent authority referred to in ICAO-TI for transport of dangerous goods by air and for temporary storage of dangerous goods is in Finland the Civil Aviation Authority and for transport of radioactive material by air and for temporary storage of radioactive material the Civil Aviation Authority and STUK.
- (4) The authorities required to perform equivalent duties in accordance with this Decree shall also act as competent authorities as referred to in European Community regulations and international obligations binding on Finland. (659/2009)

Section 14 a
Reports on the approval of a packaging or a tank (527/2001)

The inspection body shall notify the Safety Technology Authority of type-approval or a similar indication of conformity of a packaging or a tank used for transporting dangerous goods.

Section 15
Report on the breakage of a packaging or tank (885/2007)

If a structure of a package or a tank complying with the requirements of approval or conformity breaks under normal conditions of transport, a shipper, operator and consignee shall report the breakage to the Civil Aviation Authority. If a breakage occurs during the transport of radioactive materials, it shall also be reported to STUK and if a breakage occurs during the transport of other dangerous goods to the Safety Technology Authority.

Section 16
Rights and obligations of the Safety Technology Authority and STUK

- (1) The Safety Technology Authority and STUK shall, where necessary and in particular if a packaging or a tank causes harm or danger upon breakage, have the right to carry out tests in a laboratory designated by them in order to ensure that a mass-produced packaging or tank meets the requirements set for that particular packaging or tank type.

- (2) STUK shall keep a record of packaging and tanks meant for the transport of radioactive materials that have been type-approved or the conformity of which has been otherwise proved. The Safety Technology Authority shall keep a record of packaging and tanks meant for the transport of other dangerous goods. (527/2001)

Section 17

Training of personnel (429/2005)

- (1) The training referred to in section 11 a of the TDG Act shall be adjusted to meet the responsibilities and tasks of the personnel. The training shall include:
- 1) *general information training* providing the general knowledge of the provisions and regulations relating to the transport of dangerous goods by air and to the temporary storage of dangerous goods;
 - 2) *task-specific training* providing the personnel with detailed training commensurate with the tasks and responsibilities of the personnel in the provisions and regulations governing the transport of dangerous goods by air and the temporary storage of dangerous goods;
 - 3) *safety training* relating to the hazards of dangerous goods, safe handling of a hazardous substance and measures to be taken in an emergency situation; and
 - 4) *training in the transport of radioactive materials* providing the personnel participating in the transport and temporary storage of radioactive materials with training about radiation protection and safety measures relating to the transport and temporary storage of radioactive materials in order to restrict their occupational exposure and the exposure of other people. (659/2009)
- (2) In order to ascertain that the training participants have adopted the necessary skills for their tasks relating to the transport and temporary storage of dangerous goods, there shall be a written test about the training, the results of which are decided by the provider of the training.
- (3) A trained person, who is engaged in the transport or temporary storage of dangerous goods, shall be given further training complying with the requirements in subsections 1 and 2 within 24 months from the end of the previous training. If the training takes place within three months before the said 24 months have elapsed, the following training period shall be taken within 24 months from the end of the validity of the previous training period. (885/2007)
- (4) Anyone who has received the training has the right to be awarded a certificate from the employer responsible for the training or, in the absence of such an employer, from the provider of the training.

Section 17 a

Approvals and declarations relating to the training (429/2005)

- (1) An approval referred to in section 11 a of the TDG Act shall be applied in writing from the Civil Aviation Authority in good time before the training begins. The application shall include the following information: (885/2007)
- 1) name and contact information of the training provider;

- 2) names of the training personnel and evidence of their proficiency;
 - 3) target groups of the training;
 - 4) aims and goals of the training;
 - 5) a detailed training programme with subjects, times and teaching methods;
 - 6) teaching material or its description;
 - 7) an example of the written test.
- (2) The provisions on applying for approval of the training referred to in subsection 1 are applicable to the notification of the training referred to in section 11 a of the TDG Act.
 - (3) If the information referred to in subsection 1 change after approval of an application or after submission of a notification, approval for the changes shall be applied for from the Civil Aviation Authority or it shall be informed of the changes without delay.
 - (4) Training approvals and certificates issued by foreign authorities or its designated bodies referred to in section 6 a of the TDG Act are accepted in Finland.

Section 18

Derogations in rescue operations (429/2005)

Derogations from the provisions of this Decree are allowed in emergency rescue operations if compliance with the provisions would hamper the rescue operations.

Section 19

Reports on accidents and incidents (885/2007)

- (1) After an aircraft accident or a severe incident possibly involving dangerous goods cargo, the operator shall report the rescue authorities without delay of any dangerous goods carried as cargo in the aircraft. The operator shall report the dangerous goods as soon as possible to the competent authorities of the operator's home state and to the competent authorities of the state in whose territory the aircraft accident or severe incident occurred.
- (2) After a less severe incident, the operator shall upon request and without delay report the rescue authorities and the competent authorities of the state in whose territory the incident occurred of any dangerous goods carried as cargo in the aircraft.
- (3) The operator shall report a dangerous goods accident or incident to the competent authorities of the operator's home state and to the competent authorities of the state in whose territory the dangerous goods accident or incident occurred.
- (4) The duty to report referred to in subsection 3 above is also applicable if dangerous goods are carried or left for carriage by a passenger or a crew member, or if dangerous goods are found in baggage or cargo against the provisions of the TDG Act or regulations issued under it.

Section 19 a

Notifications to parties to an air transport operation involving radioactive materials of exceedance of radiation limitations and other

measures (659/2009)

In the event of non-compliance with any limit values in ICAO-TI for radiation dose rate or radioactive contamination during temporary storage or transport of radioactive materials, the consignee, the transport operator and the shipper shall inform the other parties to the transport operation and STUK of the non-compliance in accordance with section 1;6.6 of ICAO-TI and take other measures referred to in section 1;6.6 of ICAO-TI for removing the dangers caused by the non-compliance.

Section 20

Securing the transport of dangerous goods by air and the temporary storage of dangerous goods (885/2007)

- (1) Security measures referred to in section 1;5 of ICAO-TI may be used as security measures referred to in section 11 d(5) of the TDG Act.
- (2) Provisions on security measures on airports are laid down in the Regulation (EC) No 2320/2002 of the European Parliament and of the Council establishing common rules in the field of civil aviation security, and in European Commission's implementing regulations issued pursuant to it.

Section 21

Instructions (527/2001)

The Ministry of the Interior, the Ministry of Agriculture and Forestry, the Civil Aviation Administration, the Safety Technology Authority, STUK, the Finnish Customs, the Border Guard and the Board of Gene Technology may, when necessary, issue instructions on matters falling under their scope of authority.

Section 22

Entry into force

- (1) This Decree enters into force on 1 May 1997.
- (2) Measures necessary for the implementation of this Decree may be taken prior to its entry into force.

Implementing provisions of the Decree 527/2001 of 13 June 2001:

- (1) This Decree enters into force on 1 July 2001.
- (2) The permits and approvals issued under provisions in force upon the entry into force of this Decree will remain in force as such including the rights and obligations referred to in the permits and approvals.
- (3) Measures necessary for the implementation of this Decree may be taken prior to its entry into force.

Implementing provisions of the Decree 429/2005 of 16 June 2005:

- (1) This Decree enters into force on 1 July 2005.
- (2) The permits and approvals in force upon the entry into force of this Decree will remain in force as such.
- (3) Those involved in transport operations of radioactive materials upon the entry into force of this Decree shall submit a radiation protection programme referred to in section 5 b(1) to STUK by 1 June 2006.

Implementing provisions of the Decree 885/2007 of 4 October 2007:

This Decree enters into force on 1 November 2007.

Implementing provisions of the Decree 659/2009 of 20 August 2009:

This Decree enters into force on 1 September 2009.