

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

Government Decree

on the Transport of Dangerous Goods by Rail

(195/2002; amendments up to 538/2007 included)

Chapter 1

General provisions

Section 1

Scope of application

(1) This Decree applies to the transport of dangerous goods by rail.

(2) If the transport of dangerous goods starts or ends elsewhere than in Finland, the transport of dangerous goods by rail in Finland is governed by this Decree as well as the decrees of the Ministry of Transport and Communications or the international agreements and Conventions referred to in section 4. In shunting and forming of trains of railway wagons containing dangerous goods as well as in stabling and transfer of wagons in the marshalling yard, in a port and other corresponding place, this Decree and the decrees of the Ministry of Transport and Communications shall be applied in addition to the international Conventions and agreements.

(3) Where a railway wagon carrying out a transport of dangerous goods subject to the provisions of this Decree is taken to be conveyed by another transport medium, the provisions applying to the said transport medium alone are applicable to the section of the journey carried out by the said transport medium. (275/2005)

Section 2 (538/2007)

Definitions

For the purposes of this Decree:

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

2) *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 they are valid as binding on Finland;

3) *ADR Regulations* mean the European Agreement (Finnish Treaty Series 23/1979) concerning the International Carriage of Dangerous Goods by Road (ADR) as it is valid as binding on Finland;

4) *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;

5) *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 rail, as last amended by Commission Directive 2006/89/EC;

6) *Decree of the Ministry* means the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by rail (278/2002);

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

8) *tank* means tank-vehicles, demountable tanks, battery-vehicles, MEGCs, UN tanks and tank containers.

9) *bulk container* means bulk containers referred to in Chapter 6.11. in the Annex to the Decree of the Ministry including the swap body and the cargo space of the wagon;

10) *pressure vessel* means a gas cylinder, tube, gas receptacle, bundle of cylinders and closed cryogenic receptacle;

11) *RIV Agreement* means the Agreement, managed by the International Union of Railways (UIC), governing the duties and responsibilities related to exchange and use of wagons between Railway Undertakings.

Section 3

Temporary storage

In addition to the provisions of section 3 (1), paragraph 3 the TDG Act, temporary storage means a temporary interruption of a journey due to the transport conditions as well as temporary storage 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

International agreements to be applied

(1) The RID Regulations are in force between Finland and other countries acceded to the Convention concerning International Carriage by Rail (COTIF). (538/2007)

(2) The regulations on the transport of dangerous goods in railway transit traffic between Finland and the Soviet Union in Appendix No. 8 of the transport tariff of the Convention on the Railway Transit Traffic between Finland and the Soviet Union (Treaty Series of the Statute Book of Finland 1/1948) are in force in the transport of dangerous goods by rail between Finland and Russia as well as via Russia from States of the former Soviet Union. In this case, the transport shall take place with railway wagons registered in Russia or another State of the former USSR that has not acceded to the COTIF Convention.

(3) Multilateral agreements referred to in the RID Regulations and ratified by Finland may also be applied to the national transport of dangerous goods by rail in Finland. Information on these multilateral agreements is available from the Ministry of Transport and Communications. (275/2005)

Section 5

Classification of dangerous goods

(1) Dangerous goods shall be classified into the following transport 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
- Class 5.1 Oxidising substances
- Class 5.2 Organic peroxides
- Class 6.1 Toxic substances
- Class 6.2 Infectious substances
- Class 7 Radioactive substances

Class 8 Corrosive substances
 Class 9 Miscellaneous dangerous
 substances and articles
 (307/2003)

(2) In the cases laid down in Chapter 2.2 of the Annex to the Decree of the Ministry, the substance shall be classified or the classification approved by the Safety Technology Authority. However, in this case the Radiation and Nuclear Safety Authority in Finland (the STUK) shall classify radioactive materials or approve their classification. The authority may require that the consignor of the goods presents the test results in order to ascertain the classification. (275/2005)

(3) Finland recognises the classification and approval of classification carried out by a competent authority referred to the ADR and RID Regulations and the ADR and RID Directives or by another body authorised by it. (275/2005)

Section 6

Dangerous goods as luggage

(1) Small quantities of dangerous goods may be transported as hand luggage and as registered luggage, if they do not cause danger or harm to other passengers or to the railway operator carrying out the transport. Further provisions on the quantities of goods allowed for transport are given by Decree of the Ministry. (538/2007)

(2) The transport referred to in subsection 1 shall not be governed by other provisions of this Decree or the Decree of the Ministry. (275/2005)

Chapter 2

Obligations of the parties

Section 7

Section 7 has been repealed by the Decree of 4 May 2005 (275/2007).

Section 8

The consignor

(1) The obligations of the consignor are governed by section 8 of the TDG Act. 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 rail;

2) furnish the carrier with the information necessary for the transport, the required consignment note or other dispatch document as well as other documents, like authorisations, approvals, notifications and certificates;

3) use only packagings 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 uncleaned and not degassed tanks or empty uncleaned wagons as well as wagons used in transporting goods in bulk and large and small containers are appropriately marked and labelled and that empty uncleaned tanks are closed and present the same degree of leakproofness as if they were full.

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

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

Section 9

The carrier of the transport

(1) Provisions on the obligations of the carrier are provided in section 9 of the TDG Act. When taking over dangerous goods for transport, the carrier of the transport shall take random samples at the place of departure in order to:

1) ascertain that the dangerous goods handed over for transport may be carried by rail;

2) ascertain that the required documentation is attached to the consignment note and forwarded;

3) ascertain visually that the wagons and loads have no obvious defects, leakages or cracks and no missing equipment;

4) ascertain that the next inspection date for the tanks has not expired;

5) verify that the wagons are not overloaded;

6) ascertain that the placards and markings prescribed for the wagons have been affixed; and

7) ensure that the Finnish Rail Administration has rapid and unrestricted access to data referred to in section 16 a (1)(2) at any time during carriage; the arrangements for providing the data are defined by the Finnish Rail Administration in a contract made with the carrier on the use of the railway referred to in the Railway Act (555/2006). (538/2007)

(2) Where appropriate, the obligations referred to in subsection 1 shall be met on the basis of the consignment notes and other documents by visually inspecting the wagon

and containers and, where appropriate, the load. The obligations are deemed fulfilled if the inspections are carried out in accordance with point 5 of leaflet 471-3 of the International Union of Railways.

(3) In the cases referred to in paragraphs 1, 2, 5 and 6 of subsection 1, the carrier of the transport may, however, rely on the information and data made available to him by the other participants.

(4) If the carrier of a transport observes neglect in issues referred to in subsection 1 or another infringement of the provisions, he may not forward the consignment until the matter has been rectified.

(5) The safety equipment of the train and wagon referred to in section 11 d (2) of the TDG Act shall be kept in appropriate order. This equipment and other safety arrangements may not hinder rescue operations. (275/2005)

Section 10

Consignee

(1) The consignee may not refuse to accept a consignment except for compelling reasons. The consignee shall after the unloading of the load verify that the requirements concerning him laid down in the provisions have been complied with. The consignee shall in particular:

1) in the cases provided for carry out the prescribed cleaning and decontamination of the wagons and containers;

2) ensure that the wagons and containers, once completely unloaded, cleaned and degassed as well as decontaminated wagons and containers, no longer bear the placards and orange plates;

(2) The consignee may not return the wagon or container to the carrier of the transport until the measures referred to in subsection 1 have been carried out. If the consignee uses the services of other

participants, like an unloader, cleaner or other decontamination facility, he shall take appropriate measures to ensure that the requirements laid down are met.

(3) A wagon or container may be returned or reused only after the measures referred to in subsection 1 have been carried out.

Section 11 (275/2005)

Other parties

The other parties participating in the transport besides those referred to in sections 8-10 are primarily the loader, packer, the filler of a tank, a bulk wagon and a bulk container as well as the holder of a tank container, UN tank and tank wagon. The obligations of the other parties are derived from the obligations laid down in the TDG Act.

Section 12

Loader

(1) The loader has the following obligations in particular:

1) he shall hand the dangerous goods over to the carrier only if they are authorised for carriage by rail under the provisions;

2) he shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packagings are damaged; he shall not hand over a package the packaging of which is damaged, especially if it is not leakproof and there are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings.

3) he shall, when loading dangerous goods in a wagon or in a small or large container, comply with the special requirements concerning loading and handling;

4) he shall, when handing dangerous goods over to the carrier for immediate carriage, comply with the requirements of the provisions concerning the attachment of placards and orange plates on wagons or large containers;

5) he shall, when loading packages, comply with the prohibitions on mixed loading taking into account dangerous goods already in the wagon or large container as well as the requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs.

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

Section 13

Packer

The packer has the following obligations in particular:

1) he shall comply with the requirements concerning packing and mixed packing;

2) when he prepares packages for carriage, he shall comply with the requirements concerning marking and labelling of the packages.

Section 14 (538/2007)

Filler of a tank or a wagon or container used for transporting goods in bulk

Filler of a tank or a wagon or container used for transporting goods in bulk 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 next inspection date for the tank has not expired;

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 tanks filled by him;

8) in preparing the dangerous goods for carriage, to ensure that the orange-coloured plates and placards or danger labels are affixed on the tanks, on wagons loaded with bulk goods as well as on large and small containers.

9) before and after the filling tank wagons with a liquid gas, to observe the special checking requirements applicable to the filling; and

10) when filling a wagon or container with dangerous goods as bulk, to ascertain that provisions referred to in section 7.3 of the Annex to the Decree of the Ministry are applied.

Section 15

Tank container/UN tank operator

The tank container/UN tank operator has the following obligations in particular:

1) he shall ensure compliance with the requirements for construction, equipment, tests and marking of a tank container and a UN tank;

2) he shall ensure that the maintenance of the tank container and the UN tank as well as their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank container or the UN tank

satisfies the requirements of the provisions until the next periodic inspection;

3) he shall have an exceptional check made on the tank container and the UN tank if the safety of them or their equipment is liable to be impaired by a repair, an alteration or an accident.

Section 16

Tank wagon operator

The tank wagon operator has the following obligations in particular:

1) he shall attend to compliance with the requirements for construction, equipment, tests and markings of a tank wagon;

2) he shall attend to the maintenance of the tanks of a tank wagon and their equipment in such a way as to ensure that, under normal operating conditions, the tank wagon satisfies the requirements of the provisions until the next periodic inspection;

3) he shall have an extra check made if the safety of the tank of the tank wagon or its equipment is liable to be impaired by a repair, an alteration or an accident.

Section 16 a (538/2007)

The Finnish Rail Administration

The Finnish Rail Administration shall ensure that:

1) safety reports for marshalling yards are prepared in accordance with section 32;

2) it has rapid and unrestricted access to the following information at any time during carriage:

a) composition of the train;

b) UN numbers of the dangerous goods being carried;

c) position of wagons carrying dangerous goods in the train;

d) weight of the load.

The information referred to above in section 1(2) shall only be disclosed to parties that require it for safety, security or emergency response operations.

Chapter 3

Packagings

Section 17

Technical requirements of packagings

The technical requirements of packagings used to transport dangerous goods are provided for in section 13 a of the TDG Act and thereunder in a decree of the Ministry.

Section 18 (275/2005)

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 belonging to transportable pressure equipment 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 belonging to transportable pressure equipment used in the transport and its accessories 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 on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods (302/2001) and the

identification number of the inspection body or another marking approved by the Safety Technology Authority.

Section 19

Indication of conformity of packagings

The indication of conformity of a packaging used in the transport of dangerous goods is governed by the provisions of section 3 of the Government Decree on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods.

Section 20 (275/2005)

Use of RID or ADR packagings

(1) With the exception of packagings belonging to transportable pressure equipment, packagings, IBC packagings and overpacks 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 packaging shall, however, notwithstanding 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 following 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 and approved in accordance with the RID or ADR Regulations elsewhere than in Finland, which does not bear the π marking, may, after the termination of a transport in accordance with the RID Regulations, be

transported to be discharged in Finland and returned abroad empty without the marking referred to in section 18 if the consignor confirms in the freight bill or the corresponding consignment note that the packaging and its equipment are durable up to the temperature of -40°C as follows: "*Pressure drum and its accessories are durable at the temperature of -40°C*".

Section 21

Report on the breakage of the packaging

The consignor, the railway operator in charge of the transport and the consignee shall be liable to report to the STUK the breakage of the 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 if the breakage has taken place during the transport of radioactive materials and to the Safety Technology Authority if the breakage has taken place during the transport of other dangerous goods.

Chapter 4

Transport equipment, tanks and containers (275/2005)

Section 22

Construction of transport equipment

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

(2) The technical requirements of tanks used to transport dangerous goods are

provided for in section 13 a of the TDG Act and in a decree of the Ministry.

Section 23 (275/2005)

Putting into service of a foreign tank and bulk container

(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 convey a tank for service until a TDG inspection body has approved the structure 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 STUK.

(2) If the inspections and tests of a tank referred to in subsection 1, manufactured abroad and imported have been carried out by a competent authority referred to in the ADR or RID Regulations or the ADR and RID Directives or 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 23 a (275/2005)

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 belonging to transportable pressure equipment 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 belonging to transportable pressure equipment used in the transport and its accessories shall be durable up to the temperature of $-40\text{ }^{\circ}\text{C}$.

(3) With regard to the durability of the material referred to in subsection 2, the tank shall bear the marking of " $-40\text{ }^{\circ}\text{C}$ " after the conformity marking referred to in section 6 (1) of the Decree of the Council of State 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 24

Documents

(1) Upon handing over dangerous goods for transport, the consignor shall submit to the railway operator in charge of the transport a consignment note or a corresponding transport document containing the prescribed information on the goods handed over for transport. The consignment note may also be delivered in an electronic form.

(2) If the transport of dangerous goods by rail in a large container is followed by transport by sea, the consignor shall append to the consignment note a container packing certificate complying with the IMDG Regulations.

(3) When a vehicle containing dangerous goods is left to be transported by rail, the consignor shall, in addition to the information referred to in sections 1 and 2, submit to the railway operator in charge of the transport the written safety instructions on the goods to be transported as provided for in the Decree of the Ministry on the Transport of Dangerous Goods by Road. (275/2005)

(4) Each member of the crew of the train shall carry along an identification card with a photograph. This provision is not applied if the quantities of substances in the wagon or large container do not exceed the quantities referred to in point 1.1.3.6 of the Annex to the Decree of the Ministry. (275/2005)

Section 25 (275/2005)

Transport

(1) Transport of dangerous goods is allowed only in a goods train with the exception of the hand luggage of passengers referred to in section 6 and the military transport referred to in point 7.1.8 of the Decree of the Ministry as well as limited quantities of consignments transported as express cargo provided for in Chapter 7.6 of the Annex to the Decree of the Ministry.

(2) In cases provided for in a Decree of the Ministry, dangerous goods may be transported in bulk in a wagon, small container or tank.

(3) 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 properties of the goods carried were 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.

Section 26 (275/2005)

Approval and notification of the transport of radioactive materials

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

Section 26 a (275/2005)

Radiation protection and quality assurance programme

(1) Anyone who carries or temporarily stores radioactive material shall have a radiation protection programme unless otherwise provided for in Chapter 1.7 of the Annex to the Decree of the Ministry. The radiation protection programme shall indicate the measures to be taken to prevent and restrict the radiation exposure caused by the transport and temporary storage of radioactive materials. These measures shall be commensurate with the amount and likelihood of radiation exposure. Before undertaking the 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 Chapter 1.7 of the Annex to 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 radioactive material with low dispersability;

2) for the design, manufacture, testing, documentation, use, maintenance and inspection of all packages used for the transport and temporary storage of radioactive material; as well as

3) for measures relating to the transport and temporary storage of radioactive material.

(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.

Section 27

Safety in handling wagons containing dangerous goods in marshalling yards

(1) In a marshalling yard, port or other corresponding place a tank wagon containing dangerous goods shall be placed in an area where no unauthorised entry is allowed. If a tank wagon containing dangerous goods has to be temporarily stored in a marshalling yard, port or other corresponding place, the local rescue authorities shall be notified of the storage in a manner agreed with the rescue authorities. (538/2007)

(2) The temporary storage of wagons containing explosives in a marshalling yard shall be notified to the local rescue authorities in cases provided for in a decree of the Ministry.

(3) A tank wagon containing dangerous goods may, in cases provided for in a decree of the Ministry, be moved in a marshalling

yard, port or other corresponding place only shunted with a locomotive.

Section 27 a (275/2005)

Safeguarding an area of temporary storage

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

Chapter 6

Miscellaneous provisions

Section 28 (275/2005)

Supervisory authorities

(1) The Finnish Rail Agency shall supervise the transport of dangerous goods by rail and temporary storage relating thereto. Transport of dangerous goods by rail from and to Finland as well as temporary storage relating thereto shall also be supervised by the Finnish Customs and the Border Guard, each within its scope of authority. The primary supervisory responsibility shall, also in this case, lie with the Finnish Rail Agency. (538/2007)

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

Section 28 a (275/2005)

Supervision of safety measures

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

Section 29

Co-operation of the supervisory authorities

(1) For the purpose of supervising the transport of dangerous goods, the supervisory authorities referred to in section 28 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 registered office of the undertaking party to the infringement is located if such reporting is based on Community provisions or on an obligation of an international treaty.

(2) The Finnish supervisory authorities referred to above in section 28 shall report to a foreign competent authority the consequences imposed in Finland on a railway undertaking or a consignor 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. (538/2007)

Section 30

Right of the Safety Technology Authority and the STUK to have tests carried out

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

Section 31 (275/2005)

Training of the 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 rail;

2) *task-specific training* providing the personnel with detailed training commensurate with appropriate to the tasks and responsibilities of the personnel in the provisions governing the transport of dangerous goods by rail as well as, if part of the transport is carried out as other than transport by rail, also information on the provisions and regulations on that other mode of transport;

3) *safety training*, where the personnel shall receive training in the hazards of dangerous goods commensurate with the possible risk of injury and exposure caused by an accident during transport, loading and unloading of dangerous goods; the aim of the training shall be that the personnel has information on the safe handling of a hazardous substance and the measures to be taken in an emergency situation;

4) *training in the transport of radioactive materials*, where the personnel participating in the transport of radioactive materials shall be provided with appropriate training about

radiation protection and safety measures relating to the transport of radioactive materials to restrict their occupational exposure and the exposure of other people; (538/2007)

5) *training on safety measures*, which shall concentrate 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 commensurate with the responsibility, obligations and tasks of the persons in implementing the plan;

6) *refresher training* given at regular intervals in 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) The training of a safety adviser is provided for separately.

Section 31 a (275/2005)

Special training to the personnel of the carrier

(1) In connection with the task-specific training referred to in section 31 (1) (2), the personnel of the carrier shall also be given training of the special characteristics of rail transport. The training shall include:

1) basic training given to the transport personnel where all the transport personnel shall be trained in the significance of the contents of warning labels and the orange plates; in addition, the personnel shall know the notification procedure for exceptional situations;

2) task-specific training to be given to the personnel directly involved in the transport of dangerous goods, where, in addition to the basic training referred to in paragraph 1, the personnel shall be given training commensurate with their tasks.

(2) For the training referred to in subsection 1 (2), the personnel shall be divided into three categories based on their need for training as follows:

	Category description	Personnel
1	personnel directly involved in the transport of dangerous goods	engine drivers, shunters and persons carrying out corresponding tasks
2	personnel carrying out technical inspections of wagons used for the transport of dangerous goods	wagon inspectors, loading instructors and persons carrying out corresponding tasks
3	transport personnel directing train and shunting traffic	dispatchers, remote control operators, interlocking operators, pointsmen and persons carrying out corresponding tasks

Section 31 b (275/2005)

Subjects to be taught in the special training

The task-specific training of the personnel groups referred to in section 31 a (2) shall include at least the following topics:

- 1) category 1 engine drivers and persons carrying out corresponding tasks:
 - a) composition of the train, dangerous goods and their placement on the train;
 - b) types of exceptional situations;
 - c) operations in critical exceptional situations, measures to protect their own train and the traffic on the adjacent rails;
- 2) category 1 shunters and persons carrying out corresponding tasks:
 - a) the significance of shunting labels No. 13 and 15;
 - b) protection wagons and safety distance in accordance with point 7.5.3 of the Annex to the Decree of the Ministry;
 - b) types of exceptional situations;
- 3) category 2 wagon inspectors, loading instructors and persons carrying out corresponding tasks:
 - a) technical inspections of wagons;
 - b) technical inspections in accordance with the RIV, Annex XII; this is only applied to

persons carrying out inspections relating to international RID traffic;

c) inspections, for example those in compliance with UIC Code 471-3 referred to in section 9 (2); this is only applied to persons carrying out the inspections in question;

d) identification of exceptional situations;

4) category 3 persons guiding the traffic, dispatchers, remote control operators, interlocking operators, pointsmen and persons carrying out corresponding tasks:

a) management of critical exceptional situations;

b) internal rescue plans of marshalling yards.

Section 32

Safety reports for marshalling yards

(1) Where large quantities of dangerous goods pass through shunting yards appointed by the Finnish Rail Agency the railway undertakings operating in the yards shall prepare a safety report of the yards and submit it to the Finnish Rail Administration. The Finnish Rail Administration may require that the railway undertakings prepare the reports in a certain form. The Finnish Rail Administration shall collect the safety reports from the railway undertakings and on the basis of these reports, make a safety report of the entire shunting yard and ensure that the described operations work as a whole.

(2) A statement of the local rescue authority and the regional environment centre shall be requested on the emergency plan contained in the safety report. The report together with the statements shall be submitted for approval to the Finnish Rail Agency. The Finnish Rail Agency shall notify its conclusions on the safety report to the authors of the reports within a reasonable period.

(3) The authors of the safety reports shall review the safety report and update it to cover:

1) any changes in the operations of the marshalling yard that would increase the risk of a major accident;

2) facts arisen from analysis of accidents and emergencies that should be taken into consideration;

3) any updating requests by the Finnish Rail Agency.

(4) The safety report shall, however, be reviewed and updated at least every five years. The updated safety report shall be submitted to the fire chief of the municipality and to the regional environment centre.

(5) The Finnish Rail Agency shall, at least every third year, systematically inspect all marshalling yards for which a safety report is required. The local rescue authority and the regional environment centre shall be invited to participate in the inspections at least with regard to the internal emergency plan.

Section 32 a (275/2005)

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 transport events and an evaluation of the safety hazards relating thereto including the necessary transport interruptions, the dangerous goods in the wagon, 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 commensurate with the responsibility and tasks of the actor; at least the following constitute 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; operations in the vicinity of vulnerable infrastructure;

d) tools 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 for 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 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 (275/2005)

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 the leakage of the substance being transported or another reason, the party in charge of the transport, loading or unloading shall immediately report the incident to the Emergency Dispatch Centre, submit the necessary information to the rescue authorities and take the appropriate protective measures required by the situation.

(2) If an accident referred to in Annex 1.8.5 of the Decree of the Ministry takes place when loading, transporting or unloading dangerous goods or while filling the tank, bulk wagon or bulk container with dangerous goods, the loader, filler, carrier or consignee shall each, without delay, submit an accident report to the Finnish Rail Agency and the Accident Investigation Board on their actions in accordance with the model in the Decree of the Ministry. When there are radioactive substances involved, the report shall also be submitted to the Radioactive and Nuclear Safety Authority in Finland. Separate provisions shall be issued regarding the investigation of rail accidents relating to the transport of dangerous goods.

(3) With regard to serious accidents, the Ministry of Transport and Communications shall submit an accident report referred to in the RID Regulations to the Secretariat of the Organisation for International Carriage by Rail (OTIF).

Section 35

Report on the approval of a packaging and a tank

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

(2) The STUK shall keep a record of packagings and tanks meant for the transport of radioactive materials, which have been type-approved or the conformity of which has been otherwise indicated. With regard to packagings or tanks meant for the transport of other dangerous goods, the register shall be kept by the Safety Technology Authority.

Section 36

Section 36 has been repealed by the Decree of 4 May 2005 (275/2007).

Section 37

Section 37 has been repealed by the Decree of 10 May 2007 (538/2007).

Section 38

Entry into force

(1) This Decree enters into force on 1 April 2002. Sections 7-16 and 31 of the Decree shall, however, enter into force on 1 January 2003.

(2) Packagings and tanks complying with the provisions in force upon the entry into force of this Decree may continue to be used in Finland.

(3) This Decree repeals the Decree on the Transport of Dangerous Goods by Rail issued on 11 July 1997 (674/1997) with later amendments.

Section 39

Transitional provisions

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

(2) The classifications granted under the decree repealed by this Decree remain in force as such.

(3) The safety reports for marshalling yards in force upon the entry into force of this Decree remain in force as such. They shall, however, be reviewed and updated in accordance with section 32.

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

The implementing provisions of Decree of 10 April 2003 (307/2003) read as follows:

- (1) This Decree enters into force on 1 May 2003.
- (2) The provisions of law 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 4 May 2005 (275/2005) read as follows:

- (1) This Decree enters into force on 1 June 2005. However, sections 9(5), 23(1 and 2), 23 a, 24(4), 27 a, 28 a, 31(2)(5 and 6), and 32 a enter into force on 1 July 2005.
- (2) Gas containers, gas receptacles, bottle containers and bottle packages manufactured abroad and imported in Finland may be taken into use in Finland by 1 July 2007 applying section 23(1 and 2) as in force on 30 June 2005.
- (3) Anyone involved in transporting or temporarily storing radioactive substances at the time of the entry into force of this Decree shall submit a radiation protection programme referred to in section 26 a (1) to the Radiation and Nuclear Safety Authority in Finland by 1 June 2006.

The implementing provisions of Decree of 10 May 2007 (538/2007) read as follows:

- (1) This Decree enters into force on 1 July 2007.
 - (2) The safety reports about marshalling yards in force at the time of the entry into force of this Decree will remain in force. They shall, however, be updated in accordance with section 32.
-