

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

**Decree of the Ministry of Transport and Communications
on the Transport of Dangerous Goods by Rail**

Adopted in Helsinki, 13 March 2009
(172/2009)

Section 1

Scope of application

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

Section 2

Definitions

Unless otherwise provided for below, in this Decree and its Annex:

- 1) *packaging* means packagings approved for the transport of dangerous goods, IBC packaging and overpacks;
- 2) *tank* means tank-wagons, demountable tanks, battery-wagons, MEGCs, UN tanks and tank containers.

Section 3

Annex to the Decree

- (1) Provisions on substances and articles to be accepted for carriage only under special conditions due to their dangerousness or to be excluded from carriage are issued in the Annex.
- (2) The Annex contains general provisions, provisions on dangerous substances and articles and provisions on transport means and transport.

Section 4

Keeping of documents relating to the indication of conformity of packagings and tanks

An inspection body shall keep the documents relating to the indication of conformity of packagings and tanks referred to in the Annex to this Decree with their appendices at least for 10 years, unless otherwise provided in the provisions of the Annex.

Section 5

Derogations

The provisions of this Decree do not apply in full or in part to the transport of dangerous goods for which the Annex to this Decree contains a derogation from the application of provisions relating to the nature, quantity and method of packaging of dangerous goods.

Section 6

Derogations in rescue operations

In urgent rescue operations the provisions of this Decree may be derogated from if compliance with them would hamper the rescue operations.

Section 7

Derogations in individual cases

- (1) With regard to packagings and tanks other than those used for transporting radioactive materials, the Safety Technology Authority may, upon application, in an individual case and subject to conditions deemed necessary by it, grant derogations from the provisions of the Annex to this Decree. It may also, subject to conditions deemed necessary by it, grant derogations from the provisions relating to the material of containers used for transporting explosives.
- (2) The Finnish Radiation and Nuclear Safety Authority may, upon application, in an individual case and subject to conditions deemed necessary by it, grant derogations from the provisions of the Annex to this Decree.

- (3) The Finnish Food Safety Authority Evira may, for the transport of infectious substances, in an individual case and subject to conditions deemed necessary by it, grant derogations from the provisions of the Annex to this Decree.
- (4) With regard to cases other than those referred to in subsections 1 - 3, the Ministry of Transport and Communications may, upon application, in an individual case, grant a derogation from the provisions of this Decree.
- (5) The derogations referred to in subsections 1 - 4 may be granted only if there are special compelling reasons thereto or if compliance with the provisions would cause unreasonable costs or considerable detriment. In addition, the granting of a derogation requires that the required safety can be achieved by other means.

Section 8

Entry into force

- (1) This Decree enters into force on 1 April 2009.
- (2) This Decree repeals Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Rail of 27 March 2002 (278/2002) with Annexes, as amended.

Section 9

Transitional provisions

- (1) The provisions in force at the time of the entry into force of this Decree may be applied until 30 June 2009.
- (2) Measures necessary for the implementation of this Decree may be taken before its entry into force.