

## **Repealed by 541/2023**

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

### **Act**

#### **on Transport of Dangerous Goods**

Adopted in Helsinki, 2 August 1994

(719/1994; amendments up to 388/2009 included)

#### Chapter 1

#### **General provisions**

##### Section 1

##### *Purpose of the Act*

The purpose of this Act is to prevent and avert any damage or hazard which the transport of dangerous goods may cause to people, the environment or property. Section 2 (215/2005)

##### *Scope of application of the Act*

- (1) This Act shall apply to the transport of dangerous goods:
  - 1) by road;
  - 2) by railroad or in other rail traffic;
  - 3) by aircraft over Finnish territory and by Finnish aircraft outside Finnish territory;
  - 4) by Finnish vessel in Finnish waters and outside Finnish waters as well as by foreign vessel in Finnish waters.
  
- (2) This Act shall also apply to the transport of dangerous goods in a port, at an aerodrome and in another terminal. In these places, this Act shall also apply to the temporary storage of dangerous goods.
  
- (3) This Act shall not apply to:
  - 1) the transport of dangerous goods by sea or inland waterway as bulk cargo nor to transport in vessels equipped with liquid or gas tanks;

- 2) storage, moval or other handling of dangerous goods in industrial or storage areas when this procedure is not in close connection with road transport, rail transport, waterway transport or air transport; nor to
  - 3) transport of dangerous goods by recreational craft with a length of under 45 meters.
- (4) In addition to transport, this Act shall also apply to the packagings, tanks and vessels meant for transport of dangerous goods and referred to in subsections 1 and 2.

### Section 3 (215/2005)

#### *Definitions*

- (1) For the purposes of this Act:
- 1) *dangerous goods* shall mean 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 Act on dangerous goods shall also apply to dangerous compounds, articles, devices, goods, empty packagings, genetically modified organisms and microorganisms;
  - 2) *transport* shall mean the actual transport, loading into a vehicle, loading, unloading and handling of a package or tank containing dangerous goods;
  - 3) *temporary storage* shall mean temporary storage in a vehicle, railway wagon, container, tank and terminal whenever it is in close connection with the transport process;
  - 4) *road transport* shall mean transport carried out on a road referred to in the Road Traffic Act (267/1981) and temporary storage as well as transport in a port area, storage site or industrial area, aerodrome or other similar area when it is in close connection with transport carried out on a road referred to in the Road Traffic Act; also transport carried out in a terrain referred to in Act on Off-Road Transport (1710/1995) shall be deemed road transport as provided for further on such transport in a Government Decree;

- 5) *railway transport* shall mean transport within the railroad network, including handling and temporary storage of wagons on the marshalling yards as well as handling of packages in terminals as well as rail traffic in port areas, storage sites and industrial or other similar areas whenever it is in close connection with railway transport;
- 6) *waterway transport* shall mean transport in a vessel as piece goods in packagings, tanks, containers or in another similar way;
- 7) *air transport* shall mean transport by aircraft;
- 8) *the Ministry* means the Ministry of Transport and Communications;
- 9) *an inspection body* shall mean an organisation entitled to take measures necessary for the establishment of conformity of packagings and tanks as well as related accessories meant for the transport of dangerous goods as provided therefor in this Act and thereunder;
- 10) *transportable pressure equipment* shall mean tanks and packagings which are transportable pressure equipment referred to in Council Directive 1999/36/EC on transportable pressure equipment as well as their valves and other accessories.

- (2) The provisions of this Act on packagings and tanks shall also apply to containers and other corresponding devices as well as to the valves and other accessories of the packaging, tanks, containers and other corresponding devices.
- (3) Further provisions on the definition of temporary storage may be issued by a Government Decree.

#### Section 4

##### *Relation to certain provisions*

- (1) In addition to the provisions of this Act, other provisions on goods transport shall apply to the transport of dangerous goods unless otherwise laid down in an international obligation binding on Finland.
- (2) The protection of employees shall additionally be governed by the provisions of the Act on Industrial Safety (299/1958) and elsewhere in the law.

- (3) The storage and possession of chemicals shall be governed by the provisions of the Chemicals Act (744/1989) and the Explosives Act (263/1953).
- (4) Provisions on radioactive substances, nuclear substances and nuclear waste are also contained in the Radiation Act (592/1991) and Act on Nuclear Energy (990/1987).
- (5) Provisions on remedying of significant pollution of waters or of damage to protected species and natural habitats as referred to in section 5 a of the Nature Conservation Act (1096/1996), which may have been caused by the transport, are laid down in section 84 a (2) of the Environmental Protection Act (86/2000). (388/2009)

## Chapter 2

### **Authorities and their duties**

#### Section 5 (124/2001)

##### *The Ministry as a supervisory authority*

The highest management and guidance of supervising compliance with this Act and provisions and regulations issued thereunder shall belong to the Ministry. In matters concerning the transport of dangerous goods, the Ministry shall be assisted by an Advisory Board, which shall be provided for by a Government Decree.

#### Section 6

##### *Other authorities*

- (1) Compliance with this Act and provisions and regulations issued thereunder shall be supervised by the Finnish Maritime Administration, the Finnish Civil Aviation Administration, the Customs Administration, the police authorities, the Finnish Rail Agency, the Border Guard, port authorities, the Safety Technology Authority, the Finnish Vehicle Administration, the Finnish Centre for Radiation and Nuclear Safety and the labour protection authorities each in its own field of activity as provided for in this Act and further by a Government Decree. The other duties of these authorities relating to the transport or temporary storage of dangerous goods and to their fields of activity as well as the cooperation between national and foreign authorities shall be provided for in this Act and, where necessary, also by a Government Decree. The duties of other authorities belonging to their fields of activity for the purpose of

ensuring the safety of transport of dangerous goods may also be provided for by a Government Decree. (557/2006)

- (2) The transport of dangerous goods by road, air, sea or inland waterway under supervision of the Defence Forces as well as the transport of dangerous goods by vehicles, vessels or aircraft of the Defence Forces shall be supervised by the military authorities. The supervision of other kinds of transport of dangerous goods belonging to the Defence Forces as well as co-operation between the supervisory authorities shall be provided for by a Government Decree where necessary. (124/2001)
- (3) The transport of dangerous goods by a vessel or aircraft of the Frontier Guard shall be supervised by the Frontier Guard. (124/2001)

#### Section 6 a (215/2005)

#### *Recognition of measures taken by a foreign authority and the authorities of the Province of Åland*

Recognition in Finland of a measure taken by a foreign authority or the authorities of the Province of Åland or by a body authorised by a foreign authority or the authorities of the Province of Åland relating to the transport or temporary storage of dangerous goods and a certificate issued thereon, such as the driving certificate authorising for the transport of dangerous goods, the certificate of a safety adviser for the transport of dangerous goods, classification of dangerous goods as well as the certification of a packaging or a tank may be provided for by a Government Decree if the recognition of the measure and the certificate is based on the legislation of the European Community or on an obligation of an international treaty binding on Finland or if the taking of the measure and the issuing of the certificate are otherwise in compliance with the corresponding safety requirements applicable in Finland.

### Chapter 3

#### **Obligations and requirements**

#### Section 7 (215/2005)

### *General obligations*

- (1) The necessary diligence and care shall be observed in the transport of dangerous goods and in other related measures, such as packaging and temporary storage, by taking into account the type, quantity and transport mode of the goods to be carried.
- (2) The parties with an effect on the safety of the transport and temporary storage of dangerous goods, such as the packer, consignor, shipper, consignee, loader, carrier, operator and consignee shall for their part ensure the taking of measures necessary to prevent accidents as well as their harmful consequences to people, the environment and property.

### Section 8 (215/2005)

#### *General obligations of the consignor*

- (1) The consignor as well as, in the case of waterway transport, the shipper and consignee shall be liable for the fact that dangerous goods left to be transported have been classified, packed, the packaging marked and left to be transported in compliance with this Act and the provisions and regulations issued thereunder.
- (2) The consignor as well as, in the case of waterway transport, the shipper and the consignee shall be liable for the fact that the name, classification and other information required on the dangerous goods are entered correctly in the transport documents and  
  
that the necessary transport documents are delivered to the carrier prior to the transport.

### Section 9 (215/2005)

#### *Obligations of the carrier*

- (1) The carrier shall ensure that the vehicle, vessel and aircraft used for the transport of dangerous goods can be used for this task, that the wagon to be used for rail transport is fit for the transport and that in road transport the vehicle is appropriately manned.

- (2) A permit for the air transport of dangerous goods shall be required of an air transport operator if European Community provisions, an international treaty binding on Finland or an international standard or recommendation requires a permit or if the requirement of a permit is well-founded in order to ensure the safety of transport. A precondition for the issuing of the permit shall be that the applicant, with the help of his training, instructions and the methods available to him, is able to ensure the safety of the handling of dangerous goods at all the stages of the air transport. The permit shall be issued by the Finnish Civil Aviation Administration. The details for the requirement of a permit shall, where necessary, be provided for further by a Government Decree. Further provisions on the technical details for the applying and issuing of the permit may be issued by a Decision of the Finnish Civil Aviation Administration.
- (3) If the holder of an air transport permit referred to in subsection 2 no longer fulfils the requirements for issuing the permit or if the transport of dangerous goods by air has not been appropriately attended to, the permit authority may issue a written caution to the permit holder. If the faults are not corrected despite the caution, the permit authority may cancel the permit for a set period of time or entirely. In an urgent case, the permit may, however, be cancelled for a set period of time without a separate written caution if the permit authority has a justifiable reason to suspect that the permit holder cannot carry out air transport in a safe manner. The permit may be cancelled entirely only if the preconditions for the issuing of the permit are not longer fulfilled in material parts or if material omissions or neglect have been found in the transport of dangerous goods.

## Section 10

### *Obligations of the driver in road transport*

Prior to commencing the journey, the driver shall ensure that the vehicle is suitable for the transport in question, as well as appropriately manned and loaded, and he shall also ensure that the transport is carried out in accordance with the provisions and regulations in force.

### Section 10 a (215/2005)

### *Transport as luggage*

- (1) Dangerous goods may not be transported as luggage or their transport as luggage may be restricted if the transport causes a danger to people, the environment or property due to a characteristic of a substance referred to in section 3(1)(1) which cannot be averted by special measures relating to packaging or other special measures.
- (2) When transporting dangerous goods as luggage, the possible hazards resulting from the goods to be transported shall be observed and special diligence and care shall be complied with in the transport and other handling of the goods. Dangerous goods transported as luggage shall be appropriately packed and the provisions and regulations regarding the transport shall also otherwise be complied with.
- (3) Further provisions on restricting or forbidding the transport of dangerous goods as luggage may be issued by a Government Decree.
- (4) Substance-specific and other detailed provisions on restricting or forbidding the transport of dangerous goods as luggage by a passenger or a crew member as well as on the packaging and other technical details of these substances shall, where necessary, be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further provisions on the said issues shall, however, be issued by a Decision of the Finnish Maritime Administration and, with regard to air transport, by a Decision of the Finnish Civil Aviation Administration. The regulations issued by the Finnish Maritime Administration and the Finnish Civil Aviation Administration shall be based on European Community legislation, an international treaty binding on Finland or on an international recommendation or standard.

### Section 10 b (124/2001)

#### *The duty to appoint a safety adviser*

- (1) Anyone engaged in the transport of dangerous goods by road or by rail as well as in related packing, loading or other operations relating to the safety of the transport of dangerous goods shall appoint a safety adviser to monitor and direct these operations as well as to seek means to perform any tasks relating to the transport of dangerous goods as safely as possible.



- (2) The safety adviser shall hold a certificate of passing the test arranged by the Finnish Vehicle Administration indicating that the person has sufficient knowledge of the transport of dangerous goods and of the duties provided for him.
- (3) Further provisions on the duty to appoint a safety adviser, his expertise, the examinations required for the certificate and the certificate as well as on the other competence and duties of a safety adviser as well as other related issues shall be issued by a Government Decree.

#### Section 11 (215/2005)

##### *General competence of the personnel*

- (1) Anyone who carries out tasks relating to the transport or temporary storage of dangerous goods such as packing, consignment, shipping, loading, carriage or unloading shall have the necessary training or other competence required by the task.
- (2) The necessary training and other competence shall be provided for further by a Government Decree. Further provisions on the practical implementation as well as other technical details of the necessary training and other competence required by the transport by road and by rail shall, where necessary, be issued by a Decree of the Ministry. Further provisions on the practical implementation or the necessary training and other competence required by waterway transport may be issued by a Decision of the Finnish Maritime Administration.
- (3) An employer carrying out tasks relating to the transport and temporary storage of dangerous goods shall ensure that the employee has the training or other competence referred to in subsection 1. The employer shall also have data on this training and other competence. The data relating to the training shall, on request, be presented to the authority supervising the transport.

#### Section 11 a (215/2005)

##### *Special provisions on the competence of personnel in tasks relating to transport by air*

- (1) The training referred to in section 11 (1) to be provided to an air-transport operator or to a person employed by it shall be approved by the Civil Aviation Administration.

The approval shall be granted for a set period. The Civil Aviation Administration shall, at regular intervals, be informed of the training of other persons carrying out tasks referred to in the said subsection relating to the transport by air. The Civil Aviation Administration may set preconditions to ensure the appropriateness of the training.

- (2) A detailed training plan shall be prepared for the training referred to in subsection 1. The teaching personnel providing the training shall have sufficient professional skills. The Civil Aviation Administration shall supervise the provision of the training. The Civil Aviation Administration may issue a written caution to the provider of the training if the training is not attended to in an appropriate manner. The Civil Aviation Administration may also forbid the provision of the training if the defects notified in the written caution are not removed within a reasonable time period.
- (3) Further provisions on the application for approval of the training, notification of training and notification of changes in the training shall be issued by a Government Decree. Further provisions on the practical implementation of the training and other technical details relating to the training may be issued by a Decision of the Civil Aviation Administration.

#### Section 11 b (215/2005)

##### *Driving certificate for transport by road*

- (1) If the transport by road of dangerous goods, taking into account the type and amount of the goods and the mode of transport, requires special expertise, the driver of the vehicle shall, in addition to the driving right referred to in chapter 5 of the Road Traffic Act, have a certificate authorising him to transport dangerous goods. A precondition for issuing the driving certificate is that the applicant has participated in the training required for the driving certificate and successfully passed the examination required for the driving certificate. The driving certificate shall be issued for a set period. When issuing the driving certificate, the person shall have the right to drive a vehicle and he may not be subject to a driving ban. The driving certificate shall be kept on board the vehicle during the drive and it shall be presented to a police officer or another traffic controller upon request.
- (2) The training required for the driving certificate may be provided only by an organisation approved by the Finnish Vehicle Administration with a competent

director responsible for the training, a detailed training programme, a sufficient and skilled teaching staff with respect to the extent of the operations, functional premises as well as the necessary teaching materials and facilities. The Finnish Vehicle Administration grants the training permission for a set period. The Finnish Vehicle Administration may give a warning or a written caution to the holder of the training permission if the permission holder does not fulfil the preconditions for granting a training permission or if the training is not attended to in an appropriate manner.

- (3) The Finnish Vehicle Administration may cancel the training permission if the defects notified in the warning or written caution are not removed within a reasonable period. The training permission may be cancelled in full only if the defects are of material nature. Derogations from the requirement of a driving certificate in police and rescue operations as well as in other tasks relating to the supervision of transport and temporary storage may be provided for by a Government Decree. The driving certificate required for the transport of dangerous goods under the supervision of the Defence Forces shall be provided for by a Decree of the Ministry of Defence.
- (4) Further provisions on the requirement of the driving certificate, the preconditions for its issue, the period of validity of the driving certificate and its renewal, the examination required to obtain the driving certificate and on the driving certificate as well as on the training required to obtain the driving certificate and its provider as well as on the training permission and its validity shall, where necessary, be issued by a Government Decree. Further provisions on the contents of the driving-certificate training programme and the examination required to obtain the driving certificate shall, however, be issued by a Decree of the Ministry.

#### Section 11 c (215/2005)

##### *Documents, reports and notifications relating to transport*

- (1) The central information on the dangerous goods carried shall be onboard the transport vehicle to ensure the appropriate handling of the substance as well as in case of an accident or hazard. Substance-specific derogations and other detailed derogations from this duty may be provided for by a Decree of the Ministry for small quantities of a dangerous substance, the transport of which may cause only a minor hazard to people, the environment or property. The detailed derogations necessary in waterway transport shall, however, be provided for by a Decision of the Finnish

Maritime Administration and the detailed derogations necessary in air transport by a Decision of the Civil Aviation Administration.

- (2) A notification of an accident and a threat of a hazard in the transport of dangerous goods shall be submitted to the authority referred to in section 6 to be further provided for by a Government Decree.
- (3) Further provisions on the documents relating to the transport as well as on the notifications to be submitted of accidents and hazards shall be issued by a Government Decree. In addition, the following is, where necessary, provided for by a Government Decree:
  - 1) derogations from the duty to notify referred to in subsection 2 with regard to minor accidents and hazards;
  - 2) the preparedness plan relating to the carriage of radioactive substances as well as the radiation protection and quality assurance programmes;
  - 3) the notifications and reports relating to accidents and hazards other than those referred to in subsection 2.
- (4) The technical details of the documents relating to transport and the other reports and notifications referred to in this section and the safekeeping of the documents shall, where necessary, be provided for by a Decree of the Ministry. With regard to waterway transport, the necessary regulations on the technical details shall, however, be issued by a Decision of the Finnish Maritime Administration and, with regard to air transport, by a Decision of the Civil Aviation Administration.

#### Section 11 d (215/2005)

##### *Safety measures and obligations*

- (1) When transporting by road or by rail dangerous goods which, when wilfully misused, may cause a major hazard to people, the environment or property, the parties to the transport, such as the packer, consignor, loader and carrier, shall prepare and maintain up-dated a safety plan to be applied to the operations, which shall contain the measures and practices to prevent the theft and other wilful misuse of the dangerous goods. The safety plan shall, on request, be delivered to the authority supervising transport.

- (2) The transport vehicle used for the transport referred to in subsection 1 shall be equipped with appropriate equipment or secured by other arrangements so as to prevent theft and other wilful misuse.
- (3) Dangerous goods exceeding minor quantities may be submitted to be transported by road or by rail only by an appropriately recognised carrier.
- (4) The marshalling yard, terminal or other corresponding area used for temporary storage relating to the transport by road or by rail of dangerous goods shall be secured to the extent possible if dangerous goods exceeding a minor quantity are stored.
- (5) The parties to the transport of dangerous goods by air or by waterway shall, with appropriate safety measures, prevent the theft and other wilful misuse of the goods. The safety measures of vessels, port areas and aerodromes shall, however, be provided for separately.
- (6) Further provisions on the safety plan as well as other safety of the transport and temporary storage of dangerous goods shall be issued by a Government Decree. Substance-specific provisions and other detailed provisions on substances, the parties to the transport of which shall prepare a safety plan and the transport vehicle used for which shall be secured, shall, however, be issued by a Decree of the Ministry. Further provisions on the technical details of the safety measures and obligations referred to in subsection 5 may, with regard to waterway transport, be issued by a Decision of the Finnish Maritime Authority and, with regard to air transport, by a Decision of the Civil Aviation Administration.

#### Section 12 (215/2005)

##### *Transport and temporary storage in a transport chain*

- (1) The hazards caused by the transport and temporary storage of dangerous goods to people, the environment and property shall be taken into account in the design and operations of a marshalling yard, a port area, an aerodrome and another terminal. Dangerous goods may be transported and temporarily stored in a marshalling yard, port area, aerodrome and other terminal only in quantities that do not cause a special hazard. In these places, also the areas meant for dangerous goods and their

equipment shall be such that the goods, when transported or stored temporarily, do not cause a special hazard.

- (2) The party operating a port and the party operating cargo-handling services in a port shall have up-dated safety reports if significant quantities of dangerous goods are transported via the port or stored there temporarily. The safety report of a port shall be approved by the Finnish Maritime Administration. It may restrict the quantities of dangerous goods to be temporarily stored in a port and order other restrictions necessary with regard to safety for the temporary storage.
- (3) The rail operator shall have an up-dated safety report for a marshalling yard via which significant quantities of dangerous goods are transported. The safety report of a marshalling yard is approved by the Finnish Rail Agency. (557/2006)
- (4) The safety report shall contain the measures and procedures to be implemented to ensure the safe transport and temporary storage of dangerous goods as well as an internal rescue plan. The internal rescue plan shall include a plan on the measures to be taken in accident situations. The safety report shall be available to the rescue authorities, the regional environment centre and the supervisory authorities.
- (5) Further provisions on dangerous goods and their temporary storage, accident prevention and transport in a marshalling yard, port area, aerodrome and other terminal as well as on the safety report shall, where necessary, be issued by a Government Decree. Further provisions on the practical implementation and technical detail of these issues, such as the separation of transport units and substance-specific procedures, may be issued by a Decree of the Ministry. Where necessary, further provisions on the practical implementation in ports shall, however, be issued by the Finnish Maritime Administration and, at aerodromes, by the Civil Aviation Administration.

#### Section 13 (215/2005)

##### *Other obligations*

Further provisions on the duties of the manufacturer of a packaging or a tank, its packer, consignor, shipper, consignor, loader, carrier, the master of the vessel, the carrier, the consignee, the holder of a packaging or a tank, the travel agent, the party

operating a port or an aerodrome, the party operating cargo-handling services in the port as well as the other parties involved in the transport of dangerous goods other than those provided for in sections 9 (2) and (3), 10 a, 11, 11 a - 11 d, 12, 13 a, 13 b 14 and 14 a, such as the transport, temporary storage, packing, marking of a transport unit, notification of restrictions in the transport as well as issuing of transport mode-specific safety and other transport instructions may be issued by a Government Decree.

Section 13 a (215/2005)

*Conformity of a packaging and a tank*

A packaging and a tank used for the transport or temporary storage of dangerous goods shall be manufactured and inspected and it shall be used so that it does not endanger the health, safety, property or the environment of anyone. The packaging and the tank shall meet the requirements provided for and ordered in this Act and thereunder. Further provisions on these requirements shall be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further regulations on the delivery of the transport documents shall, however, be issued by a Decision of the Finnish Maritime Administration and, with regard to air transport, by a Decision of the Finnish Civil Aviation Administration.

Section 13 b (124/2001)

*Obligation of the party placing a packaging and a tank on the market*

- (1) Anyone who places transportable pressure equipment on the market shall have to prove that the pressure equipment as well as its design and manufacture meet the requirements provided therefor.
- (2) The provisions of paragraph 1 shall also apply to anyone who:
  - 1) exports transportable pressure equipment to the European Union or to a State belonging to the European Economic Area;
  - 2) puts into service in transport transportable pressure equipment the conformity of which has not been assessed;

- 3) manufactures transportable pressure equipment for his own use in transport or to be delivered to another party.
- (3) Further provisions on the conformity marking relating to the assessment referred to in paragraph 1 and the other assessment of conformity shall be issued by a Government Decree. Provisions on the documentation needed for the assessment of conformity and its keeping shall be issued by a Decree of the Ministry.
- (4) A Government Decree may provide that the obligations referred to in paragraphs 1-3 are also applied to packagings and tanks other than transportable pressure equipment as well as transportable pressure equipment meant for waterway and air transport.

Section 13 c (124/2001)

*Inspection bodies and their tasks*

- (1) The inspection bodies shall have the right to perform tasks required for the assessment of conformity of packagings and tanks used to transport dangerous goods to ensure that the packaging and tank meet the requirements provided for in section 13 a. These tasks include approvals, inspections, tests and other tasks required for the assessment of conformity as well as related measures and the tasks and related measures provided for inspection bodies for conformity assessment or reassessment procedures and periodic inspection procedures referred to in the Annexes of the Directive referred to in section 3(1)(10). Further provisions on the tasks of inspection bodies shall be issued by a Government Decree and the procedures to be complied with in the tasks by a Decree of the Ministry.
- (2) The tasks referred to in paragraph 1 and required for the assessment of conformity of a packaging and a tank used for the transport of radioactive substances shall, however, be performed by the Finnish Centre for Radiation and Nuclear Safety or the inspection bodies referred to in paragraph 1 as further provided for by a Government Decree.



- (3) Further provisions on the right of an inspection body to have modules of procedures referred to in paragraph 1 for the assessment of conformity performed as subcontracting shall be issued by a Government Decree. The inspection body shall be responsible for the procedures it has subcontracted.
- (4) The tasks and procedures for the assessment of conformity performed by foreign inspection bodies shall be approved if so required in European Union legislation or in international conventions binding on Finland. Provisions on the approval in Finland of the assessment of conformity performed abroad or by a foreign inspection body or authority may be issued by a Government Decree if the same safety requirements have been observed in the assessment of conformity as are in force in Finland.

Section 13 d (124/2001)

*Recognition of an inspection body*

- (1) The Ministry, the Safety Technology Authority or the Finnish Centre for Radiation and Nuclear Safety shall recognise an inspection body to carry out the tasks referred to in section 13 c(1) and 13 c(2) as further provided for in a Government Decree. The recognition decision shall include a definition of the tasks of the inspection body as well as confirm the scope of supervision of the inspection body and the other arrangements relating to supervision. The recognition may be granted for a set period of time. Also other criteria, restrictions and terms relating to the operations of the inspection body may be set in the decision to ensure proper attendance to the tasks.
- (2) The tasks for the assessment of conformity of packagings and tanks used in the transport under the supervision of the Defence Forces referred to in section 6(2) and required in section 13 c(1) may also be carried out by a military institution or a military authority recognised by the General Staff of the Defence Forces. This inspection body shall, where applicable, meet the criteria set for an inspection body in this Act, and the provisions of this Act on inspection bodies shall also otherwise be applied thereto, where applicable.
- (3) Provisions on the application of recognition shall be issued by a Government Decree.

Section 13 e (124/2001)

### *Requirements for the recognition of an inspection body*

- (1) The requirements for the recognition of an inspection body shall be the following:
  - 1) the body shall be operationally, commercially and financially independent and reliable; if the tasks of an inspection body are carried out, as further provided for by a Government Decree, by a separate and recognisable part of a legal person, the inspection body shall not be deemed therefore to lack reliability or independence;
  - 2) the body has at its disposal the facilities, equipment and systems necessary for the proper performance of its inspection operations;
  - 3) the body has an adequate and professional staff necessary for the proper performance of its tasks;
  - 4) the remuneration of the staff engaged in inspection activities is not dependent on the number or results of the tasks performed;
  - 5) the inspection body has a liability insurance compensating any damage incurred from the activity unless the State assumes liability for the damage;
  - 6) the body is a legal person registered in Finland;
  - 7) the operations of the body have been organised so that a supervisory authority has reasonable possibilities to arrange supervision of the body.
- (2) Further provisions on the criteria for the recognition of an inspection body referred to in paragraph 1 and the documents proving compliance therewith shall be issued by a Government Decree.
- (3) An inspection body shall notify the authority responsible for the recognition of the inspection body of any changes relating to the criteria for recognition.

### Section 13 f

#### *Performance of the tasks of the inspection bodies*

- (1) In performing the tasks referred to in section 13 c (1) and (2) as well as in section 20 (2), the inspection bodies shall comply with the provisions of the Administrative

Procedure Act (434/2003) and the Act on the Openness of Government Activities (621/1999). The obligation of inspection bodies to secure linguistic rights is provided for in the Language Act (423/2003). If the tasks of an inspection body are performed by a separate and recognisable part of a legal person referred to section 13 e (1) (1), the provisions of section 28 (1) (4) of the Administrative Procedure Act shall, however, not be applied to a person employed by the inspection body. (215/2005)

- (2) An inspection body shall have the duty to provide inspection services to all interested parties within the limits of its field of operations in a non-discriminatory manner. The duty to provide services shall, however, not apply to an inspection body referred to in section 13 e(1)(1), which is a separate and recognisable part of a legal person. (124/2001)
- (3) When performing the tasks referred to in section 13 c(1) and 13 c(2), a person employed by an inspection body shall be subject to the provisions on criminal liability in a public office. (124/2001)

#### Section 13 g (124/2001)

##### *Supervision of inspection bodies*

- (1) The authority responsible for the recognition of an inspection body shall supervise the activity of the inspection bodies in question. The supervision belonging to the Ministry shall take place assisted by the Safety Technology Authority. The Safety Technology Authority shall in this assisting duty have the rights provided for a supervisory authority in section 16.
- (2) An authority responsible for the recognition of an inspection body shall withdraw the recognition if the body no longer meets the criteria provided therefor. The authority may also withdraw the recognition for a set period of time or in full or give the body a reprimand or a written warning if the body does not perform its inspection activity in a proper manner or otherwise acts in violation of this Act or provisions issued thereunder.
- (3) The inspection body shall at set intervals prove to the supervisory authority that it meets the criteria set for the recognition. The report relating to the operations of an

inspection body and the duties of the Safety Technology Authority relating to supervision shall, where necessary, be provided for by a Government Decree.

Section 13 h (124/2001)

*Communication of inspection bodies*

The recognition of an inspection body and the withdrawal thereof shall, where necessary, be communicated to the European Commission as well as to the Member States of the European Union and the States belonging to the European Economic Area as further provided for by a Government Decree.

Section 13 i (124/2001)

*Registration*

Transportable pressure equipment which may cause significant danger to a person, the environment or to property may be registered in a register maintained by the Safety Technology Authority as provided for by a Decree of the Ministry.

Chapter 4

**Transport prohibitions and restrictions (215/2005)**

Section 14

*General transport prohibition*

- (1) Unless a dangerous substance has been classified, packed and marked in a way referred to in this Act or in provisions and regulations issued thereunder or unless the required transport documents have been issued on it or if the packaging or transport tank intended for the transport of dangerous goods has been damaged, it may not be transported.
- (2) If a defect or neglect referred to in subsection 1 is discovered during the transport and the defect or neglect may endanger the safety of operations, the transport shall be interrupted as soon as possible. When interrupting a transport, the hazards resulting from the interruption, the possibility to find placement for the transported consignment

and other requirements of public safety shall be observed. The transport may not be continued until the consignment is brought to an appropriate condition. Further

provisions on the interruption and continuation of the transport shall, where necessary, be issued by a Government Decree. (215/2005)

#### Section 14 a (215/2005)

##### *General restrictions*

- (1) Dangerous goods may not be transported if the transport would cause a danger to people, the environment or property due to a characteristic of a substance referred to in section 3(1)(1) which cannot be averted by special measures relating to packaging or loading or by other special measures.
- (2) An approval or a permission to derogate shall be obtained in advance for the transport of a radioactive or other hazardous substance if the transport causes an especially great hazard to people, the environment or property. Preconditions regarding the transport or the transported substance, the purpose of which is to ensure the safety of the transport, may be attached to the decision on the approval of the transport and the permission to derogate. Further provisions on the approval of a transport and the permission to derogate as well as on their application and the preconditions to be attached to the decision thereon shall be issued by a Government Decree.
- (3) Where necessary, substance-specific or otherwise detailed provisions on goods referred to in subsection 1, which may not be transported, on substances referred to in subsection 2, the transport of which requires an approval or a permission to derogate, as well as on the technical details regarding the application for an approval or a derogation as well as on other technical details of the transport restrictions referred to in subsections 1 and 2 shall be issued by a Decree of the Ministry. With regard to waterway transport, the substance-specific or otherwise detailed provisions shall, however, be issued by a Decision of the Finnish Maritime Administration and, with regard to air transport, by a Decision of the Finnish Civil Aviation Administration.

#### Section 14 b (215/2005)

##### *Regional transport restrictions*

- (1) On a well-founded proposal by a municipality, the Ministry may restrict the transport of dangerous goods in a certain area, road or section of a road if the transport there

may cause significant danger to persons, the environment or property. When issuing the restriction it shall be ensured that no more restrictions are placed on the possibilities to transport dangerous goods than are necessary for the elimination of the danger caused by the transport. The municipality shall disseminate information on a restriction concerning its area.

- (2) On proposal by the operator of a road, street or rail, the Ministry may restrict the transport of dangerous goods by road or rail in a certain tunnel of the operator of a road street or rail if the transport may cause significant hazard to people, the environment or property. The restriction shall be based on an assessment of the hazards in the tunnel submitted by the applicant and conducted by a body independent of the applicant, where at least such safety-related factors as the substances to be transported and the structures of and equipment in the tunnel are taken into account. In

addition, the available alternative routes for the transport shall be taken into account. The Ministry may attach preconditions to its restriction to ensure the safety of transport. The applicant shall disseminate information on the restriction concerning the area under its control.

- (3) Where necessary, further provisions on the assessment of hazards, the substance groups subject to transport restrictions, the implementation of restrictions and on other issues relating to the transport restrictions referred to in subsections 1 and 2 shall be issued by a Decree of the Ministry.

#### Section 15 (124/2001)

##### *Prohibitions and limitations issued by the supervisory authority*

- (1) The supervisory authorities referred to in this Act shall, within their sphere of operations, have the right to prohibit the transport of dangerous goods if it does not comply with the requirements of this Act or in the provisions issued thereunder and the right to order that the dangerous goods be unloaded in the first appropriate place and occasion unless the transport can be organised to comply with the provisions.

- (2) If the supervisory authority has taken a measure referred to in paragraph 1, it shall report the measure to the consignor or his representative, who shall take possession of the goods without delay.
- (3) If the consignor or his representative cannot be reached or if the consignor or his representative has not taken possession of the goods within the period set by the supervisory authority or yielded it to someone who has the right to keep the goods in his possession, or if the costs for the care of the goods are not in due relation to the value of the goods, the State may redeem the goods. If the State does not redeem the goods, the supervisory authority has the right to either sell or destroy the goods, depending on the circumstances.
- (4) The sale of the goods shall be organised through a public auction or, if this cannot be done without undue difficulties, in some other reliable way. The supervisory authority shall, where possible, report the time and location of the sale to the party entitled to the goods. The sales price, deducted with any charges and auction costs, shall be held available to the party entitled to the goods for one year from the date of the sale. After that it shall belong to the supervisory authority.
- (5) The destruction of the goods shall be organised in an appropriate way. The consignor shall be responsible for the costs of destroying the goods. An account of the matter drafted by the supervisory authority shall be enforceable without a judgment or decision.

## Chapter 5

### **Supervision**

#### Section 16

##### *Right of inspection, information and examination*

- (1) The supervisory authorities provided for in this Act shall have the right, within their sphere of operations, to carry out inspections necessary to supervise compliance with this Act and the provisions and regulations issued thereunder as well as, in order to carry out the supervision, to have access to the places of manufacture, storage, sale, installation, repair, inspection, loading and transportation of dangerous goods and of the packagings and tanks used for their transport, to temporary storage places and to a vehicle transporting dangerous goods as well as the right to take the necessary

samples and to carry out examinations. Inspections may, however, not be carried out in a place belonging within domestic peace and the inspection of a vehicle used for the transport may not be extended to premises used for accommodation unless this is necessary in order to investigate the factors subject to inspection. (215/2005)

- (2) Notwithstanding the provisions on the secrecy obligation in the Act on the Openness of Government Activities or in another Act, the supervisory authorities referred to in this Act shall have the right to receive the information necessary to supervise compliance with this Act and with the provisions and regulations issued thereunder from the consignor, the carrier, the owner, holder or manufacturer of a packaging or a tank, a person engaged in installation or repair work, the importer, the seller, the storage keeper, the party operating a port, an aerodrome or a terminal, the party operating cargo-handling services at the port as well as from an inspection body and another party subject to the requirements of this Act and the provisions and regulations issued thereunder. (215/2005)
- (3) The supervisory authorities referred to above shall also have the right to take samples and carry out examinations by temporarily stopping the transport if there is reasonable cause to believe that the provisions of this Act and provisions issued thereunder are not complied with. The party in question shall, whenever possible, be given the right to be heard before commencing the examination. The party in question shall be notified of the results of the examination. (124/2001)
- (4) The sample referred to in paragraph 3 shall, if the entrepreneur so demands, be compensated in accordance with a valid price unless the inquiry shows that the goods are against the provisions of this Act or provisions issued thereunder. The party guilty of misconduct or neglect shall be liable to compensate the costs of the authority for the examination or the taking of samples. (124/2001)
- (5) Further provisions on the carrying out of the inspections referred to in subsection 1, the certificate issued of the inspection, the inspection places and the reporting of information on the inspection shall be issued by a Government Decree. (215/2005)

Section 16 a (124/2001)



*Supervision of packagings and tanks by authorities*

- (1) Conformity of packagings and tanks to be transported shall be supervised by the Safety Technology Authority.
- (2) Where the Safety Technology Authority finds that transportable pressure equipment, when correctly maintained and used for its intended purpose, is liable, during transport or other use, to endanger the safety of a person or property it may:
  - 1) temporarily or permanently prohibit the manufacture, placing on the market, sale and other conveyance of such pressure equipment as well as its use for the transport of dangerous goods;
  - 2) demand that changes be made in the pressure equipment or its manufacture or use that it meets the criteria as well as to demand that the meeting of the criteria be indicated;
  - 3) if the prohibitions or changes referred to in subparagraphs 1 and 2 cannot be deemed adequate, order that the pressure equipment be altered so that it becomes unsuitable to be used as transportable pressure equipment or, if this is not deemed appropriate, order the procedure to be complied with with regard to the pressure equipment;
  - 4) obligate the manufacturer, importer or seller of the pressure equipment to issue a public announcement regarding the danger relating to the pressure equipment as well as give itself such announcement at the expense of the manufacturer, importer or seller;
  - 5) obligate the operator to compensate the costs arising from the tests and inspection if the Safety Technology Authority uses any of the rights referred to in subparagraphs 14.
- (3) The provisions of paragraph 2 shall also apply to transportable pressure equipment exported to the Member States of the European Union or to a State belonging to the European Economic Area.

- (4) The Safety Technology Authority shall inform the European Commission of any measure whereby it restricts or prohibits the placing on the market, transport or use of transportable pressure equipment or of any measures to withdraw the equipment from the market or from circulation.
- (5) If transportable pressure equipment where non-conformity persists has been affixed with conformity marking referred to in section 13 b(3), the Safety Technology Authority shall take appropriate measures against the party that has affixed the marking as well as inform the European Commission as well as the Member States of the European Union or the States belonging to the European Economic Area of the issue.
- (6) The provisions of paragraph 2 shall apply also to packagings and tanks other than transportable pressure equipment. Provisions on the application of the other provisions of this section to these packagings and tanks may be issued by a Government Decree.

Section 16 b (124/2001)

*Undue conformity marking*

- (1) If the conformity marking referred to in section 13 b(3) has been affixed unduly, the owner, the holder, the manufacturer or his authorised representative established within a European Union Member State or a State belonging to the European Economic Area  
  
shall be obliged to make the transportable pressure equipment conform as regards the provisions on conformity marking.
- (2) If the obligation provided for in paragraph 1 is not complied with, the Safety Technology Authority shall take the measures referred to in section 16 a.
- (3) A Government Decree may provide that, the obligations referred to in paragraphs 1 and 2 shall also be applied to packagings and tanks other than transportable pressure equipment as well as to transportable pressure equipment meant for waterway and air transport.

Section 17 (642/1999)

### *Obtaining information from another authority*

Without prejudice to the secrecy obligation provided for in the Act on the Openness of Government Activities (621/1999), the supervisory authority shall have the right to obtain from another authority information falling under the scope of business or trade secrets when this is necessary for the supervision.

#### Section 17 a (124/2001)

##### *Executive assistance*

The police, the Customs Administration and the Frontier Guard shall, where necessary, issue executive assistance to the supervisory authorities referred to in sections 5 and 6 for the supervision of compliance and enforcement of this Act and the provisions issued thereunder.

### Chapter 6

#### **Coercive means and consequences**

#### Section 18 (124/2001)

##### *Conditional fine and the threat of ordering a measure to be performed at the defaulter's expense*

The supervisory authority referred to in sections 5 and 6 of this Act may enforce a prohibition or order issued under this Act by a conditional fine or the threat of ordering a measure to be performed at the defaulter's expense as provided for in the Act on Conditionally Imposed Fines (1113/1990).

#### Section 19 (419/2002)

##### *Provision on sanctions*

- (1) Provisions concerning punishment for a crime committed against this Act or provisions or regulations issued thereunder concerning the transport of dangerous goods are laid down in chapter 44, section 13, of the Penal Code (39/1889).
- (2) Provisions concerning punishment for impairment of the environment against this Act or provisions or regulations issued thereunder are laid down in chapter 48, sections 14, of the Penal Code.

- (3) Anyone who, in a way other than that referred to in sections 1 and 2 wilfully or through negligence violates the provisions of this Act or provisions or general or specific orders issued thereunder, shall be sentenced *for an offence during the transport of dangerous goods* to a fine.
- (4) Anyone who violates a prohibition or an obligation imposed under this Act and enforced with a conditional fine need not be sentenced for the same act.

## Chapter 7

### **Appeal and enforcement** (124/2001)

#### Section 20 (124/2001)

##### *Appeal for a rectification*

- (1) Rectification of a decision made by the receiver of a test for a driving certificate under this Act or a Decree issued thereunder may be requested from the Finnish Vehicle Administration unless otherwise provided for elsewhere in the law or in a Decree. The request for a rectification shall be made within 30 days from the receipt of notice of the decision. Instructions for requesting rectification shall be annexed to the decision.
- (2) If an inspection body refuses the conformity assessment or other approval of a packaging or a tank, the decision shall contain the grounds and the manner in which the applicant may refer the issue to be rehandled in rectification procedure by the inspection body. The request for rectification shall be made in writing within 30 days from the receipt of notice of the decision. The rectification request shall be decided by the inspection body. Further provisions on the procedure to be complied with in the inspection body in handling rectification decisions may, where necessary, be issued by a Government Decree.

#### Section 21 (124/2001)

##### *Appeal*

- (1) A decision made by an inspection body in a rectification procedure referred to in section 20(2) shall be appealed to the Administrative Court as provided for in the Administrative Judicial Procedure Act (586/1996).
- (2) Appeal shall otherwise be governed by the provisions of the Administrative Judicial Procedure Act.

Section 22 (215/2005)

*Enforcement*

The decision to be made under section 9 (3) regarding the cancellation of a permit as well as the decision made under section 13 g (2) as well as under sections 15 and 16 a may order that the decision shall be complied with irrespective of appeal unless otherwise ordered by the appeal authority.

Chapter 8

**Miscellaneous provisions**

Section 23 (124/2001)

*Conveyance of confidential information*

- (1) Without prejudice to the provisions of the Act on the Openness of Government Activities, information provided for as confidential information obtained in performing the tasks referred to in this Act may be conveyed to:
  - 1) a prosecuting and police authority for the prevention and investigation of a crime;
  - 2) the other supervisory authorities and inspection bodies referred to in this Act for the performing of their tasks;
  - 3) foreign supervisory authorities and inspection bodies performing tasks relating to transport of dangerous goods as well as to international bodies for the performing of their tasks.
- (2) The information referred to in paragraph 1 may, notwithstanding the secrecy obligation, be conveyed also to a competent foreign authority and an international body for the implementation of obligations provided for in Council Directive 95/50/EC on uniform procedures for checks on the transport of dangerous goods by road or in an international convention binding on Finland.
- (3) The police authorities, the Customs Administration, the Finnish Rail Administration and the Frontier Guard may ask the competent authorities of another Member State to take the measures referred to in Article 7 (2) of the Directive referred to in

paragraph 2 or corresponding measures based on an international convention binding on Finland.

#### Section 23 a (215/2005)

##### *Derogations*

- (1) With regard to packagings and tanks other than those used for the transport of radioactive materials, the Safety Technology Authority may, upon application, in an individual case and subject to conditions deemed necessary by it to promote the safety of transport, grant a permission to derogate from the provisions and regulations issued under this Act.
- (2) The Finnish Centre for Radiation and Nuclear Safety may, upon application, in an individual case and subject to conditions deemed necessary by it to promote the safety of transport, grant a permission to derogate from the provisions and regulations issued under this Act.
- (3) With regard to cases other than those referred to in subsections 1 and 2, the Ministry may, where necessary and subject to conditions deemed necessary by it to promote the safety of transport, grant a permission to derogate from the provisions and regulations issued under this Act. With regard to waterway transport, the permission to derogate shall, however, be granted by the Finnish Maritime Administration and, with regard to transport by air, by the Civil Aviation Administration.
- (4) The derogations referred to in subsections 1-3 may be granted only if there are special compelling reasons thereto or if compliance with the provisions or regulations causes considerable detriment. In addition, the granting of a derogation requires that the required safety can be achieved by other means.

#### Section 24

##### *Authorisation provision*

- (1) Further provisions on the implementation of this Act shall be issued by a Government Decree. (215/2005)

- (2) Further provisions on the technical details relating to the transport and temporary storage of dangerous goods regarding classification, markings and the approval of tanks and packagings as well as the safety of transport, loading and handling may also, where necessary, be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further provisions on the said issues shall, however, be issued by a Decision of the Finnish Maritime Administration and, with regard to transport by air, by a Decision of the Finnish Civil Aviation Administration. (215/2005)
- (3) Further provisions on the transport of dangerous goods in the terrain may also be issued by a Decree of the Ministry. (215/2005)
- (4) In the case of transport of dangerous goods by road, air, sea or inland waterway under the supervision of the Defence Forces, provisions derogating from the provisions issued under this Act may be issued by a Decree of the Ministry of Defence and orders relating to individual issues by a Decision of the Ministry of Defence. When the transport takes place in a vehicle, vessel or aircraft belonging to the Defence Forces or in the case of an internal transport by road, air, sea or inland waterway of the Defence Forces, the General Staff of the Defence Forces shall, as further provided for by a Decree of the Ministry of Defence, have the right to issue orders derogating from the provisions issued under this Act. (124/2001)
- (5) In the case of transport of dangerous goods in a vessel or aircraft belonging to the Frontier Guard, the Frontier Guard shall have the right to issue orders derogating from the provisions issued under this Act. (124/2001)

## Chapter 9

### **Entry into force and transition provisions**

#### Section 25

##### *Entry into force provision*

- (1) This Act enters into force on 1 September 1994. However, section 12 (1) of the Act shall not enter into force until 1 January 1995.
- (2) This Act shall repeal the Act on Transport of Dangerous Goods by Road (510/1974) of 20 June 1974 with later amendments; the provisions and regulations on the transport

of dangerous goods concerning the driving certificates for the transport of dangerous goods referred to in sections 12 and 17 of the above Act shall, however, remain in force until 31 December 1994.

- (3) The provisions and regulations issued under the previous Act shall remain in force until otherwise enacted and ordered under this Act.
- (4) Measures necessary for the implementation of this Act may be undertaken prior to its entry into force.

## Section 26

### *Transition provision*

The driving certificates authorising one to transport dangerous goods granted prior to the entry into force of section 12(1) of this Act shall remain in force until the end of the period indicated in the certificates, however, no longer than until 31 December 1999. The certificate may be renewed in accordance with the provisions issued under this Act.

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Act 1995/1596; 18 December 1995:

This Act enters into force on 1 January 1996.

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Act 1996/1250; 20 December 1996:

This Act enters into force on 1 February 1997.

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Act 1999/642; 21 May 1999:

This Act enters into force on 1 December 1999.

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Act 2001/124; 9 February 2001:

This Act enters into force on 1 July 2001.

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Act 2002/419; 24 May 2002:

This Act enters into force on 1 September 2002.

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Act 2005/215; 8 April 2005:



- (1) This Act enters into force on 1 June 2005. Section 11 d of the Act shall, however, be applied only after 1 July 2005 as well as section 14 b (2) thereof to transport by road only after 1 July 2007 and to transport by railroad from 1 July 2009.
- (2) This Act repeals the Decision of the Ministry of Transport and Communications on the Checks Carried out to Supervise the Transport of Dangerous Goods by Road issued on 23 September 1996 (705/1996) with later amendments. The other provisions and regulations issued under the authorisation provisions amended by this Act shall remain in force until otherwise enacted or ordered.
- (3) The safety report referred to in section 12 (2) of this Act shall be submitted for approval for the first time prior to 1 January 2007.
- (4) The driving certificates, the permits for the transport of dangerous goods by air, approvals of training provision, regional transport restrictions and permissions to derogate issued under the provisions in force upon the entry into force of this Act shall remain in force as such.
- (5) Measures necessary for the implementation of the Act may be taken prior to the entry into force of the Act.

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Act 2006/557; 29 June 2006:

This Act enters into force on 1 September 2006.

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Act 2009/388; 29 May 2009:

This Act enters into force on 1 July 2009.

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