

Government Decree on the Transport and Temporary Storage of Dangerous Goods in a Port Area

(251/2005)

Section 1

Scope of application

(1) This Decree applies to the transport and temporary storage in a port area of dangerous goods referred to in the Act on Transport of Dangerous Goods (719/1994), including internal transfer.

(2) The applicable international convention or national provisions on the transport of dangerous goods by road or by rail are applied to the transport of dangerous goods entering or leaving a port area.

(3) This Decree does not apply to areas accommodating permanent storage tanks or distribution warehouses.

Section 2

Definitions

For the purposes of this Decree:

1) *VAK Act* means the Act on the Transport of Dangerous Goods;

2) *IMDG Regulations* mean the provisions defined in Appendix VII, Chapter A, Part 1 of the International Convention for the Safety of Life at Sea adopted in 1974 (SOLAS)(Finnish Treaty Series 11/1981), which contains provisions on the transport of dangerous goods by sea in packaged form;

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

4) *tank* means tank-vehicles, tank wagons, demountable tanks, battery-vehicles, MEGCs, UN tanks and tank containers;

5) *port authority* means the authority who issues the port ordinance in accordance with the Act on Municipal Port Ordinances and Traffic Dues (955/1976) or the Act on Private Public Ports (1156/1995) or a private undertaking or organisation engaged in private port operations, which exercises primary control over the port area used for the operations;

6) *temporary storage* means, in addition to the provisions of the VAK Act, a temporary interruption of a journey due to the transport conditions; temporary storage due to a change of the transport mode or transport medium provided that, upon request of a supervisory authority, documents indicating the places of dispatch and delivery are presented and provided that the package or tank is not opened during the temporary storage except for a possible inspection carried out by the supervisory authority;

7) *cargo transport unit* means a vehicle, a railway wagon, a container, a tank vehicle, a tank wagon, a portable tank, a roll trailer or a platform container;

8) *operator* means an undertaking carrying out stowage, loading, unloading or internal transfer of dangerous goods in packaged form; the definition does not mean transport undertakings which carry dangerous goods into or out of the port area;

9) *rescue authority* means the regional rescue authority referred to in the Rescue Act.

Section 3

General obligations

(1) Provisions on the planning and operations of ports are issued in section 12 of the VAK Act.

(2) The necessary diligence and care shall be observed in the transport and temporary storage by taking into account the type, quantity and mode of transport of the substance being transported.

Section 4

Transport and temporary storage

(1) During internal transfer and temporary storage in the port provisions of the IMDG Regulations or special provisions applicable in the ro-ro traffic in the Baltic Sea are applied to packagings, tanks, transport units and their marking and labelling used in road and rail transport, documents and loading.. The documents are not, however, required in internal transfer.

(2) If a neglect or another omission is discovered during the transport, including internal transfer, or temporary storage, which may endanger the safety of operations, the transport shall be stopped as quickly as possible taking into account the requirements of public safety. The operations may be continued only after they fulfil the requirements provided for them.

Section 5

An account of the dangerous goods to be transported

(1) Before bringing the dangerous goods into the port area, the shipper or the consignor shall submit information on the dangerous goods in good time and, where possible, at the latest 24 hours prior to their arrival in the port to the port authority and the operator.

(2) The ship's master or the representative of the shipping company shall, before commencing the unloading of the ship, submit information on the dangerous substance to the port authority and the operator.

(3) The information referred to in subsections 1 and 2 shall include the proper shipping name of the dangerous substance, its hazard class, UN number and, where necessary, flashing point, packaging group, quantity, number of packages and packaging type. The operator shall also receive information on the cargo list or the stowage plan.

Section 6

Information available in the port

(1) The port authority and the operator shall have access to those provisions and regulations on the transport of dangerous goods that are applied to in the port, to instructions to be complied with in the case of an accident and to first-aid treatment as well as to the internal rescue plan referred to in section 11.

(2) In the case of an accident, the port authority and the operator shall, where necessary, submit the information on the dangerous goods to the rescue authorities.

Section 7

Training of the personnel

(1) The port authority and the operator

shall have at least one person in charge who is familiar with the transport regulations on dangerous goods and the operations relating to the transport of dangerous goods.

(2) The port authority and the operator shall ensure that the persons employed by them carrying out duties connected to the transport of dangerous goods have the appropriate training covering the requirements of the transport and applicable to the responsibilities and tasks of the personnel. The training shall include:

1) *general awareness training* providing general information of the provisions relating to the transport of dangerous goods applied in the port in question;

2) *task-specific training*, where the personnel shall receive detailed training commensurate with the tasks and responsibility of the personnel on provisions relating to the transport mode of dangerous goods in question;

3) *safety training*, where the personnel shall receive training in the hazards of dangerous goods commensurate with the risk of injury and exposure to the substance caused by a possible accident during transport, loading and unloading; the aim of the training shall be that the personnel is aware of the measures to be taken during the safe transport and the related handling of the substance as well as 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 these materials shall receive training on radiation risks relating to the transport of radioactive materials and the safety measures to be taken to shield from radiation and to protect others;

5) *training on safety measures*, where the personnel shall receive training on the safety hazards relating to the transport and the safety plan of the port;

6) *refresher training* given at regular intervals in amendments adopted in the provisions and regulations on the transport of dangerous goods.

(3) The employer and the employee shall have detailed information on all completed training referred to in this section. The information shall be ascertained upon commencing a new employment relationship.

Section 8

Safety report

(1) A safety report shall be prepared for a port area through which the volume of dangerous goods to be transported in packaged form exceeds 10,000 tons annually. In order to ensure safety, the Maritime Administration may, where necessary, require that a safety report be prepared for other port areas as well.

(2) The safety report shall indicate that the hazards attributable to the transport and temporary storage of dangerous goods have been identified and that the necessary measures have been taken to prevent accidents and to limit the consequences of possible accidents on people and the environment. In addition, the safety report shall indicate the manner in which the supervision of transport units of dangerous goods has been arranged in the port area. Also the other hazards and possible vulnerable targets, such as schools, hospitals and ground-water reservoirs, in or outside the port area shall be taken into account in the report. The report shall also contain the operating principles of the safety management system. The report shall be appended with a separate internal rescue plan for the port area.

(3) The safety management system shall contain a description of the organisation, management and personnel of the port

authority and the operator participating in the management of accident hazards, the duties and areas of responsibility of the personnel as well as the guidance of operations taking place in the port. In addition, adequate conveyance of information between and within the different organisations shall be ensured. The system shall also contain a description of the operating plan in accordance with the internal rescue plan and of the emergency-situation drills.

Section 9

Approval of the safety report

(1) The operator shall prepare a safety report for its part and submit it to the port authority. The port authority may require that the operators draw up the safety reports in a set form. The port authority shall, on the basis of the safety reports of the operators, compile a safety report for the entire port area and ensure that the operations described therein form a functional entity in the entire port area. The port authority may prepare a uniform safety report for the entire port when the port consists of several port areas.

(2) The safety report of the entire port or port area with annexes shall be submitted to the Finnish Maritime Administration for approval. Before approving a safety report, the Maritime Administration shall reserve the rescue authorities, the regional environment centre, the occupational safety authorities and, where necessary, other authorities, an opportunity to express their opinion on the safety report.

(3) The Maritime Administration shall notify the port authority of its conclusions on the safety report within a reasonable period of time. The port authority shall notify the operator of an approved safety report. The approved safety report of the entire port or port area shall be made available to the

rescue authorities, the regional environment centre and the occupational safety authorities as well as to other competent authorities.

Section 10

Obligation to review the safety report

(1) The port authority shall review the safety report and update it in the following cases:

1) if a change increasing the hazard of major accidents has taken place in the operations of the port area;

2) if facts to be taken into consideration have arisen from the analysis of accident or emergency situations;

3) upon request of the Maritime Administration where deemed necessary in order to ensure safety.

(2) The operator shall inform the port authority of any changes referred to in subsection 1 (1) or (2) that have taken place in its operations.

(3) The safety report shall, however, be reviewed and updated at least every five years in accordance with section 9. Any changes in the arrangements of the port area and the rescue authorities as well as the technical development in accident prevention shall be taken into account in the review.

Section 11

Internal rescue plan

(1) The internal rescue plan shall define the measures to be taken in accident situations which are deemed possible in advance:

1) to prevent the accident and limit the consequences of the accident on people, the environment and property;

2) to implement the necessary measures to protect people, the environment and property

against the consequences of the accidents; as well as

3) to prepare to repair the consequences of the accident and to clean up the environment.

(2) In preparing the internal rescue plan, the arrangements of the regional rescue authority shall be taken into account.

(3) The internal rescue plan and any updates shall be submitted to the rescue authorities.

(4) The internal rescue plan referred to in this section may form a part of more extensive internal rescue plan of the port area.

Section 12

Inspections

The Maritime Administration shall systematically inspect that the operations of a port referred to in section 8 (1) correspond to the operations described in the safety report. The first inspection shall be conducted at the latest within two years from the approval of the safety report and, thereafter, every fifth year. At least the rescue authorities, the regional environment centre and the occupational safety district shall be invited to take part in the inspection.

Section 13

Placement of cargo transport units containing dangerous goods in a port

(1) Places and areas for cargo transport units containing dangerous goods shall be indicated in the port area so that the arrangement does not cause damage to people, the environment or property.

(2) The places and areas shall be marked clearly or it shall otherwise be ensured that incompatible cargo transport units are segregated and that the rescue service has

free access to the cargo transport units. The other traffic in the port area shall be taken into account in the placement and the aim shall be that the units are transferred as little as possible. Cargo transport units containing dangerous goods may not, during temporary storage, be stacked without a compelling reason.

(3) If cargo transport units containing dangerous goods are temporarily stored in a port area, the Maritime Administration may, on the basis of the risk assessment included in the safety report presented by the port authority or operator or of another assessment, order the manner in which the port area is to be equipped in case of cargo damage or, if there is a special need due to safety, determine the maximum quantity of dangerous goods to be temporarily stored in the port area.

(4) Smoking and use of fire are forbidden in the vicinity of transport units containing dangerous goods.

Section 14

Segregation of dangerous cargoes

(1) Cargo transport units containing dangerous goods shall, during temporary storage, be placed in a port area so that incompatible substances are segregated by an adequate distance. The segregation distances presented in the Annex shall be complied with in the port area.

(2) The provisions of the Annex need not, however, be complied with in the segregation and placement of cargo transport units containing minor quantities of dangerous goods. The port authority may issue instructions on the placement of these units.

(3) Substances of class 1, with the exception of hazard class 1.4 S; class 6.2; and class 7, with the exception of UN 2908-2911 substances, shall, without delay, be

transported away from the port area. These substances may, however, be temporarily stored in the port area if this is safe, does not cause a hazard and the port authority has consented thereto.

Section 15

Preparedness for accident prevention

(1) The port authority and the operator shall take all necessary measures to prevent accidents and to restrict their consequences to people, the environment and property.

(2) In case of accidents, the port authority and the operator shall have information of the placement in the port area of the cargo transport units containing dangerous goods and of the dangerous goods therein.

(3) The measures relating to accident prevention shall cover the operations of the entire port. They shall be methodological, systematic and based on the recognition of hazards arising from operations as well as on the determination of the goals of and procedure to restrict the hazards. The port authority and the operator shall monitor and assess the implementation of the measures and their effects as well as undertake the necessary corrective measures.

(4) The port authority and the operator shall arrange the emergency situation drills referred to in section 8 (3) in the port area.

(5) In order to prevent accidents, the port area shall be equipped with fire extinguishers and equipment to prevent leaks.

Section 16

Damaged cargoes

(1) A place shall be reserved for damaged dangerous cargoes and wastes contaminated by dangerous cargoes, where the cargoes may be stored and repacked and where the

contaminated waste may be collected for disposal. When planning these arrangements, the quantity and type of the dangerous goods to be transported via the port area shall be taken into account.

(2) It shall be taken into account in the planning that leaks of dangerous substances and contaminated waters can be collected.

(3) If a dangerous substance causes a considerable hazard, which may endanger the safety of operations, the port authority shall have the right to transfer the cargo transport unit containing dangerous goods to a safer place or away from the port area.

Section 17

Supervisory authorities

The Maritime Administration, the Police, the Customs Authority, the Border Guard, the occupational safety authorities and the Finnish Rail Administration shall supervise the transport, internal transfer and temporary storage of dangerous goods.

Section 18

Notifications of accidents

If an accident takes place during the transport, internal transfer or temporary storage of dangerous goods resulting in a danger of personal, environmental or property damage arising from a leak of the substance transported or from another reason, the driver of the vehicle or device used for the transfer or the person in charge of the loading or unloading, transfer or temporary storage shall immediately notify the Emergency Dispatch Centre of the incident and undertake the required protective measures.

Section 19

Accident report

(1) If an accident takes place in a port during the transport, transfer or temporary storage of dangerous goods causing a hazard to people, the environment or property, the carrier and, with regard to internal transfer or temporary storage, the person in charge of the cargo shall immediately draw up an accident report. The accident report shall include at least the following:

- 1) a description of the accident, the circumstances thereof and the possible damage caused by it;
- 2) the preventive measures taken at the scene of the accident;
- 3) the measures that the carrier and the person in charge have taken or will take in order to prevent corresponding accidents.

(2) The accident report shall be submitted to the Maritime Administration and the port authority as well as, on request, to other supervisory authorities, the rescue authority and the regional environment centre. In the case of transport of radioactive material, the report shall also be submitted to the Radioactive and Nuclear Safety Authority in Finland (STUK).

(3) The Maritime Administration, the port authority and the STUK have the right to require a more detailed account than that referred to in subsection 1 if this is considered necessary taking into consideration the type and extent of the accident.

(4) Separate provisions shall be issued

regarding accident investigation and the notifying of the occupational safety authorities of a serious occupational accident.

Section 20

Derogations

The Maritime Administration may, upon application, in an individual case, grant a derogation from the provisions of this Decree if there are special compelling reasons thereto or if compliance with the provisions causes unreasonable costs or considerable detriment. An additional requirement for a derogation is that the required safety can be ensured by other means.

Section 21

Entry into force

This Decree enters into force on 1 June 2005.

Section 22

Transitional provisions

(1) The safety report referred to in section 8 (2) of this Decree shall be submitted to the Maritime Administration for first approval prior to 1 January 2007.

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

*Annex***TABLE OF THE SEGREGATION OF DANGEROUS CARGOES IN A PORT AREA**

The strictest segregation requirement shall be applied to cargo transport units containing dangerous cargoes of more than one hazard class.

Class		2.1	2.2	2.3	3	4.1	4.2	4.3	5.1	5.2	6.1	8	9
Flammable gases	2.1	0	0	0	s	a	s	0	s	s	0	a	0
Non-toxic, non-flammable gases	2.2	0	0	0	a	0	a	0	0	a	0	0	0
Toxic gases	2.3	0	0	0	s	0	s	0	0	s	0	0	0
Flammable liquids	3	s	a	s	0	0	s	a	s	s	0	0	0
Flammable solids, self-reactive substances and solid desensitized explosives	4.1	a	0	0	0	0	a	0	a	s	0	a	0
Substances liable to spontaneous combustion	4.2	s	a	s	s	a	0	a	s	s	a	a	0
Substances which, in contact with water, emit flammable gases	4.3	0	0	0	a	0	a	0	s	s	0	a	0
Oxidizing substances	5.1	s	0	0	s	a	s	s	0	s	a	s	0
Organic peroxides	5.2	s	a	s	s	s	s	s	s	0	a	s	0
Toxic substances (liquids and solids)	6.1	0	0	0	0	0	a	0	a	a	0	0	0
Corrosive substances (liquids and solids)	8	a	0	0	0	a	a	a	s	s	0	0	0
Miscellaneous dangerous substances and articles	9	0	0	0	0	0	0	0	0	0	0	0	0

Note. The cargoes of classes 1 (except 1.4S), 6.2 and 7 may be stored in a port area only for immediate shipping or delivery. These classes are not presented in the table. However, if these cargoes need to be temporarily stored due to unforeseen circumstances, they shall be stored in areas indicated therefor. The port authority shall also observe the segregation requirements of individual classes in accordance with the IMDG Regulations.

KEY TO THE TABLE

Segregation of dangerous cargoes:

Packages/IBC packagings, roll trailers or platform containers

0	=	segregation not required
a	=	to be kept away from each other - by a distance of at least 3 metres
s	=	to be separated from each other - in open spaces by a distance of at least 6 metres, in shelters or warehouses by a distance of at least 12 metres unless segregated by an approved firewall

Closed containers, tank containers and closed vehicles

0	=	segregation not required
a	=	to be kept away from each other - segregation not required
s	=	to be separated from each other - in open spaces by a distance of at least 3 metres in longitudinal and crosswise direction in shelters or warehouses by a distance of at least 6 metres in longitudinal and crosswise direction unless segregated by an approved firewall

Open vehicles, railway cargo wagons and open containers

0	=	segregation not required
a	=	to be kept away from each other - by a distance of at least 3 metres
s	=	to be separated from each other - in open spaces by a distance of at least 6 metres in longitudinal and crosswise direction in shelters or warehouses by a distance of at least 12 metres in longitudinal and crosswise direction unless segregated by an approved firewall

With regard to cargo containers, tank containers, vehicles, roll trailers or platform container trailers or railway wagons, the distance of 3 metres corresponds to a standard 20-foot container or one free rail or trailer lane or, with regard to railway wagons, the longitudinal bumper room.

In the segregation table, "0" indicates that no segregation distance is necessary but that the substance-specific special provisions of the IMDG Regulations shall be observed.

A closed-type unit means a unit where the dangerous goods are fully enclosed by adequately strong walls like in a cargo container, tank or vehicle. Units where the sides or the top structure are made of fabric are not closed-type units.