

Decree on the Transport of Dangerous Goods in Packaged Form by Sea

(666/1998; amendments up to 405/2005 included)

Section 1

Scope of application

- (1) This Decree shall apply to the transport of dangerous goods in packaged form by sea:
- 1) in Finnish ships in and outside Finnish territorial waters; and
 - 2) in foreign ships in Finnish territorial waters.
- (2) However, this Decree shall not apply to:
- 1) recreational crafts with a length less than 45 meters;
 - 2) the ships of the Defence Forces if the Defence Staff has issued separate provisions concerning transport on board the ships or the ships of the Border Guard if the Border Guard has issued separate provisions on transport on board the ships;
 - 3) maritime and inland waterway transport under the supervision of the Defence Forces if provisions on them have been issued under a Ministry of Defence Decree given by virtue of the Act on the Transport of Dangerous Goods;
 - 4) cable ferries connecting parts of public roads; nor to
 - 5) dangerous goods meant for the ship's own use or for work on board the ship. (405/2005)

Section 2 (1127/2003)

Definitions

For the purposes of this Decree:

- 1) *goods in packaged form* mean dangerous goods transported in packagings, portable tanks, or containers or packed in a corresponding way; the provisions below on packagings also apply to intermediate bulk containers (IBCs), containers and tanks;
- 2) *a cargo transport unit* means a vehicle, a railway wagon, a freight container, a road tank vehicle, a tank wagon or a portable tank;
- 3) *a package* means the smallest packaging or article meant to be handled as a single unit with the exception of a consignment placed or stacked on to a load board by strapping, shrink-wrapping or stretch-wrapping;
- 4) *the SOLAS Convention* means the International Convention for the Safety of Life at Sea adopted on 1 November 1974 (Treaty Series of the Statute Book of Finland 11/1981) as it is binding on Finland with amendments;

- 5) *the IMDG Code* means the Code referred to in regulation 1, part A, Chapter VII in the annex of the SOLAS Convention, which includes provisions concerning transport of dangerous goods in packed form by sea;
- 6) *INF Code* means the Code referred to in regulation 14, part D, Chapter VII in the annex of the SOLAS Convention, which includes provisions concerning transport of packed irritated nuclear fuel, plutonium and certain radioactive wastes by sea;
- 7) *INF cargo* means the INF cargo referred to in regulation 14, part D, Chapter VII in the annex of the SOLAS Convention and carried in accordance with the IMDG Code;
- 8) *the owner of the vessel* means the owner as referred to in section 2 of the Act on the supervision of vessel safety (370/1995).

Section 3 (1127/2003)

Application of the IMDG and INF Codes

- (1) The transport of dangerous goods in packaged form by sea shall be governed by the IMDG and INF Codes as provided for in this Decree. However, in cases referred to in sections 4(2); 4 a; 9(3); and 12(1), instead of the IMDG Code the regulations of the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR; Treaty Series of the Statute Book of Finland 23/1979) or the regulations concerning the international carriage of dangerous goods by rail constituting an annex to Appendix B (CIM) to the Convention concerning international carriage by rail (COTIF) (Treaty Series of the Statute Book of Finland 5/1985) can be applied to Ro-Ro ship carriages on the Baltic Sea.
- (2) Further information on the IMDG and INF Codes is available from the Finnish Maritime Administration.

Section 4 (1127/2003)

Classification of dangerous goods

- (1) Dangerous goods shall be divided into the following classes:
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| Class 1 | Explosives |
| Class 2 | Gases |
| Class 3 | Flammable liquids |
| Class 4.1 | Flammable solids, self-reactive substances and solid desensitized explosives |
| Class 4.2 | Substances liable to spontaneous combustion |
| Class 4.3 | Substances which, in contact with water, emit flammable gases |
| Class 5.1 | Oxidizing substances |

Class 5.2	Organic peroxides
Class 6.1	Toxic substances
Class 6.2	Infectious substances
Class 7	Radioactive materials
Class 8	Corrosives
Class 9	Miscellaneous dangerous substances and articles

(2) If the IMDG Code requires that the goods be classified or the classification approved by a competent authority, in terms of radioactive substances the responsibility in Finland lies with the Radiation and Nuclear Safety Authority and of other substances with the Safety Technology Authority. The competent authority may require the shipper or the consignor of the goods to present the test results in order to ascertain the classification. (405/2005)

(3) If a foreign competent authority or the competent authority of the Province of Åland referred to in the IMDG Code has made or approved the classification, it may also be used in Finland. (405/2005)

Section 4a (1127/2003)

Dangerous goods as luggage

Dangerous goods carried as luggage shall be packaged for retail sale and be intended for personal or domestic use.

Section 5 (528/2001)

Technical requirements of a packaging and a tank

The technical requirements of packagings and tanks used for transport of dangerous goods are provided for in section 13 a of the Act on Transport of Dangerous Goods (719/1994) and thereunder laid down in a Decision of the Finnish Maritime Administration.

Section 6

Empty packagings

Empty uncleaned packagings shall be closed and leakproof in a similar manner as corresponding filled packagings.

Section 7

Markings

(1) The shipper and the consignor shall be liable for the packages and cargo transport units bearing markings and hazard labels in compliance with the provisions and orders.

(2) A package and cargo transport unit containing empty uncleaned packagings shall bear the same markings and hazard labels as filled packagings.

Section 8 (528/2001)

Overpack

A package may be packed in a separate overpack, which may, however, not be incompatible with the provisions or orders on the packing of the goods transported.

Section 9

Indication of conformity of a packaging and a tank

(1) The indication of conformity of a packaging and a tank used in the transport of dangerous goods is governed by the provisions of section 3 of the Government Decree on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods (302/2001).

(2) A packaging or a tank approved by a foreign competent authority or the competent authority of the Province of Åland referred to in the IMDG Code or by a body authorised by it may also be used in the transport of dangerous goods. (405/2005)

(3) A packaging manufacturer and at a later phase a retail seller referred to in chapter 6.1 of the IMDG Code shall inform of the applied procedures and provide a description of the types and dimensions of fasteners and other necessary parts in order to ensure that the packaging intended for carriage meets the provided requirements. (1127/2003)

Section 10 (528/2001)

Report on a breakage of a packaging or a tank

The shipper, consignor, carrier and consignee shall be liable to report to the Radiation and Nuclear Safety Technology if the structure of a packaging that has been approved or the conformity of which has been otherwise indicated breaks under normal transport conditions during the transport of radioactive materials, and to the Safety Technology Authority if the breakage has taken place during the transport of other dangerous goods.

Section 10a (1127/2003)

Competence of the personnel

(1) A person involved in carriage of dangerous goods by sea shall possess relevant and correct information of the safe handling of dangerous goods in carriage that has been obtained through supervision of work and training, if such information is required in an international agreement binding Finland.

(2) If the provisions of international agreements referred to in section 3(1) are applied to Ro-Ro ship carriages on the Baltic Sea, a person involved in the carriage shall also possess adequate information of the provisions concerning these carriages.

(3) The owner of the vessel shall ensure that persons involved in the carriage by sea possess the information referred to in subsections 1 and 2.

Section 11

Rights and obligations of the Safety Technology Authority and the Radiation and Nuclear Safety Authority

(1) The Safety Technology Authority and the Radiation and Nuclear Safety Authority shall, where necessary and in particular if a damaged packaging causes harm or danger, have the right to have tests carried out in a laboratory designated by it in order to ensure that a mass-produced packaging meets the requirements set for the packaging type in question.

(2) The Radiation and Nuclear Safety Authority shall keep a record of packagings and tanks meant for the transport of radioactive materials, which have been type-approved or the conformity of which has been otherwise indicated. The Safety Technology Authority shall keep a register of packagings and tanks meant for the transport of other dangerous goods. (528/2001)

Section 11 a (405/2005)

Approval and notification of transport of radioactive materials

In cases referred to in subsection 5.1.5 of the IMDG Code the shipper and the consignor shall apply for an approval for the transport of radioactive materials from the The Radiation and Nuclear Safety Authority and notify the The Radiation and Nuclear Safety Authority of their transport.

11 b § (405/2005)

Radiation protection and quality assurance programmes

(1) Anyone who carries radioactive materials shall have a radiation protection programme referred to in subsection 1.1.3 of the IMDG Code. The radiation protection programme shall indicate the measures to prevent and restrict the radiation exposure caused by the transport or temporary storage of radioactive materials. These measures shall be commensurate with the amount and likelihood of radiation exposure. Before undertaking the transport operations, the radiation protection programme shall be submitted for information to the Radiation and Nuclear Safety Authority in Finland.

(2) The operator shall draw up a quality assurance programme referred to in subsection 1.1.3 of the IMDG Code to be applied in its operations to ensure the conformity of its operations:

- 1) for the transport of all radioactive substances in special form and of radioactive materials with low dispersibility;
 - 2) for the design, manufacture, testing, documentation, use, maintenance and inspection of all packages used for the transport of radioactive materials; as well as
 - 3) for measures relating to the transport of radioactive materials.
- (3) The quality assurance programme referred to in subsection 2 above shall be based on requirements considered acceptable by the Radiation and Nuclear Safety Authority in Finland. Upon request, the quality assurance programme shall be made available to the Radiation and Nuclear Safety Authority in Finland.

Section 12 (1127/2003)

Documentation of goods being loaded or unloaded

- (1) The consignor and the shipper shall be liable, before the loading of the goods on board the ship, to submit to the master of the ship or the owner of the vessel the information as well as an insurance and a packing certificate referred to in chapter 5.4 of the IMDG Code. However, for the purposes of Ro-Ro ship carriages on the Baltic Sea the Finnish Maritime Administration may issue derogating provisions concerning the information referred to in chapter 5.4 of the IMDG Code or concerning the insurance or packing certificate.
- (2) Before unloading dangerous goods in Finland, the master of the ship shall submit the information referred to in subsection 1 to the port operator and the party handling the unloading or its representative. (405/2005)
- (3) Provisions on the reporting responsibility of the shipper and the consignor are issued in section 3(1) of the Decree on the reporting responsibilities related to carriage of dangerous goods or hazardous substances by sea (869/1994).

Section 13 (1127/2003)

Documents aboard

- (1) A ship carrying dangerous goods shall have:
- 1) a cargo list or a detailed stowage plan, which identifies by name or UN number, class, packing group if necessary, and the onboard location of all dangerous goods carried aboard;
 - 2) information referred to in section 12(1), unless they are included in the cargo list or stowage plan referred to in subsection 1;
 - 3) a contingency plan referred to in part D, Chapter VII in the annex of the SOLAS Convention, if the vessel is carrying INF cargo;

4) provisions concerning the carriage of dangerous goods in packaged form by sea and emergency and first aid instructions;

5) cargo securing manual.

(2) A contingency plan in accordance with INF Code of a Finnish vessel shall be approved by the Finnish Maritime Administration. The cargo list or stowage plan presented to the supervisory authority and the port operator shall include a clear entry indicating that the cargo contains dangerous goods. (405/2005)

(3) Crew members shall have the right to see the information and documents referred to in subsection 1.

Section 13 a (1127/2003)

Cargo stowage and securing

(1) The owner or the captain of the vessel is responsible for safe and proper loading, stowage and securing of dangerous goods considering their type.

(2) The safety measures relating to the securing of cargo shall fulfil the requirements referred to in Chapter VII, parts A and D of the annex to the SOLAS Convention.

Section 13 b has been repealed by the Decree 1127/2003.

Section 14 (405/2005)

The authorities

(1) The Finnish Maritime Administration, the police authorities, the Customs Administration and the Border Guard shall supervise the transport of dangerous goods in packaged form by sea. The Act on the Transport of Dangerous Goods lays down provisions on transport operations taking place under the supervision of the Defence Forces.

(2) In matters relating to the transport of radioactive materials the supervisor shall be the The Radiation and Nuclear Safety Authority together with the authorities referred to in subsection 1.

Section 14 a (528/2001)

Report on the approval of a packaging or a tank

The inspection body shall notify the Safety Technology Authority of type-approval or another corresponding indication of conformity of a packaging or tank intended to be used for transport dangerous goods.

Section 15

Derogations in emergency operations

In urgent emergency operations the provisions of this Decree and the orders issued under it may be derogated from, if compliance with the provisions and orders would hamper such operations.

Section 16 (1127/2003)

Reports on incidents

Accidents or incidents taken place during the carriage of dangerous goods shall be reported as required in Chapter VII, part A of the annex to the SOLAS Convention.

Section 17 (528/2001)

Derogations

Upon application, the Finnish Maritime Administration may, within its scope of authority and 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. In addition, it must be possible to meet the required safety requirements by other means.

Section 18 (528/2001)

Instructions

The Ministry of the Interior, the Ministry of Agriculture and Forestry, the Finnish Maritime Administration, the Safety Technology Authority, the The Radiation and Nuclear Safety Authority, the Board of Gene Technology, the Customs Administration and the Border Guard may, if necessary, issue instructions on matters falling under their scope of authority.

Section 19

Entry into force

- (1) This Decree enters into force on 1 November 1998.
- (2) This Decree repeals the Decree on the Transport of Dangerous Goods by Sea (357/1980) issued on 16 January 1980.
- (3) Orders issued under the Decree repealed by this Decree shall remain in force until otherwise provided for.
- (4) Measures necessary for the implementation of this Decree may be undertaken before the Decree's entry into force.

This Decree enters into force on 1 January 2001.

Decree 528/2001 of 13 June 2001:

(1) This Decree enters into force on 1 July 2001.

(2) The permits and approvals issued under the provisions in force at the time of the entry into force of this Decree will continue to apply as such with the rights and obligations referred to in the permits and approvals.

(3) Measures necessary for the implementation of this Decree may be undertaken before the Decree's entry into force.

Decree 1127/2003 of 18 December 2003:

This Decree enters into force on 1 January 2004.

Decree 405/2005 of 8 June 2005:

This Decree enters into force on 1 July 2005.

Those carrying out the transport of radioactive material upon the entry into force of this Decree shall submit the radiation protection programme referred to in section 11 b (1) to the The Radiation and Nuclear Safety Authority by 1 May 2006.
