

(Updated 9 February 2001, 124/2001)

N:o 719/1994

Act

on Transport of Dangerous Goods

Adopted in Helsinki, 9 February 2001

Chapter 1

General provisions

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.

2 § (124/2001)

Scope of application of the Act

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.

This Act shall also apply to the transport of dangerous goods in a port or airport to the extent further provided for in this Act.

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, waterway transport or air transport; nor to

3) transport by recreational craft.

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 paragraphs 1 and 2.

3 § (124/2001)

Definitions

For the purposes of this Act:

1) *dangerous goods* shall mean a substance, which by hazard of explosion, inflammation 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 micro-organisms;

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 harbour area, storage site or industrial area, airport 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 Decree of the Council of State;

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 harbour 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, in tanks, in containers or in another similar way;

7) *air transport* shall mean transport by aircraft;

8) *the Ministry* shall mean 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.

The provisions of this Act on packagings and tanks shall also apply to their valves and other accessories.

Further provisions on the definition of temporary storage may be issued by a Decree of the Council of State.

4 §

Relation to certain provisions

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.

The protection of employees shall additionally be governed by the provisions of the Act on Industrial Safety (299/1958) and elsewhere in the law.

The storage and possession of chemicals shall be governed by the provisions of the Chemicals Act (744/1989) and the Explosives Act (263/1953).

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).

Chapter 2

Authorities and their duties

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 Decree of the Council of State.

6 § (124/2001)

Other authorities

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 Administration, the Frontier Guard, port authorities, the Safety Technology Authority, the Vehicle Administration Centre and the Finnish Centre for Radiation and Nuclear Safety each in their own field of activity as provided for in this Act and further by a Decree of the Council of State. The other duties of these authorities relating to the transport of dangerous goods and to their fields of activity as well as the co-operation between national and foreign authorities shall be provided for in this Act and, where necessary, also by a Decree of the Council of State. The duties of other authorities belonging to their fields of activity the purpose of which is to ensure the safety of transport of dangerous goods may also be provided for by a Decree of the Council of State.

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 Decree of the Council of State where

necessary.

The transport of dangerous goods by a vessel or aircraft of the Frontier Guard shall be supervised by the Frontier Guard.

6 a § (124/2001)

Performer of an inspection

[The section 6 a has been repealed (124/2001).]

7 § (124/2001)

Authorisation provision

[The section 7 has been repealed (124/2001).]

Chapter 3

Obligations and requirements

8 § (124/2001)

General obligations of the consignor

The consignor as well as in the case of waterway transport the shipper and consignor shall be liable for the fact that dangerous goods left to be transported have been classified, packed, the packaging has been marked and left to be transported in compliance with this Act and the provisions and regulations issued thereunder.

The consignor as well as in the case of waterway transport the shipper and the consignor 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. The transport documents shall be delivered to the carrier as provided for by a Decree of the Council of State and, where necessary, further by a decree of the Ministry. With regard to waterway transport, the necessary

further regulations on the delivery of 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.

Provisions on transport documents and related procedures shall be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further regulations 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.

9 § (124/2001)

Obligations of the carrier

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

The carrier shall ensure that the personnel participating in the transport operations has sufficient knowledge of the provisions and regulations on the transport of the dangerous goods being transported.

A permit for the air transport of dangerous goods shall be required of an aircraft operator if international standards or recommendations require a permit or if the requirement of a permit is well-founded in order to ensure the safety of transport. The details for the requirement of a permit shall, where necessary, be provided for by a Decree of the Council of State. A precondition for the issuing of a permit shall be that the applicant, with the help of his training, instructions and the methods used by him, is able to ensure the safety of the handling of dangerous goods at all the stages of the air transport. Further provisions on the preconditions for the issuing of the permit

and the issuing of the permit may be issued by a Decision of the Finnish Civil Aviation Administration. The permit shall be issued by the Finnish Civil Aviation Administration.

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.

10 § a (124/2001)

Obligations of the passenger

A passenger shall inform the driver or the carrier of dangerous goods transported as luggage. The duty to inform may be provided for further by a Decree of the Council of State.

The transport of dangerous goods as luggage may be restricted or it may be prohibited if the goods to be transported may cause an occasion of an incident or an accident during the transport. Further provisions on restricting the transport of dangerous goods as luggage or its prohibition as well as on the quality, amount and packaging of the luggage may be issued by a Decree of the Council of State.

Further provisions on dangerous goods transported as luggage by a passenger or a crew member shall, where necessary, be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further regulations 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.

10 b § (124/2001)

The duty to appoint a safety adviser

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.

The safety adviser shall hold a certificate of passing the test arranged by the Vehicle Administration Centre indicating that the person has sufficient knowledge of the transport of dangerous goods and of the duties provided for him.

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 Decree of the Council of State.

11 § (124/2001)

Other obligations

Further provisions on the duties of the consignor, the shipper, the carrier, the party responsible for loading, the consignee, the party responsible for packing as well as the other parties involved in the transport of dangerous goods other than those provided for in sections 8-10, 10 a, 10 b and 13 b, such as the filing of reports of occasions of an accident or an incident and other reports relating to the transport, the marking of the transport unit, loading as well as the issuing of other transport instructions may be issued by a Decree of the Council of State.

12 § (124/2001)

Competence of the personnel

Anyone who transports dangerous goods on the road shall, in addition to a driver's licence, have a driving certificate authorising him to transport dangerous goods as further provided for in a Decree by the Council of State. Provisions on the training required for the driving certificate, the examinations and the driving certificate as well as the training provider shall be issued by a Decree of the Council of State. Further provisions on the practical implementation of the said issues may be issued by a Decree of the Ministry.

A person participating in the transport of dangerous goods by rail shall have the competence required by the task as further provided for by a Decree of the Council of State.

Anyone whose tasks otherwise include tasks relating to the transport of dangerous goods with an effect on the safety of the transport shall have the competence required for the tasks as further provided for by a Decree of the Council of State. Further provisions on the practical implementation of the issue and the technical details may be issued by a Decree of the Ministry. It may also be provided by a Decree of the Council of State that a person participating in the transport of dangerous goods in a port or airport shall have the competence required for the tasks. Further provisions on the technical details relating to the competence may be issued by a Decree of the Ministry.

13 § (124/2001)

General requirements concerning the transport of dangerous goods

Dangerous goods shall be packed and transported so that they remain inside the packaging or tank during transport. No dangerous substance may be on the outer surface of the package, tank or transport unit.

On 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 may cause significant danger to persons, the environment or property. When issuing the restriction it shall be ensured that no more harm is caused to the transportation possibilities of dangerous goods than is necessary for the elimination of the danger caused by the transportation.

Provisions on the technical details as well as reports and preparedness plans relating to the transport of dangerous goods shall be issued by a Decree of the Council of State.

Provisions on mixed loading of dangerous goods in a port or airport during transfer, the transfer of railway wagons in a port as well as the temporary storage of dangerous goods in a terminal, marshalling yard, port and airport and the related safety report shall, where necessary, be issued by a Decree of the Council of State.

Provisions on the construction, equipment, inspections and related markings of special vehicles used in an airport to transfer fuel for the purposes of aviation may be issued by a Decree of the Council of State.

Chapter 3 a (124/2001)

Safety of a packaging and a tank

13 a § (124/2001)

Conformity of a packaging and a tank

A packaging and a tank used to transport dangerous goods shall be manufactured and inspected and it shall be used so that it shall not endanger the health, safety, property or the environment of anyone. The packaging and the tank shall meet the requirements provided for 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 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.

13 b § (124/2001)

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

Anyone who places a 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.

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.

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 Decree of the Council of State. Provisions on the documentation needed for the assessment of conformity and its keeping shall be issued by a Decree of the Ministry.

A Decree of the Council of State 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.

13 c § (124/2001)

Inspection bodies and their tasks

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, paragraph 1, subparagraph 10. Further provisions on the tasks of inspection bodies shall be issued by a Decree of the Council of State and the procedures to be complied with in the tasks by a Decree of the Ministry.

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 Decree of the Council of State.

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 Decree of the Council of State. The inspection body shall be responsible for the procedures it has subcontracted.

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 Decree of the Council of State if the same safety requirements have been observed in the assessment of conformity as are in force in Finland.

13 d § (124/2001)

Recognition of an inspection body

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, paragraphs 1 and 2 as further provided for in a Decree of the Council of State. 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.

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, paragraph 2 and required in section 13 c, paragraph 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.

Provisions on the application of recognition shall be issued by a Decree of the Council of State.

13 e § (124/2001)

Requirements for the recognition of an inspection body

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 Decree of the Council of State, 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.

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 Decree of the Council of State.

An inspection body shall notify the authority responsible for the recognition of the inspection body of any changes relating to the criteria for recognition.

13 f § (124/2001)

Performing the tasks of an inspection body

In performing the tasks referred to in section 13 c, paragraphs 1 and 2 as well as in section 20, paragraph 2, the inspection bodies shall comply with the provisions of the Administrative Procedure Act (598/1982), the Act on the Openness of Government Activities (621/1999), the Act on Notice in Administrative Matters (232/1966), the Mailing of Documents Act (74/1954) and the Language Act (148/1922). If the tasks of an inspection body are performed by a separate and recognisable part of a legal person, the provisions of section 10, paragraph 1, subparagraph 4 of the Administrative Procedure Act shall, however, not be applied to a person employed by the inspection body. Supplementary provisions on the proper performance of the inspection tasks may, where necessary, be issued by a Decree of the Council of State.

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, paragraph 1, subparagraph 1, which is a separate and recognisable part of a legal person.

When performing the tasks referred to in section 13 c, paragraphs 1 and 2, a person employed by an inspection body shall be subject to the provisions on criminal liability in a public office .

13 g § (124/2001)

Supervision of inspection bodies

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.

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.

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 Decree of the Council of State.

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 Decree of the Council of State.

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

Prohibitions

14 §

General transport prohibition

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.

15 § (124/2001)

Prohibitions and limitations issued by the supervisory authority

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.

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.

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.

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.

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

16 § (124/2001)

Right of inspection, information and examination

The supervisory authorities provided for in this Act shall have the right, within their sphere of operations, to carry out inspections necessary for supervising compliance with this Act and provisions 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 the packagings and tanks used for their transport and to a vehicle transporting dangerous goods as well as the right to take the necessary samples and to carry out examinations.

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 paragraph 1 shall have the right to receive the information necessary for supervising compliance with this Act and with provisions 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 and the storage keeper as well as from the inspection body and another person subject to the requirements of this Act and the provisions issued thereunder.

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.

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.

16 a § (124/2001)

Supervision of packagings and tanks by authorities

Conformity of packagings and tanks to be transported shall be supervised by the Safety Technology Authority.

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 1-4.

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.

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.

If transportable pressure equipment where non-conformity persists has been affixed with conformity marking referred to in section 13 b, paragraph 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.

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 Decree of the Council of State.

16 b § (124/2001)

Undue conformity marking

If the conformity marking referred to in section 13 b, paragraph 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.

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.

A Decree of the Council of State 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.

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.

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

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).

19 §

Sanctions

Anyone who wilfully or through gross negligence fails to comply with this Act or with provisions or regulations issued thereunder for the safety of transport so that his conduct is liable to cause a hazard to the life or health of another, to property or to the environment shall, unless the act is subject to a more severe punishment elsewhere in the law, be sentenced *for a crime during the transport of dangerous goods* to a fine or to imprisonment not exceeding two years.

Anyone who, in a way other than that referred to in paragraph 1 violates the provisions of this Act or fails to comply with provisions or regulations issued thereunder, shall, unless the act is subject to a more severe punishment, be sentenced *for an offence during the transport of dangerous goods* to a fine.

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)

20 § (124/2001)

Appeal for a rectification

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 Vehicle Administration Centre 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.

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 Decree of the Council of State.

21 § (124/2001)

Appeal

A decision made by an inspection body in a rectification procedure referred to in section 20, paragraph 2 shall be appealed to the Administrative Court as provided for in the Administrative Judicial Procedure Act (586/1996).

Appeal shall otherwise be governed by the provisions of the Administrative Judicial Procedure Act.

22 § (124/2001)

Enforcement

A decision made under section 13 g, paragraph 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

23 § (124/2001)

Conveyance of confidential information

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.

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.

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.

24 § (124/2001)

Authorisation provision

Further provisions on the implementation of this Act shall be issued by a Decree of the Council of State. Provisions on the transport

of dangerous goods by road and by rail as well as the transport of dangerous goods by air and the transport of dangerous goods in packagings by sea shall be issued by Decrees of the Council of State.

Further provisions on the classification of dangerous goods, their transport, transport prohibitions, packagings, tanks, loading, marking, approval of tanks and packagings as well as approval of the approvals and periodic inspections performed thereto abroad, the safety of transport, loading and handling, reports and preparedness plans on the transport of dangerous goods, accident statistics on the transport of dangerous goods, the detailed tasks of the consignor, the shipper, the carrier, the party responsible for loading, the consignee, the party responsible for packing and the other parties involved in the transport as well as other details concerning the transport of dangerous goods may be issued by a Decree of the Ministry. With regard to waterway transport, the necessary further provisions on the said issues shall 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.

Further provisions on limitations on the transport of dangerous goods in certain areas, the supervision of the transport of dangerous goods and the temporary storage relating to the transport as well as the transport of dangerous goods in the terrain, a port, a marshalling yard and an airport may also be issued by a Decree of the Ministry.

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.

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.

Chapter 9

Entry into force and transition provisions

25 §

Entry into force provision

This Act enters into force on 1 September 1994. However, section 12, paragraph 1 of the Act shall not enter into force until 1 January 1995.

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.

The provisions and regulations issued under the previous Act shall remain in force until otherwise enacted and ordered under this Act.

Measures necessary for the implementation of this Act may be undertaken prior to its entry into force.

26 §

Transition provision

The driving certificates authorising one to transport dangerous goods granted prior to the entry into force of section 12, paragraph 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.

Act 1995/1596; 18 December 1995:
This Act enters into force on 1 January 1996.

Act 1996/1250; 20 December 1996:
This Act enters into force on 1 February 1997.

Act 1999/642; 21 May 1999:
This Act enters into force on 1 December 1999.

Act 2001/124; 9 February 2001:
This Act shall enter into force on 1 July 2001.
