

## Government Decree

### on the Transport of Dangerous Goods by Rail

(195/2003); amendments up to 307/2003 included)

#### Chapter 1

#### General provisions

##### 1 §

##### *Scope of application*

- (1) This Decree applies to the transport of dangerous goods by rail.
- (2) If the transport of dangerous goods starts or ends elsewhere than in Finland, the transport of dangerous goods by rail in Finland is governed by this Decree as well as the decrees of the Ministry of Transport and Communications or the international agreements and Conventions referred to in section 4. In shunting and forming of trains of railway wagons containing dangerous goods as well as in stabling and transfer of wagons in the marshalling yard, in a port and other corresponding place, this Decree and the decrees of the Ministry of Transport and Communications shall be applied in addition to the international Conventions and agreements.
- (3) Where a railway wagon carrying out a transport operation of dangerous goods subject to the provisions of this Decree is taken to be conveyed by another transport medium, the provisions applying to the said transport medium alone are applicable to the section of the journey carried out by the said transport medium.

##### 2 §

##### *Definitions*

For the purposes of this Decree:

- 1) *the VAK Act* means the Act on Transport of Dangerous Goods (719/1994);
- 2) *the RID Regulations* mean 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);
- 3) *the ADR Regulations* mean the European Agreement concerning International Carriage of Dangerous Goods by Road (ADR) (Treaty Series of the Statute Book of Finland 23/1979);
- 4) *the Ministry* means the Ministry of Transport and Communications;
- 5) *the packaging* means packagings approved for the transport of dangerous goods, IBC packaging and overpacks.
- 6) *a tank* means tank-vehicles, demountable tanks, battery-vehicles, MEGCs, UN tanks and tank containers.

## 3 §

*Temporary storage*

In addition to the provisions of section 3 (1), paragraph 3 the VAK Act, temporary storage means a temporary interruption of a journey due to the transport conditions as well as temporary storage due to a change of the transport mode or transport medium provided that, upon a request of a supervisory authority, documents indicating the places of dispatch and delivery are presented and that the container or tank is not opened during the temporary storage except for an inspection carried out by the supervisory authority, if any.

## 4 §

*International agreements to be applied*

- (1) The RID Regulations constituting an annex to Annex B of the Convention concerning international carriage by rail defining the uniform rules concerning the international carriage of goods by rail (CIM) are in force between Finland and the other countries acceded to the said Convention.
- (2) The regulations on the transport of dangerous goods in railway transit traffic between Finland and the Soviet Union in Appendix No. 8 of the transport tariff of the Convention on the Railway Transit Traffic between Finland and the Soviet Union (Treaty Series of the Statute Book of Finland 1/1948) are in force in the transport of dangerous goods by rail between Finland and Russia as well as via Russia from States of the former Soviet Union. In this case, the

transport shall take place with railway wagons registered in Russia or another State of the former USSR that has not acceded to the COTIF Convention.

- (3) Multilateral agreements referred to in the RID Regulations and ratified by Finland may also be applied to the national transport of dangerous goods by rail in Finland. Information on these separate agreements is available from the Ministry.

## 5 §

*Classification of dangerous goods*

- (1) Dangerous goods shall be classified into the following transport classes:
  - Class 1 Explosive substances and articles
  - 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 Oxidising substances
  - Class 5.2 Organic peroxides
  - Class 6.1 Toxic substances
  - Class 6.2 Infectious substances
  - Class 7 Radioactive substances
  - Class 8 Corrosive substances
  - Class 9 Miscellaneous dangerous substances and articles (307/2003)
- (2) Further provisions on the criteria for the classification of dangerous substances and the tests relating to the classification shall be issued by a decree of the Ministry.
- (3) In cases specified in the decree of the Ministry, the goods shall be classified

or the classification approved by the Safety Technology Authority or the Radiation and Nuclear Safety Authority (the STUK) or a competent foreign authority referred to in the ADR or RID Regulations. The authority may require that the consignor of the goods presents the test results in order to ascertain the classification.

#### 6 §

##### *Dangerous goods as luggage*

The transport of dangerous goods as registered luggage is prohibited. Small quantities of dangerous goods may be transported as hand luggage, if they are packed for retail and intended for personal or household use or for leisure time or sports hobbies and they do not cause danger or harm to other passengers or to the railway operator carrying out the transport.

#### Chapter 2

##### **Obligations of the parties**

#### 7 §

##### *General obligations*

Those participating in the transport of dangerous goods shall take appropriate measures taking into account the nature and extent of the risks in order to prevent damage as well as injury and to minimise harmful consequences.

#### 8 §

##### *The consignor*

- (1) The obligations of the consignor are governed by section 8 of the VAK Act. In addition, the consignor shall in particular:
  - 1) ascertain that the dangerous goods are classified in compliance with the provisions and that they may be carried by rail;
  - 2) furnish the carrier with the information necessary for the transport, the required consignment note or other dispatch document as well as other documents, like authorisations, approvals, notifications and certificates;
  - 3) use only packagings and tanks approved for and suited to the transport of the dangerous substances concerned and bearing markings complying with the provisions;
  - 4) comply with the requirements on the means of dispatch and forwarding restrictions;
  - 5) ensure that empty uncleaned and not degassed tanks or empty uncleaned wagons as well as wagons used in transporting goods in bulk and large and small containers are appropriately marked and labelled and that empty uncleaned tanks are closed and present the same degree of leakproofness as if they were full.
- (2) If the consignor uses the services of other participants, like the packer, loader or filler of a tank, he shall take appropriate measures to ensure that the consignment meets the requirements laid down. However, in cases referred to in paragraphs 1-3 and 5 of subsection 1, he may rely on the information and data made available to him by the other participants.

- (3) When the consignor acts on behalf on a third party, the latter shall inform the consignor in writing of the dangerous goods involved and make available to him all the information and documents that he needs to perform his obligations.

9 §

*The carrier of the transport*

- (1) The obligations of the carrier are governed by section 9 of the VAK Act. When taking over dangerous goods for transport, the carrier of the transport shall, at the place of departure, by means of representative samples in particular:
- 1) ascertain that the dangerous goods handed over for transport may be carried by rail;
  - 2) ascertain that the required documentation is attached to the consignment note and forwarded;
  - 3) ascertain visually that the wagons and loads have no obvious defects, leakages or cracks and no missing equipment;
  - 4) ascertain that the next inspection date for the tanks has not expired;
  - 5) verify that the wagons are not overloaded;
  - 6) ascertain that the placards and markings prescribed for the wagons have been affixed.
- (2) Where appropriate, the obligations referred to in subsection 1 shall be met on the basis of the consignment notes and other documents by visually inspecting the wagon and containers and, where appropriate, the load. The obligations are deemed fulfilled if the inspections are carried out in accordance with point 5 of leaflet 471-3 of the International Union of

Railways.

- (3) In the cases referred to in paragraphs 1, 2, 5 and 6 of subsection 1, the carrier of the transport may, however, rely on the information and data made available to him by the other participants.
- (4) If the carrier of a transport observes neglect in issues referred to in subsection 1 or another infringement of the provisions, he may not forward the consignment until the matter has been rectified.

10 §

*Consignee*

- (1) The consignee may not refuse to accept a consignment except for compelling reasons. The consignee shall after the unloading of the load verify that the requirements concerning him laid down in the provisions have been complied with. The consignee shall in particular:
- 1) in the cases provided for carry out the prescribed cleaning and decontamination of the wagons and containers;
  - 2) ensure that the wagons and containers, once completely unloaded, cleaned and degassed as well as decontaminated wagons and containers, no longer bear the placards and orange plates;
- (2) The consignee may not return the wagon or container to the carrier of the transport until the measures referred to in subsection 1 have been carried out. If the consignee uses the services of other participants, like an unloader, cleaner or other decontamination facility, he shall take appropriate measures to ensure that the requirements laid down are met.

- (3) A wagon or container may be returned or reused only after the measures referred to in subsection 1 have been carried out.

11 §

*Other participants*

The other participants participating in the transport besides those referred to in sections 8-10 are primarily the loader, packer, the filler of a tank and of a wagon or container used to transport goods in bulk as well as an operator of a tank container or a UN tank and a tank wagon operator. The obligations of the other participants flow from the general obligations from section 7 insofar as they know or should have known that their duties are performed as part of a transport operation subject to the VAK Act.

12 §

*Loader*

- (1) The loader has the following obligations in particular:
- 1) he shall hand the dangerous goods over to the carrier only if they are authorised for carriage by rail under the provisions;
  - 2) he shall, when handing over for carriage packed dangerous goods or uncleaned empty packagings, check whether the packagings are damaged; he shall not hand over a package the packaging of which is damaged, especially if it is not leakproof and there are leakages or the possibility of leakages of the dangerous substance, until the damage has been repaired; this obligation also applies to empty uncleaned packagings.

- 3) he shall, when loading dangerous goods in a wagon or in a small or large container, comply with the special requirements concerning loading and handling;
  - 4) he shall, when handing dangerous goods over to the carrier for immediate carriage, comply with the requirements of the provisions concerning the attachment of placards and orange plates on wagons or large containers;
  - 5) he shall, when loading packages, comply with the prohibitions on mixed loading taking into account dangerous goods already in the wagon or large container as well as the requirements concerning the separation of foodstuffs, other articles of consumption or animal feedstuffs.
- (2) In cases referred to in paragraphs 1, 4 and 5 of subsection 1, the loader may rely on the information and data made available to him by the other participants.

13 §

*Packer*

- The packer has the following obligations in particular:
- 1) he shall comply with the requirements concerning packing and mixed packing;
  - 2) when he prepares packages for carriage, he shall comply with the requirements concerning marking and labelling of the packages.

## 14 §

*Filler of a tank as well as of a wagon and container used to transport goods in bulk*

The filler of a tank as well as of a wagon and container used to transport goods in bulk has the following obligations in particular:

- 1) he shall ascertain prior to the filling of the tank that both the tank and its equipment are technically in a satisfactory condition;
- 2) he shall ascertain that the next inspection date for the tank has not expired;
- 3) he shall only fill the tank with dangerous goods authorised for carriage in the tank;
- 4) he shall, in filling the tank, comply with the requirements concerning the adjoining compartments;
- 5) he shall, during the filling of the tank, observe the maximum permissible degree of filling or the maximum permissible mass of contents per litre of capacity for the substance being filled;
- 6) he shall, after filling the tank, check the leakproofness of the closing devices;
- 7) he shall ensure that no dangerous residue of the filling substance adheres to the outside of the tanks filled by him;
- 8) he shall, in preparing the dangerous goods for carriage, ensure that the orange-coloured plates and placards or danger labels are affixed on the tanks, on wagons loaded with bulk goods as well as on large and small containers.
- 9) he shall, before and after the filling of tank wagons with a liquid gas, observe the special checking requirements applicable to the filling.

## 15 §

*Tank container/UN tank operator*

The tank container/UN tank operator has the following obligations in particular:

- 1) he shall ensure compliance with the requirements for construction, equipment, tests and marking of a tank container and a UN tank;
- 2) he shall ensure that the maintenance of the tank container and the UN tank as well as their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank container or the UN tank satisfies the requirements of the provisions until the next periodic inspection;
- 3) he shall have an exceptional check made on the tank container and the UN tank if the safety of them or their equipment is liable to be impaired by a repair, an alteration or an accident.

## 16 §

*Tank wagon operator*

The tank wagon operator has the following obligations in particular:

- 1) he shall attend to compliance with the requirements for construction, equipment, tests and markings of a tank wagon;
- 2) he shall attend to the maintenance of the tanks of a tank wagon and their equipment in such a way as to ensure that, under normal operating conditions, the tank wagon satisfies the requirements of the provisions until the next periodic inspection;
- 3) he shall have an extra check made if the safety of the tank of the tank wagon or its equipment is liable to be

impaired by a repair, an alteration or an accident.

### Chapter 3

#### **Packagings**

##### 17 §

#### *Technical requirements of packagings*

The technical requirements of packagings used to transport dangerous goods are provided for in section 13 a of the VAK Act and thereunder in a decree of the Ministry.

##### 18 §

#### *Packagings belonging to transportable pressure equipment*

- (1) With the exception of the transport of dangerous goods referred to in section 1 (2) (3), the material of a packaging belonging to transportable pressure equipment used in the transport shall be resistant to brittle fracture up to -40 °C.
- (2) With regard to the durability of the material referred to in subsection 1, the packaging shall bear the marking of "-40 °C" after the conformity marking referred to in section 6 (1) of the Government Decree on the Indication of Conformity of Packagings and Tanks Used in the Transport of Dangerous Goods and the identification number of the inspection body or another marking approved by the Safety Technology Authority.

##### 19 §

#### *Indication of conformity of packagings*

The indication of conformity of a packaging 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.

##### 20 §

#### *Use of RID or ADR packagings*

- (1) With the exception of packagings belonging to transportable pressure equipment, packagings, IBC's (intermediate bulk containers) and overpacks type-approved in conformity with the ADR or RID Regulations in force may also be used as packagings in the transport of dangerous goods. In cases referred to in the decrees of the Ministry, the drop test of plastic packagings shall, however, notwithstanding the ADR and RID Regulations, be carried out at a temperature of -40°C. In this case, the packaging shall bear a marking on the temperature of the drop test complying with the provisions, or the following marking shall be entered in the consignment note or other transport document: "*Packaging in conformity with the ADR/RID Regulations, tested at -40°C*". In other respects, the approval of the tasks and measures relating to the assessment of conformity carried out by foreign inspection bodies is provided for in section 13 c (4) of the VAK Act.
- (2) A packaging filled abroad and belonging to transportable pressure

equipment, approved elsewhere than in Finland in accordance with the RID and ADR Regulations, may, after the termination of a transport in accordance with the RID Regulations, be transported to be discharged in Finland and returned abroad empty without the marking referred to in section 18 if the consignor confirms in the consignment note or in a corresponding transport document that the packaging and its equipment are resistant to brittle fracture up to the temperature of  $-40^{\circ}\text{C}$  as follows: *"Packaging and its equipment are durable at the temperature of  $-40^{\circ}\text{C}$ ".*

#### 21 §

##### *Report on the breakage of the packaging*

The consignor, the railway operator in charge of the transport and the consignee shall be liable to report to the STUK the breakage of the structure of a packaging that has been approved or the conformity of which has been otherwise indicated when the breakage has taken place under normal conditions of transport if the breakage has taken place 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.

#### Chapter 4

##### **Transport equipment and tanks**

#### 22 §

##### *Construction of transport equipment*

- (1) The construction of equipment intended for the transport of dangerous

goods shall be durable and suitable for the purpose, so that dangerous goods may be transported as safely as is reasonably possible taking into consideration the properties of the goods transported.

- (2) The technical requirements of tanks used to transport dangerous goods are provided for in section 13 a of the VAK Act and in a decree of the Ministry.

#### 23 §

##### *Putting into service of a foreign tank*

- (1) The manufacturer or importer of a tank manufactured abroad and imported may not put a tank into service until a VAK inspection body and, with regard to a tank belonging to transportable pressure equipment, a notified body has approved the design type of the tank and, in an inspection carried out by it, ascertained that the tank complies with the regulations in force in Finland. A tank intended for the transport of radio-active materials shall be approved for service by the STUK.
- (2) If the inspections and tests of a tank manufactured abroad and imported have been carried out by a designated body referred to in the RID or ADR Regulations or an organisation authorised by it in conformity with the regulations in force in Finland and if an appropriate certificate thereon is presented with the appropriate accounts, the inspection need not be renewed unless there is a special reason to renew the inspection.



## Chapter 5

**Transport**

## 24 §

*Documents*

- (1) Upon handing over dangerous goods for transport, the consignor shall submit to the railway operator in charge of the transport a consignment note or a corresponding transport document containing the prescribed information on the goods handed over for transport. The consignment note may also be delivered in an electronic form.
- (2) If the transport of dangerous goods by rail in a large container is followed by transport by sea, the consignor shall append to the consignment note a container packing certificate complying with the IMDG Regulations.
- (3) When a vehicle containing dangerous goods is left to be conveyed by rail, the consignor shall, in addition to the information referred to in section 1 (3), submit to the railway operator in charge of the transport the written safety instructions on the goods transported as provided for in the Decree of the Ministry on the Transport of Dangerous Goods by Road.

## 25 §

*Transport*

- (1) The necessary precautions shall be taken in the transport taking into account the type, quantity and mode of transport of the goods transported.
- (2) Transport of dangerous goods is

allowed only in a goods train with the exception of the hand luggage of passengers referred to in section 6 as well as limited quantities of consignments transported as express cargo provided for in a decree of the Ministry.

- (3) In cases provided for in a decree of the Ministry, dangerous goods may be transported in bulk in a wagon, small container or tank.
- (4) If, during the transport, an infringement which could jeopardise the safety of the operation is observed, the consignment shall be halted as soon as possible bearing in mind the requirements of traffic safety, of the safe immobilisation of the consignment, and of public safety. The transport may only be continued once the consignment complies with the requirements provided for it. With regard to the rest of the journey, the supervisory authority may, however, grant an authorisation to continue the transport operation. In case the requirements of the provisions cannot be met and the supervisory authority has not granted an authorisation to continue the journey, the supervisory authority shall provide the carrier with the necessary administrative assistance. The same shall apply in case the carrier informs the supervisory authority that the dangerous nature of the goods carried was not communicated to him by the consignor and that he wishes, by virtue of the terms of the transport contract, to unload, destroy or render the goods harmless.

## 26 §

*Approval and notification of transport of radioactive materials*

The consignor shall apply for an approval for the transport of radioactive materials from the STUK and notify the STUK of their transport unless otherwise provided for in a decree of the Ministry.

## 27 §

*Safety in handling of wagons containing dangerous goods in marshalling yards*

- (1) A tank wagon containing dangerous goods shall in a marshalling yard, port or other corresponding place be in an area where no unauthorised entry is allowed. If a tank wagon containing dangerous goods has to be temporarily in storage in a marshalling yard, port or other corresponding place, the local rescue authorities shall be notified of the storage.
- (2) The temporary storage of wagons containing explosives in a marshalling yard shall be notified to the local rescue authorities in cases provided for in a decree of the Ministry.
- (3) A tank wagon containing dangerous goods may, in cases provided for in a decree of the Ministry, be moved in a marshalling yard, port or other corresponding place only shunted with a locomotive.

## Chapter 6

**Miscellaneous provisions**

## 28 §

*Supervisory authorities*

The Finnish Rail Administration shall supervise the transport of dangerous goods by rail. Transport operations by rail from and to Finland shall also be supervised by the Customs Administration and the Frontier Guard, each within its scope of authority. The primary supervisory responsibility shall, also in this case, lie with the Finnish Rail Administration.

## 29 §

*Co-operation of the supervisory authorities*

- (1) For the purpose of supervising the transport of dangerous goods, the supervisory authorities referred to in section 28 shall provide official assistance to foreign supervisory authorities if the provision thereof is based on the provisions of the European Community or on obligations of an international treaty binding on Finland. The Finnish supervisory authority shall report repeated and serious infringements endangering the safety of the transport of dangerous goods to the competent authority of the State in which the registered office of the undertaking party to the infringement is located if such reporting is based on Community provisions or on an obligation of an international treaty.
- (2) The Finnish supervisory authorities referred to in section 28 shall report to a foreign competent authority the

consequences imposed on a carrier or an undertaking in Finland attributable to repeated and serious infringements that have taken place abroad and that endanger the transport of dangerous goods if the reporting is based on the provisions of the European Community or on an obligation of an international treaty binding on Finland.

### 30 §

#### *Right of the Safety Technology Authority and the STUK to have tests carried out*

Where necessary and especially if a packaging or a tank upon breakage causes harm or danger, the Safety Technology Authority and the STUK have the right to have tests carried out in a laboratory ordered by them to ensure that the packaging and tank fulfil the requirements set thereon.

### 31 §

#### *Training of transport personnel*

- (1) Persons whose duties concern the carriage of dangerous goods by rail shall receive training in the requirements governing the carriage appropriate to their responsibilities and duties.
- (2) The training shall include the following parts:
  - 1) *general awareness training* in the general provisions relating to the transport of dangerous goods by rail;
  - 2) *task-specific training* providing detailed training directly appropriate to the tasks and responsibilities of the personnel in the provisions governing the transport of dangerous goods by rail; if part of the transport of dangerous goods is carried out as other

than transport by rail, the personnel shall also be aware of the provisions and regulations relating to that other mode of transport;

- 3) *safety training*, where the personnel shall receive training in the hazards attributable to dangerous goods commensurate with the risk of injury and exposure to the substance caused by a possible accident during the transport, loading or unloading of dangerous goods; the aim of the training shall be that the personnel is aware of the precautions to be taken during the handling of the substances and the measures to be taken in a hazard situation;
- 4) *training in the transport of radioactive materials*, where the personnel participating in the transport of these materials shall receive training commensurate with the radiation risks relating to the transport of radioactive materials and the safety measures to be taken into account for shielding from radiation and for protecting others;
- 5) *refresher training* given at regular intervals in changes that have taken place in the provisions and regulations.
- (3) The employer and the employee shall have detailed information of all completed training referred to in this section. The information shall be ascertained upon commencing a new employment relationship.
- (4) The training of a safety adviser is provided for separately.

### 32 §

#### *Safety reports for marshalling yards*

- (1) A safety report shall be produced for shunting yards through which large quantities of dangerous goods pass. The safety report shall demonstrate

that the hazards attributable to the transport of dangerous goods have been identified and the that necessary measures have been taken to prevent accidents and to limit their consequences for man and the environment. The safety report shall also demonstrate the implementation principles of the safety management system as well as the internal emergency plans of the marshalling yard.

- (2) A statement of the local rescue authority and the regional environment centre shall be requested on the emergency plan contained in the safety report. The report together with the statements shall be submitted for approval to the Finnish Rail Administration. The Finnish Rail Administration shall notify the railway operator of its conclusions on the safety report within a reasonable period.
- (3) The railway operator shall review the safety report and up-date it in the following cases:
  - 1) if a change increasing the major-accident hazard has taken place in the operations of the marshalling yard;
  - 2) if facts to be taken into consideration have arisen from analysis of accidents and emergencies;
  - 3) upon request of the Finnish Rail Administration.
- (4) The safety report shall, however, be reviewed and updated at least every five years. The updated safety report shall be submitted to the municipal fire chief and the regional environment centre.
- (5) The Finnish Rail Administration shall, at least every third year, systematically inspect all the marshalling yards for which a safety report is required. The

local rescue authority and the regional environment centre shall be invited to participate in the inspections at least with regard to the internal emergency plan.

### 33 §

#### *Derogations in emergency operations*

In urgent emergency operations the provisions of this Decree may be derogated from if compliance with the provisions hampers the emergency operations.

### 34 §

#### *Accidents and reporting thereon*

- (1) If an accident takes place during the transport of dangerous goods causing a danger of personal, environmental or property damage due to the leakage of the substance being transported or another reason, the party in charge of the carriage, loading or unloading shall immediately report the incident to the Emergency Dispatch Centre, submit the necessary information to the rescue authorities and take the appropriate protective measures required by the situation. (307/2003)
- (2) If during the transport of dangerous goods an accident referred to in Chapter 1.8 of Annex to the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Rail (278/2002) takes place, such as a release of dangerous goods, an imminent risk of such a release, personal injury, material or environmental damage, or if the authorities are involved, the carrier shall immediately file an accident report conforming to the

model prescribed in the Decree of the Ministry of Transport and Communications to the Finnish Rail Administration and Accident Investigation Board. In the case of transport of radioactive material, the report shall, however, be filed to the STUK. (307/2003)

- (3) The investigation of railway accidents relating to the transport of dangerous goods is provided for separately.
- (4) With regard to serious accidents, the Ministry shall submit an accident report referred to in the RID Regulations to the Secretariat of the Organisation for International Carriage by Rail (OTIF).

#### 35 §

##### *Report on the approval of a packaging and a tank*

- (1) The inspection body shall notify the Safety Technology Authority of the type-approval of a packaging or tank used to transport dangerous goods or of a corresponding indication of conformity.
- (2) The STUK 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. With regard to packagings or tanks meant for the transport of other dangerous goods, the register shall be kept by the Safety Technology Authority.

#### 36 §

##### *Derogations*

The Ministry 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. In addition, the granting of a derogation requires that the required safety can be achieved by other means.

#### 37 §

##### *Instructions*

The Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, the Ministry of the Interior, the Safety Technology Authority, the STUK, the Board of Gene Technology, the Finnish Rail Administration, the Customs Administration and the Frontier Guard may, if necessary, issue instructions on matters falling under their scope of authority and the scope of this Decree.

#### 38 §

##### *Entry into force*

- (1) This Decree enters into force on 1 April 2002. Sections 7-16 and 31 of the Decree shall, however, enter into force on 1 January 2003.
- (2) Packagings and tanks complying with the provisions in force upon the entry into force of this Decree may continue to be used in Finland.
- (3) This Decree repeals the Decree on the Transport of Dangerous Goods by Rail issued on 11 July 1997 (674/1997) with later amendments.

39 §

*Transitional provisions*

- (1) The packagings and tanks in compliance with the decree repealed by this Decree may be used further.
- (2) The classifications granted under the decree repealed by this Decree remain in force as such.
- (3) The safety reports for marshalling yards in force upon the entry into force of this Decree remain in force as such. They shall, however, be reviewed and updated in accordance with section 32.
- (4) Measures necessary for the implementation of this Decree may be taken prior to its entry into force.