
No. 210/1997
Decree on the Transport of Dangerous Goods by Air

Issued in Helsinki on 11 March 1997

Upon the presentation of the Minister of Transport and Communications the following is provided under the Act on the Transport of Dangerous Goods of 2 August 1994 (719/1994):

Section 1

Scope of application

This Decree shall apply to the transport of dangerous goods by air:

- 1) in the Finnish territory; and
- 2) by a Finnish aircraft outside the Finnish territory.

However, this Decree shall not be applied to transport operations referred to in paragraph 1, subparagraph 2, if the international obligations binding on Finland provide otherwise.

Section 2

Applicable standards

The Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO-TI) published as standards by the International Civil Aviation Organization under the Convention on International Civil Aviation (Finnish Treaty Series 1949/11) shall, with the reservations made by Finland, be complied with in the transport of dangerous goods by air as provided for in this Decree and as specified by the Civil Aviation Administration.

Information on the standards referred to above in paragraph 1 can be obtained from the Civil Aviation Administration.

Section 3

Classification of dangerous goods

Dangerous goods shall be classified into the following danger classes:

- Class 1 Explosives
- Class 2 Gases
- Class 3 Flammable liquids
- Class 4.1 Flammable solids
- 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 material
- Class 8 Corrosives
- Class 9 Miscellaneous dangerous goods

Further regulations and instructions on the classification of dangerous goods have been issued in the ICAO-TI and shall, where necessary, be issued by a Decision of the Civil Aviation Administration.

In cases specified by the Civil Aviation Administration, the goods shall be classified or the classification approved by the Safety Technology Authority or the Radiation and Nuclear Safety Authority (the STUK). The authority may require that the shipper of the goods presents the test results in order to ascertain the classification.

If a foreign competent authority referred to in the ICAO-TI has made or approved the classification, the classification may be used also in Finland.

Section 4

Dangerous goods as baggage

A passenger or a crew member must not take dangerous goods on an aircraft in his baggage or otherwise unless otherwise provided for on certain dangerous goods by the Civil Aviation Administration.

The operator shall ensure that the passengers are informed, in the manner specified by the Civil Aviation Administration, of the types of goods the transport of which is forbidden on an aircraft.

Section 5

Dangerous goods as air cargo

Goods, the transport by air of which is forbidden in all circumstances in compliance with the ICAO-TI and the regulations issued, where necessary, by the Civil Aviation Administration, must not at all be shipped or transported on an aircraft.

Goods, the transport by air of which on a passenger aircraft or cargo aircraft is, unless exempted by a competent authority, forbidden in compliance with the ICAO-TI and the regulations issued, where necessary, by the Civil Aviation Administration, may not be shipped or transported on said aircraft unless an exemption referred to in section 20 has been issued therefor.

The operator shall ensure that the shipper is informed, in the manner specified by the Civil Aviation Administration, of the regulations relating to the transport of dangerous goods.

Section 6

Shipper's responsibilities

Before the shipper offers dangerous goods to be transported as air cargo, he shall ensure that the transport of the goods by air is not forbidden and that the operator has been given the transport document and other documents referred to in the ICAO-TI, on which further regulations may be issued by the Civil Aviation Administration, where necessary.

The proper shipping name, class, quantity, number of packages and type of packaging of the dangerous goods shall be entered in the transport document. In addition, the UN number, packing group and subsidiary risks, if any, as well as other information complying with the provisions and regulations shall be entered therein. The transport document shall also bear a declaration signed by the shipper to the effect that the dangerous goods are classified, packaged, marked and labelled correctly as well as that they are in proper condition for transport.

The shipper shall submit to his staff sufficient instructions with which they will be able to attend to their duties relating to the transport of dangerous goods.

In addition to the responsibilities referred to above in paragraphs 1 - 3, the shipper shall comply with what is otherwise provided and specified as his responsibilities.

Section 7

Operator's responsibilities

The operator shall comply with the regulations of the ICAO-TI in accepting dangerous goods for transport, in storing intermediate and loading of dangerous goods, in checking the condition of packages and unit load devices containing dangerous goods as well as in informing and instructing the staff in its service and other persons. The operations manual of the operator shall contain sufficient instructions with which its staff will be able to attend to their duties relating to the transport of dangerous goods. However, in compliance with a regulation by the Civil Aviation Administration, the operator may, with regard to transport operations in the Finnish territory, for a special reason in some cases, be exempted from compliance with the responsibilities referred to in this paragraph and itemized in the regulation.

In addition to the responsibilities referred to in paragraph 1, the operator shall comply with what is otherwise provided and specified as his responsibilities.

Section 8

Construction of a packaging and a tank

Dangerous goods shall be packed for transport in packagings or tanks in conformity with this Decree and the regulations issued by the Civil Aviation Administration, where necessary, and the ICAO-TI.

A packaging and a tank used for the transport shall be durable and also otherwise suitable for the transport of their contents. The construction and closure of the packaging and the tank shall be such as to prevent any leakage of contents which might be caused, in normal conditions of transport, by changes in temperature, humidity or pressure or by vibration. A packaging and a tank intended for the transport of liquids shall be capable of withstanding the pressure referred to in the ICAO-TI without leakage. Parts of packagings and tanks in direct contact with dangerous goods shall be resistant to any chemical and other action of such goods.

The constituents and construction of the packaging and the tank shall comply with the requirements of the ICAO-TI.

Section 9

Use of a packaging and a tank

Inner packagings containing dangerous goods shall be so placed in the outer packaging and secured thereto or padded, using cushioning material, so as to prevent their breakage, leakage or movement during normal conditions of transport. Cushioning material and absorbent material, used where necessary, must not react dangerously with the contents.

If a packaging or a tank used for the transport of dangerous goods is re-used, all necessary measures shall be taken to prevent the contamination of the new contents. A packaging or a tank must not be reused unless it has been inspected and found free from corrosion or other damage.

Section 10

Empty packagings and tanks

Empty, uncleaned packagings and tanks shall be closed and leakproof to the same degree as if they were full.

Section 11

Marking and labelling of a package

If the a package contains several dangerous substances, the package shall have a marking and danger label for each the dangerous substances contained therein.

Packages containing empty uncleaned packagings shall bear the same danger labels as if they were full.

Section 12*Overpacks*

A package may be packed in a separate overpack, which must, however, not be incompatible with the packing regulations pertaining to the goods transported. The overpack shall bear package markings and danger labels complying with the regulations.

Section 13*Approval of packagings and tanks*

If a type-approval in compliance with the ICAO-TI is required from a packaging used in transport by air, it shall be approved by the Safety Technology Authority or by a body designated by it or by another competent authority referred to in the ICAO-TI or by a body designated by it as further specified by the Civil Aviation Administration, where necessary.

Packaging types shall be tested in compliance with the ICAO-TI in a laboratory recognized by the Safety Technology Authority.

Tanks shall be approved by the Safety Technology Authority or by a body designated by it or by another competent authority referred to in the ICAO-TI.

In the case of packagings and tanks of radioactive material, the competent authority shall be the STUK instead of the Safety Technology Authority.

A pressure vessel and its equipment approved by a foreign competent authority referred to in the ICAO-TI may be used also in Finland.

Section 14

The authorities

The Civil Aviation Administration, the Customs Administration, the police authorities and the Frontier Guard shall supervise the transport of dangerous goods by air, each within their scope of authority. Transport operations taking place under the supervision of the Defence Forces are governed by the Act on the Transport of Dangerous Goods.

The other competent authorities shall be the Civil Aviation Administration, the Safety Technology Authority, the STUK, and the Board for Gene Technology as provided for in this Decree and further specified for by the Civil Aviation Administration.

Section 15*Report on the breakage of the packaging or tank*

The shipper, operator and consignee shall be liable to report the breakage of the structure of a type-approved packaging that has taken place during normal conditions of transport to the Safety Technology Authority or the STUK, depending on which authority is in charge of the type-approval of the packaging. The breakage of a tank intended for the transport of radioactive material shall be reported to the STUK and the breakage of other tanks to the Safety Technology Authority.

Section 16*Rights and obligations of the Safety Technology Authority and the STUK*

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

The Safety Technology Authority and the STUK shall keep a record on packagings type-approved in Finland.

Section 17

Duty to provide training

Operators, consignor, agencies which perform, on behalf of the operator, the act of cargo handling and transferring of passengers or cargo, agencies engaged in the security screening of passengers and their baggage as well as shippers shall, in compliance with the ICAO-TI and as specified, where necessary, by the Civil Aviation Administration, provide initial training and recurrent training for all persons in their service concerned in the transport of dangerous goods by air.

The training programme, intended for those in the service of the operator and meeting the requirements for training in accordance with paragraph 1, shall be subjected to approval by the Civil Aviation Administration unless otherwise specified by the Civil Aviation Administration.

*Section 18**Derogations in emergency operations*

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

*Section 19**Reports on accidents*

The operator shall report an accident and a danger incident occurred during the transport of dangerous goods to Civil Aviation Administration.

The Civil Aviation Administration may, where necessary, issue further regulations and instructions on the reports referred to in paragraph 1 as well as on other reports necessary due to an accident or a danger incident.

*Section 20**Derogations*

With regard to other packagings and tanks than those used for the transport of radioactive material, the Safety Technology Authority may, upon application,

in individual cases and on conditions considered necessary by it, grant derogations from the regulations issued under this Decree.

The STUK may, for the transport of radioactive material, upon application, in individual cases and on conditions considered necessary by it, grant derogations from the regulations issued under this Decree.

In other cases than those referred to in paragraphs 1 and 2, the Civil Aviation Administration may, upon application in individual cases, authorize an derogations from the provisions of this Decree and from regulations issued thereunder.

The derogations referred to in paragraphs 1 - 3 above may be granted only if there is a special compelling need therefor or if compliance with the provisions causes considerable detriment. In addition, the granting of an derogations requires that the required safety can be achieved by other means and that the granting of the derogations is in compliance with the public interest.

Section 21

Further regulations and instructions

The Civil Aviation Administration shall issue further regulations and instructions on the application of this Decree. In addition, it may issue regulations on the other responsibilities of different parties concerned in the transport of dangerous goods than those referred to in the Act and in this Decree.

The Safety Technology Authority, the STUK, the Board for Gene Technology, the ministry superordinate to the police administration, the Customs Administration, and the Frontier Guard may, if necessary, issue instructions on matters falling under their scope of authority under this Decree and the regulations issued thereunder.

Section 22

Entry into force

This Decree enters into force on 1 May 1997.

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

