

No. 666/1998**Decree on the Transport of Dangerous Goods in Packaged Form by Sea**

Issued in Helsinki on 4 September 1998

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 in packaged form by sea:

- 1) in Finnish ships in and outside Finnish territorial waters; and
- 2) in foreign ships in Finnish territorial waters.

However, this Decree shall not apply to:

- 1) recreational craft;
- 2) the ships of the Defence Forces or the Frontier Guard if the competent authority has separately issued provisions on transport on board them;
- 3) maritime and inland waterway transport of dangerous goods under the supervision of the Defence Forces if the competent ministry has issued provisions thereon;
- 4) cable ferries connecting parts of public roads; nor to
- 5) dangerous goods meant for the ship's own use or for work on board the ship.

Section 2***Definitions***

For the purposes of this Decree:

1) *goods in packaged form* means dangerous goods transported in packagings, portable tanks, other containers or packed in a corresponding way; the provisions below on packagings shall also apply to intermediate bulk containers (BCs), containers and tanks;

2) *a cargo transport unit* means a vehicle, a railway wagon, a freight container, a road tank vehicle, a tank wagon or a portable tank;

3) *a package* means the smallest packaging or article meant to be handled as a single unit with the exception of a consignment placed or stacked on to a load board by strapping, shrink-wrapping or stretch-wrapping;

4) the *IMDG Code* means the International Maritime Dangerous Goods Code of the International Maritime Organization (IMO).

Section 3

Application of the IMDG Code

The transport of dangerous goods in packaged form by sea shall be governed by the IMDG Code as provided for in this Decree and as laid down by the Finnish Maritime Administration. When issuing orders, the Finnish Maritime Administration may derogate from the IMDG Code if there is a special reason thereto and the corresponding safety level can be attained otherwise.

Further information on the IMDG Code is available from the Finnish Maritime Administration.

Section 4

Classification of dangerous goods

Dangerous goods shall be divided into the following 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 materials
Class 8	Corrosives
Class 9	Miscellaneous dangerous substances and articles

Further orders and instructions on the classification of dangerous goods shall be issued by the Finnish Maritime Administration.

In cases specified by the Finnish Maritime Administration, the goods shall be classified or the classification approved by the Safety Technology Authority or the Radiation and Nuclear Safety Authority (the STUK), which may require the shipper or the consignor of the goods to present the test results in order to ascertain the classification.

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

Section 5

Construction of packagings

Dangerous goods shall be packed for transport in packagings in conformity with this Decree and with orders issued by the Finnish Maritime Administration.

Parts of packagings which are in direct contact with dangerous substances shall not be affected by chemical or other action of those substances. Such parts of packagings shall not incorporate constituents liable to react dangerously with the contents so as to form hazardous products, or to weaken them significantly.

The packaging shall not be affected by any changes in pressure caused by the contents. Where necessary, adequate pressure-relief devices shall be used.

Section 6

Empty packagings

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

Section 7

Marking

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

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

Section 8

Overpacks

A package may be packed in a separate overpack, which may, however, not be incompatible with the packing provisions and orders pertaining to the goods transported. The overpack shall bear package markings and hazard labels specified by the Finnish Maritime Administration.

Section 9

Approval of packagings

If a packaging is required to be type-approved in compliance with the IMDG Code, it shall be approved by the Safety Technology Authority or by a body authorized

by it or by a foreign competent authority referred to in the IMDG Code or by a body authorized by it.

Packaging types to be approved in Finland shall be tested in compliance with the IMDG Code in a laboratory recognised by the Safety Technology Authority.

Tanks shall be approved by the Safety Technology Authority or by a body authorized by it or by a foreign competent authority referred to in the IMDG Code or by a body authorized by it.

In the case of packagings containing radioactive material, the competent authority shall be the STUK instead of the Safety Technology Authority in accordance with further orders issued by the Finnish Maritime Administration.

Section 10

Report on the breakage of a packaging

The shipper, consignor, operator and consignee shall be liable to report any damage to 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.

Section 11

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 a damaged packaging causes harm or danger, have the right to have tests carried out in a laboratory designated by it in order to ensure that a mass-produced packaging meets the requirements set for the packaging type in question.

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

Section 12

Documentation of goods being loaded or unloaded

The consignor and the shipper shall be liable, before the loading of the goods on board the ship, to submit to the master of the ship a document referred to in section 3, paragraph 1 of the Decree on Reporting Obligations of Ships Carrying Dangerous or Polluting Goods (869/1994) supplemented with information on the possible flash point of the substance as well as the number of packages in the shipment and the nature of the packagings. The document shall further contain a declaration that the shipment is properly packaged and marked, labelled or placarded, as appropriate, and in proper condition for carriage. The declaration shall be accompanied by emergency procedures.

Before unloading dangerous goods in Finland, the master of the ship shall submit a copy of the declaration referred to in paragraph 1 and its annexes to the port authority and the party handling the unloading or its representative.

Crew members shall have the right to see the declaration referred to in this section and its annexes.

Section 13

The special list or manifest

Each ship carrying dangerous goods shall have a special list or manifest setting forth the dangerous goods and their location. A detailed stowage plan, which identifies by class and sets out the location of all dangerous goods on board, may be used in place of such a special list or manifest.

Crew members shall have the right to see the declaration referred to in paragraph 1.

The special list or manifest presented to the customs and port authorities shall contain a clear entry indicating that the cargo contains dangerous goods.

Section 14

The authorities

The Finnish Maritime Administration, the police authorities and the port authorities as well as the Customs Administration and the Frontier Guard shall supervise the transport of dangerous goods in packaged form by sea. 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 Finnish Maritime Administration, the Safety Technology Authority, the STUK, and the Board for Gene Technology as provided for in this Decree and further specified by the Finnish Maritime Administration.

Section 15

Derogations in emergency operations

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

Section 16

Reports on accidents

The Finnish Maritime Administration shall, where necessary, issue further orders on reports to be given in the case of accidents or incidents.

Section 17

Derogations

With regard to other packagings than those used for the transport of radioactive material, the Safety Technology Authority may, upon application, on a case-by-case basis and on conditions considered necessary by it, grant derogations from orders issued under this Decree.

The STUK may, for the transport of radioactive material, upon application, on a case-by-case basis and on conditions considered necessary by it, grant derogations from the orders issued under this Decree.

In other cases than those referred to in paragraphs 1 and 2, the Finnish Maritime Administration may, upon application, on a case-by-case basis, grant a derogation from the provisions of this Decree and from provisions and orders 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 or orders would cause unreasonable costs or considerable detriment. In addition, the granting of a derogation implies that the required safety can be achieved by other means.

Section 18

Guidelines

The Finnish Maritime Administration shall, where necessary, issue guidelines on the application of this Decree.

The Safety Technology Authority, the STUK, the Board for Gene Technology, the ministry in charge of police administration, Customs Administration and the Frontier Guard may, if necessary, issue guidelines on matters falling under their scope of authority under this Decree.

Section 19

Entry into force

This Decree enters into force on 1 November 1998.

This Decree repeals the Decree on the Transport of Dangerous Goods by Sea issued on 16 January 1980 (357/1980).

Orders issued under the Decree repealed by this Decree shall remain in force until otherwise provided for or specified.

Measures necessary for the implementation of this Decree may be

undertaken before its entry into force.