

## **Repealed by 541/2023**

NB: Unofficial translation; legally binding only in Finnish and Swedish Ministry of Transport and Communications of Finland

### **Government Decree on the Safety Adviser for the Transport of Dangerous Goods by Road and Rail**

Adopted in Helsinki, 27 March 2002

(274/2002; amendments up to 264/2009 included)

#### Section 1

##### *Purpose of the Decree*

The purpose of this Decree is to promote the safety of transport of dangerous goods by road and by rail and to prevent damage inherent in such transport with regard to people, the environment and property.

#### Section 2 *Definitions*

For the purposes of this Decree:

- 1) *Ministry* means the Ministry of Transport and Communications;
- 2) *dangerous goods* mean dangerous goods referred to in section 3(1) of the Act on the Transport of Dangerous Goods (719/1994); 3) *transport of dangerous goods* mean:
  - a) transport of dangerous goods by road;
  - b) transport of dangerous goods by rail;
  - c) filling of receptacles and tanks with dangerous goods and their other packing for transport by road or rail;
  - d) loading of dangerous goods for transport by road or rail;
  - e) unloading of dangerous goods in connection with transport by road or rail if the activities have an effect on the safety of the transport; and
  - f) drawing up of transport documents required for transport of dangerous goods by road or rail and other transport activities affecting the safety of the transport;
- 4) *operator* means any natural or legal person, association, a group of people or an official body transporting dangerous goods.

#### Section 3 (264/2009)

##### *Duty to appoint a safety adviser*

- (1) The operator shall appoint one or more safety advisers to carry out the tasks provided for him or her under the supervision of the operator.
- (2) A safety adviser need, however, not be appointed if:

- 1) dangerous goods are transported under the supervision of the Defence Forces or by a vehicle belonging to the Defence Forces;
- 2) transport of dangerous goods is operated occasionally in Finland under the condition that only a minor hazard to people, the environment or property is involved;
- 3) the transport of dangerous goods of the operator:
  - a) meets the conditions referred to in paragraph 1.1.3 or 1.7.1.4, or Chapter 3.4 or 3.5 of Annex A to the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Road (171/2009);
  - b) is referred to in Annex C to the Decree mentioned in subparagraph a;
    - 4) the transport of dangerous goods of the operator meets the conditions provided in paragraph 1.1.3 or 1.7.1.4, or Chapter 3.4 or 3.5 of Annex A to the Decree of the Ministry of Transport and Communications on the Transport of Dangerous Goods by Rail (172/2009); or
    - 5) the transport and temporary storage of dangerous goods takes place only in a port area or at an aerodrome.

#### Section 4

##### *Qualifications of a safety adviser*

- (1) A safety adviser shall hold an examination certificate referred to in this Decree showing that he or she has the expertise required for the tasks of a safety adviser for the transport of all dangerous goods for the mode of transport in question.
- (2) In addition to the mode of transport, the safety adviser may, in derogation from subsection 1, specialise in the transport of dangerous goods of only one or several of the following groups:
  - 1) dangerous goods of class 1;
  - 2) dangerous goods of class 2;
  - 3) dangerous goods of class 7;
  - 4) dangerous goods of classes 3, 4.1, 4.2, 4.3, 5.1, 5.2, 6.1, 6.2, 8 and 9.
- (3) The person to be appointed as safety adviser shall give his or her written consent for the task and he or she shall be familiar with the activities of the operator in question.
- (4) An employee, manager or owner of the operator or a person not directly employed by the operator may be appointed safety adviser. The adviser shall, however, have a factual ability to perform the duties provided for him or her.

#### Section 5

##### *Duties of a safety adviser*

- (1) It is the general duty of a safety adviser to find ways that make the transport of dangerous goods of the operator as safe as possible and comply with the relevant regulations. He or she shall promote the implementation of these means in transport.
- (2) With regard to the activities of the operator, the safety adviser shall:
  - 1) monitor compliance with the provisions and orders concerning transport of dangerous goods;
  - 2) give advice on the transport of dangerous goods;
  - 3) ensure that an annual report on activities relating to the transport of dangerous goods is submitted to the operator. The report shall be stored for five years and made available upon request to the authority supervising the transport of dangerous goods or the authority competent

with regard to the transport in order for them to carry out their tasks, and to the Ministry for research purposes;

- 4) ensure that an accident report referred to in section 6 is submitted to the operator of any incident that has occurred during transport of dangerous goods causing danger to people, the environment or property, and that the report is, upon request, made available to the authority supervising the transport of dangerous goods; and 5) carry out other duties provided in Annex 1.

(3) The operator shall ensure appropriate preconditions for the safety adviser to perform his or her duties.

## Section 6

### *Accident report*

An accident report to be drafted on any incident causing danger to people, the environment or property due to the operator's transport of dangerous goods shall include at least the following:

- 1) a description of the accident, the conditions prevailing at the time of the accident and any damage caused thereby;
- 2) preventive measures taken at the scene of the accident;
- 3) measures taken or to be taken by the transport operator or other operator in order to prevent a recurrence of a similar accident.

## Section 7

### *Examinations of the safety adviser*

(1) Safety adviser examinations are arranged on subjects pertaining to the transport of dangerous goods by road and by rail separately or together. The examination shall cover all dangerous goods or, based on advance notification by the candidate, goods belonging to one or several of the groups referred to in section 4(2). Passing the examination indicates that the person has the expertise required from a safety adviser of an operator using the mode of transport in question and engaged in the transport of the dangerous goods in question.

(2) It is permitted to have national provisions and regulations of international agreements concerning road and rail transport of dangerous goods as reference material in the examination. (537/2007)

(3) The examinations shall be taken in writing. For a special reason a written examination may be supplemented by an oral section.

(4) The examinations shall be arranged sufficiently often and in different parts of the country to ensure that the candidates will not have to travel too far or wait for an unreasonably long period of time.

(5) The safety adviser examinations shall be accepted by the Vehicle Administration Centre.

## Section 8

### *Content of the safety adviser examinations*

(1) The main aim of the safety adviser examinations is to ensure that the candidate has sufficient knowledge of the risks inherent in transport of dangerous goods, knowledge of applicable provisions and orders and of the duties provided for him. Taking into consideration the mode of transport the examination shall cover subjects referred to in Annex 2. The examination shall pay particular attention to the following subjects:

- 1) general preventive and other safety measures;
- 2) classification of dangerous goods;
- 3) packaging requirements including tanks and tank containers;
- 4) danger markings and labels;
- 5) information in transport document;
- 6) handling;
- 7) training of personnel;
- 8) transport documents;
- 9) instructions in writing;
- 10) requirements concerning transport equipment.

(2) The examination shall include at least 20 open questions. If multiple choice questions are used, two multiple choice questions count as one open question. In addition, the candidate shall undertake a case study concerning the transport of dangerous goods.

### Section 9

#### *Refresher examinations of the safety adviser*

(1) Safety adviser refresher examinations shall indicate that the adviser has expertise in issues that have changed after passing the previous safety adviser examination.

(2) The arrangement of refresher examinations for safety advisers shall, where applicable, be governed by the provisions of sections 7 and 8.

### Section 10

#### *Certificate of the safety adviser examination*

(1) The Vehicle Administration Centre shall issue a certificate in the form laid down in Annex 3 to a person who has passed the examination of safety adviser. If the passed examination has, in the manner referred to in section 4 (2), been limited to the transport of certain dangerous goods, the limited validity of the certificate shall be entered in the heading of the certificate. The certificate shall be valid for five years from its issuance. (264/2009)

(2) The Vehicle Administration Centre shall extend the validity of the certificate for five years if the holder passes a refresher examination for safety advisers during the final year before the expiry of the certificate.

(3) A safety adviser certificate duly issued in a State other than Finland acceded to the European Agreement concerning the International Carriage of Dangerous Goods by Road (ADR) (Treaty Series of the Statutes of Finland 23/1979) or to the Convention concerning International

Carriage by Rail (COTIF) (Treaty Series of the Statutes of Finland 52/2006) shall entitle the holder to act as a safety adviser referred to in this Decree to the extent indicated in the certificate. (264/2009)

#### Section 11

##### *Amendment of the certificate*

Upon application, the Vehicle Administration Centre may amend the safety adviser certificate if the applicant meets the requirements laid down for the issuing of the certificate. If the applicant wishes to expand the validity of his or her certificate limited in the manner referred to in section 4 (2), he or she shall re-pass the safety adviser examination to the full extent of the certificate required.

#### Section 12

##### *Informing of the safety adviser*

On request, the operator shall inform the authority supervising the transport of dangerous goods and, where necessary, another authority competent in the transport in question the safety adviser it has appointed.

#### Section 13

##### *List of questions*

The Vehicle Administration Centre shall keep a list of the questions to be asked in the safety adviser examinations and submit the list to the Commission of the European Communities at regular intervals.

#### Section 14

##### *Entry into force*

- (1) This Decree enters into force on 1 May 2002.
- (2) This Decree repeals the Decree on the Safety Adviser for the Transport of Dangerous Goods by Road and Rail of 5 February 1999 (127/1999) and Decision of the Ministry of Transport and Communications on the Safety Adviser for the Transport of Dangerous Goods by Road and Rail of 8 February 1999 (188/1999).

#### Section 15

##### *Transitional provisions*

The safety adviser certificate in force upon the entry into force of this Decree shall remain valid as such for the period of validity of the certificate.

Decree 537/2007; 10 May 2007:

This Decree enters into force on 1 July 2007.

Decree 264/2009, 23 April 2009:

- (1) This Decree enters into force on 1 May 2009.
- (2) The provisions in force at the time of the entry into force of this Decree may be applied until 30 June 2009.
- (3) The safety adviser certificate in force upon the entry into force of this Decree shall remain valid for the period of validity of the certificate.

#### **Annex 1 (295/2005)**

The duties of the safety adviser:

The duties of the safety adviser shall include the monitoring of the following: 1) the procedures for compliance with the rules governing the identification of dangerous goods being transported;

- 2) the practice of taking into account any special requirements when acquiring equipment required for the transport of dangerous goods;
- 3) the procedures for checking the vehicles used in the transport, loading and unloading of dangerous goods;
- 4) the proper training of the employees of the operator and entries of this training in the documents of the person concerned;
- 5) the implementation of proper emergency procedures in the event of any accident or incident during the transport, loading and unloading of dangerous goods;
- 6) the investigation of accidents, incidents and serious breaches in the transport, loading and unloading of dangerous goods as well as the drafting of the necessary reports;
- 7) the implementation of appropriate measures to avoid the recurrence of accidents, incidents and serious breaches;
- 8) the taking into account of the provisions and special requirements concerning the transport of dangerous goods in the choice and use of sub contractors or other parties;
- 9) ascertaining that the personnel involved in the transport, loading and unloading of dangerous goods has detailed operating instructions and manuals;
- 10) information on the dangers inherent in the transport, loading and unloading of dangerous goods;
- 11) the presence on board the means of transport of the required documents and safety equipment as well as measures to be implemented to ensure compliance of these documents and equipment with the provisions and regulations; as well as
- 12) the implementation of procedures to ensure compliance with provisions and regulations concerning loading and unloading; and
- 13) ascertaining that the operator has a feasible security plan.

#### **Annex 2**

Subjects to be included in the safety adviser examinations:

1. General preventive and other safety measures such as knowledge of the main cause and types of consequences of accidents caused by dangerous goods; as well as
2. Provisions relating to the mode of transport under national law and European Community standards as well as provisions of international conventions and other agreements binding on Finland with regard to the following: a) the classification of dangerous goods:
  - the procedure for classifying solutions and mixtures,
  - the structure of the description of substances,
  - the classes of dangerous goods and the principles of their classification,
  - the nature of the dangerous substances and articles transported,

- their physical, chemical and toxicological properties;
- b) general packaging requirements, to include tankers, tank-containers, etc.:
- types of packaging, codification and marking,
- packaging requirements and prescriptions for testing packaging,- the state of packaging and periodic checks; c) danger markings and labels:
- the markings on danger labels,
- the placing and removal of danger labels,
- placarding and labelling;
- d) references in transport documents:
- information in the transport document,
- the consignor's declaration of conformity;
- e) the method of consignment and restrictions on dispatch:
- full load,
- bulk transport,
- transport in large bulk containers,
- container transport,
- transport in fixed and removable tanks;
- f) the transport of passengers;
- g) prohibitions and precautions relating to mixed loading;
- h) the segregation of substances;
- i) limits on the quantities carried and quantities exempt;
- j) handling and stowage:
- loading and unloading (filling ratios),
- stowage and segregation;
- k) cleaning and/or degassing before loading and after unloading;
- l) crews: vocational training;
- m) vehicle papers:
- the transport document,
- written instructions,
- the vehicle-approval certificate,
- the vehicle driver's training certificate,
- copies of any derogations,
- other documents;

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- n) safety instructions: implementation of the instructions and driver-protection equipment;
- o) surveillance obligations: parking;
- p) traffic and navigation regulations and restrictions;
- q) operational and accidental discharges of pollutants;
- r) requirements relating to transport equipment.

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**Annex 3** (264/2009)

Form of certificate of training as safety adviser for the transport of dangerous goods

Certificate No: .....

Distinctive sign of the Member State issuing the certificate: ..... Surname:

.....

Forename(s): .....

Date and place of birth:.....

Nationality: .....

Signature of holder: .....

Valid until.....for undertakings which transport dangerous goods and for undertakings which carry out related loading or unloading:

F by road

F by rail

Issued by: .....

Date: ..... Signature:

.....

Extended until: ..... By:

..... Date:

..... Signature:

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