

302/2001

Decree of the Council of State
on the conformity assessment of packagings and tanks used for the transport
of dangerous goods

Adopted in Helsinki, 29 March 2001

Pursuant to the Decision of the Council of State, issued on presentation of the Ministry of Transport and Communications, the following is enacted pursuant to the Act on Transport of Dangerous Goods (719/1994) of 2 August 1994:

1 §

Scope of application

This Decree shall issue more detailed provisions on the assessment of conformity of packagings and tanks used for the transport of dangerous goods than the Act on Transport of Dangerous Goods (719/1994) as well as on the inspection bodies performing the tasks relating to the assessment and on their tasks.

The provisions of this Decree on transportable pressure equipment, including valves and other accessories, shall also apply to transportable pressure equipment, including valves and other accessories, used in waterway transport or air transport of dangerous goods.

2 §

Definitions

For the purposes of this Decree:

1) *an inspection body* shall mean the inspection body referred to in section 3,

paragraph 1, subparagraph 9 of the Act on Transport of Dangerous Goods;

2) *the Ministry* shall mean the Ministry of Transport and Communications;

3) *the Directive on transportable pressure equipment* shall mean Council Directive 1999/36/EC on transportable pressure equipment;

4) *transportable pressure equipment* shall mean tanks and packagings which are transportable pressure equipment referred to in the Directive on transportable pressure equipment, including their valves and other accessories;

5) *the ADR Agreement* shall mean the European Agreement concerning International Carriage of Dangerous Goods by Road (Finnish Treaty Series 23/1979);

6) *the RID Regulations* shall 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) (Finnish Treaty Series 5/1985);

7) *the IMDG Regulations* shall mean the International Maritime Regulations on

the Transport of Dangerous Goods of the International Maritime Organisation (IMO);

8) *the ICAO-TI* shall mean the technical instructions published as standards under the Convention on International Civil Aviation (Finnish Treaty Series 11/1949);

9) *Member States* shall mean Member States of the European Union and the States belonging to the European Economic Area.

Information on the regulations referred to in paragraph 1, subparagraph 7 shall be issued by the Finnish Maritime Administration and on the instructions referred to in subparagraph 8 by the Finnish Civil Aviation Administration.

3 §

Conformity assessment of a packaging and a tank

Conformity of a packaging and a tank used for the transport of dangerous goods shall be assessed by testing the packaging and tank and by approving its structure type unless otherwise provided for in a Decree of the Ministry on the transport of dangerous goods by road or by rail or in a Decision of the Finnish Civil Aviation Authority or the Finnish Maritime Authority or in international conventions binding on Finland.

In derogation from paragraph 1, the conformity of transportable pressure equipment shall be assessed by conformity assessment or reassessment.

In addition to the provisions of paragraphs 1 and 2, the continuous conformity of a packaging and a tank put into service shall be established, where necessary, with periodic inspections performed at set intervals and provided for by a Decree of the Ministry or by a

Decision of the Finnish Civil Aviation Authority or the Finnish Maritime Authority and with other inspections.

The right to use a package and a tank in Finland approved abroad shall be governed by the provisions of the Act on Transport of Dangerous Goods, the Decree on the Transport of Dangerous Goods by Road (632/1996), the Act on the Transport of Dangerous Goods by Rail (674/1997), the Decree on the Transport of Dangerous Goods in Packages by Sea (666/1998) and the Act on the Transport of Dangerous Goods by Air (210/1997).

4 §

Pressure equipment meant for waterway and air transport

The obligations of the party placing equipment on the market referred to in section 13 b, paragraph 1 and others referred to in paragraph 2 of the said section shall also apply to transportable pressure equipment meant for waterway and air transport.

5 §

Conformity marking of a packaging and a tank

The conformity markings of a packaging and a tank shall be in compliance with the requirements of the Decrees of the Ministry, the IMDG Regulations and the ICAO-TI instructions.

6 §

Conformity marking of transportable pressure equipment

The conformity of a receptacle and a tank belonging to transportable pressure equipment shall be indicated, in addition to the requirements of section 5, by affixing visibly and immovably to the equipment the p mark referred to in Annex VII of the Directive on transportable pressure equipment accompanied by the identification number of the notified body which has performed the conformity assessment procedure or, in the event of reassessment of equipment, the identification number of the notified body or, in the case referred to in section 11, paragraph 2, of the approved body.

New valves and other accessories having a direct safety function shall bear either the mark provided for in Annex VII referred to in paragraph 1 or the CE mark referred to in section 2, subparagraph 2 of the Act on Pressure Equipment (869/1999), which may be accompanied by the identification number of the notified body.

For the assessment of continuous conformity of transportable pressure equipment, the equipment shall bear the number of the inspection body that performed the periodic inspection indicating that it has undergone periodic inspection.

If the conformity assessment of transportable pressure equipment has been performed by an inspection body referred to in section 13 d, paragraph 2 of the Act on Transport of Dangerous Goods, the mark provided for in Annex VII referred to in paragraph 1 may not be affixed to the equipment.

If the transportable pressure equipment, with regard to its technical requirements, corresponds to any technical requirements set out in the IMDG Regulations or in the ICAO-TI

instructions that are not in compliance with the provisions issued for the implementation of Council Directive 94/55/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road or Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, the mark provided for in Annex VII referred to in paragraph 1 may not be affixed to the transportable pressure equipment.

The affixing of markings on transportable pressure equipment which misleadingly resemble the markings to be affixed to the equipment in accordance with provisions and regulations shall be prohibited.

7 §

Declaration of conformity of transportable pressure equipment

The manufacturer or its authorised representative established within the Member States shall draw up a written declaration of conformity to ensure and declare that the transportable pressure equipment is in compliance with the provisions issued therefor. The declaration of conformity shall include the information required of a declaration of conformity in Standard SFS-EN 45014.

8 §

Inspection bodies

The inspection bodies are the VAK inspection body, the VAK inspection body for periodic inspections, an inspection body recognised by the Finnish Centre for Radiation and Nuclear

Safety, a notified body and an approved body.

9 §

The tasks of the VAK inspection body and the VAK inspection body for periodic inspections

With the exception of tasks relating to transportable pressure equipment as well as to packagings and tanks used for the transport of radioactive substances, the VAK inspection body shall perform the tasks for which it has been recognised such as:

- 1) approvals of packagings;
- 2) approvals of tanks;
- 3) periodic inspections of packagings and tanks;
- 4) examinations provided for packagings and tanks other than those referred to in subparagraph 3;
- 5) approvals of packagings and tanks referred to in the annexes of the ADR Agreement;
- 6) approvals of packagings and tanks referred to in the annex of the RID Regulations;
- 7) approvals of packagings and tanks referred to in the IMDG Regulations;
- 8) approvals of packagings and tanks referred to in the ICAO-TI.

With the exception of tasks relating to transportable pressure equipment as well as to packagings and tanks used for the transport of radioactive substances, the VAK inspection body for periodic inspections may perform periodic inspections of packagings as well as other examinations provided for packagings, for which it has been recognised.

10 §

Tasks of a notified body

The body shall perform the tasks for which it has been recognised such as:

- 1) conformity assessments of transportable pressure equipment as well as related assessments and approvals of the quality system as well as related surveillance;
- 2) conformity reassessment of transportable pressure equipment;
- 3) reassessment of conformity to type of receptacles manufactured in series, including their valves and other accessories;
- 4) periodic inspections of transportable pressure equipment;
- 5) examinations provided for transportable pressure equipment other than those referred to in subparagraph 4;
- 6) assessments and approvals of the quality system relating to the periodic inspection of transportable pressure equipment as well as related surveillance.

11 §

Tasks of an approved body

The approved body shall perform the tasks for which it has been recognised such as:

- 1) periodic inspections of receptacles, including their valves and other accessories, belonging to transportable pressure equipment;
- 2) conformity reassessment of receptacles manufactured in series, including their valves and other accessories, belonging to transportable pressure equipment if a notified body has performed the reassessment of conformity to type of the equipment.

12 §

Packagings and tanks used for the transport of radioactive substances

The Finnish Centre for Radiation and Nuclear Safety shall, with regard to packagings and tanks used for the transport of radioactive substances, perform the following:

- 1) the approvals required;
- 2) the approvals required in the annexes of the ADR Agreement;
- 3) the approvals required in the annex of the RID Regulations;
- 4) the approvals required in the IMDG Regulations;
- 5) the approvals required in the ICAO-TI.

The testing, periodic inspections and other examinations required of packagings and tanks used for the transport of radioactive substances shall be carried out by the Finnish Centre for Radiation and Nuclear Safety or an inspection body recognised by it.

13 §

Detailed criteria for the recognition of an inspection body

The criteria for the recognition of an inspection body shall be governed by the provisions of section 13 e of the Act on Transport of Dangerous Goods. In addition, the inspection body shall have appropriate procedures to be applied when handling rectification requests relating to refusal of conformity.

The criteria set out in Annexes 1 and 2 shall be complied with in the recognition of an inspection body as well as the criteria set out in Annexes 1 and 3 in the

recognition of an approved body.

The criteria set out in Annexes 4 and 5 shall be complied with in the recognition of the VAK inspection body as well as the criteria set out in Annexes 4 and 6 in the recognition of the VAK inspection body for periodic inspections.

The recognition of an inspection body recognised by the Finnish Centre for Radiation and Nuclear Safety shall be governed, where applicable, by the criteria set out in Annexes 4 and 6.

14 §

Application for recognition of an inspection body

The recognition of an inspection body shall be applied for in writing from the authority to the competence of which the recognition falls. The application shall be appended with the documents evidencing compliance with the criteria referred to section 13 e of the Act on Transport of Dangerous Goods and in section 13 of this Decree. A certificate or a statement of the Centre for Metrology and Accreditation or a corresponding organisation or another certificate or statement indicating compliance with the criteria deemed sufficient by the authority recognising the body shall be appended to the documents.

If the inspection body has already been recognised for the tasks relating to the conformity assessment of packagings and tanks used for the transport of dangerous goods, the certificates, statements and other accounts presented in connection with the recognition may be taken into account in recognising the inspection body for new tasks.

15 §

Recognition of an inspection body

The Ministry shall recognise an inspection body as a notified body for the purpose of carrying out the tasks referred to in section 10 or as an approved body for the purpose of carrying out the tasks referred to in section 11 if the body meets the criteria provided therefor.

If an inspection body meets the criteria provided therefor, the Safety Technology Authority shall:

1) recognise the inspection body as a VAK inspection body to carry out on packagings and tanks the tasks referred to in section 9, paragraph 1 within the scope of the application

2) recognise the inspection body as a VAK inspection body for periodic inspections to carry out on packagings the inspections referred to in section 9, paragraph 2 within the scope of the application.

16 §

Performance of inspections

The inspection body and its staff shall carry out the assessments and other inspections with the highest degree of professional integrity and technical competence.

The inspection body shall itself perform the inspections which it contracts to undertake. It may, however, sub-contract a part of the tasks relating to conformity assessment to be performed by a sub-contractor. If the inspection body sub-contracts any part of its tasks, it shall ensure and be able to demonstrate that its sub-contractor is competent to perform the said task.

17 §

Supervision of the operations of the inspection bodies

The inspection body shall submit an annual report of its operations to the authority responsible for the recognition of the said body.

If the Safety Technology Authority observes that a notified or approved body acts in violation of provisions, the Safety Technology Authority shall inform the Ministry of its observations.

18 §

Communications by the Ministry

The Ministry shall be responsible to communicate to the European Commission as well as to the Member States of the European Union and the States belonging to the European Economic Area the bodies notified and approved in compliance with the Directive on transportable pressure equipment as well as their identification numbers issued by the Commission and any withdrawals of recognition.

19 §

Co-operation between the authorities

If the supervisory authority prohibits the transport of dangerous goods under section 15 of the Act on Transport of Dangerous Goods because the transportable pressure equipment does not meet the requirements provided for in the said Act or the provisions or orders issued thereunder, the authority shall, without delay, inform the Safety Technology Authority thereof, which shall, where necessary, undertake the measures referred to in the said Act.

20 §

Entry into force

This Decree shall enter into force on 1 July 2001. Sections 13-15 and section 18 thereof shall, however, enter into force on 6 April 2001.

In derogation from paragraph 1, with regard to tanks, gas receptacles and bundles of cylinders belonging to transportable pressure equipment, including their valves and other accessories, section 3, paragraph 2 as well as sections 4, 6, 7, 10 and 11 shall enter into force on a date to be provided for separately by a Decree of the Council of State. After the entry into force of this Decree, the conformity of these packagings and tanks, including their valves and other accessories, shall be assessed in the manner provided for in section 3, paragraphs 1 and 3, the conformity marking shall correspond to the requirements provided for in section 5 and the procedure for the assessment of conformity shall be performed by a notified body until otherwise provided therefor.

This Decree shall repeal the Decision of the Ministry of Transport on the authorities competent for the type-

approval of packagings required in the international transport of dangerous goods by road of 23 February 1990 (201/1990) with later amendments.

21 §

Transitional provisions

Tanks and packagings complying with the provisions in force upon the entry into force of this Decree may continue to be used in Finland.

Gas cylinders, tubes and cryogenic receptacles, including their valves and other accessories, complying with the provisions in force upon the entry into force of this Decree may be placed on the market in Finland until 30 June 2003 as well as put into service here also thereafter if they have been placed on the market at the latest on the said date.

If a packaging or a tank belonging to transportable pressure vessels, including their valves and other accessories, referred to in paragraphs 1 and 2 is not made subject to conformity reassessment, the conformity marking must be in accordance with the provisions in force upon the entry into force of this Decree.

Helsinki, 29 March 2001

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