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Dangerous Goods Transport in the Baltic Sea Region: Authorities, Agencies and Regulations

BO ZETTERSTRÖM

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GLOSSARY OF TERMS

ADR	The European Agreement concerning the International Carriage of Dangerous Goods by Road
AIS-network	System based on AIS technologies for ensuring safety at sea in coastal areas and preventing ship collisions
BC-code	International Code of Safe Practice for Solid Bulk Cargoes of the IMO
BMVBS	Bundesministerium für Verkehr, Bau- und Stadtentwicklung in Germany, (Federal Ministry of Transport, Construction and Urban Affairs, Division A 33)
COTIF	Convention concerning International Carriage by Rail
CTU	Cargo Transport Unit
Decision 2004/388/EC	2004/388/EC: Commission Decision of 15 April 2004 on an Intra-Community transfer of explosives
Directive 94/55/EC	Council Directive 94/55/EC of 21 November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road
Directive 96/49/EC	Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail
Directive 95/50/EC	Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road
Directive 96/35/EC	Council Directive 96/35/EC of 3 June 1996 on the appointment and vocational qualification of safety advisers for the transport of dangerous goods by road, rail and inland waterway
Directive 1999/36/EC	Council Directive 1999/36/EC of 29 April 1999 on transportable pressure equipment
Directive 2000/18/EC	Directive 2000/18/EC of the European Parliament and of the Council of 17 April 2000 on minimum examination requirements for safety advisers for the transport of dangerous goods by road, rail or inland waterway
Directive 2001/42/EC	Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment
Directive 2002/59/EC	Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC
IBC-code	International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk of the IMO
IGC-code	International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk of the IMO
IMDG-code	International Maritime Dangerous Goods Code of the IMO
INF-code	International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ship of the IMOs
ISM-code	The International Safety Management Code of the IMO
ISPS Code	The International Ship and Port Facility Security Code of the IMO
MARPOL	International Convention for the Prevention of Pollution from Ships of the IMO
Mintc	Ministry of Transport and Communications Finland

OTIF§	The Intergovernmental Organisation for International Carriage by Rail
OSJD	International Organisation of Railway Cooperation (the members of which are the administrations, managing the railway transport in Europe and Asia)
Regulation No 725/2004	Regulation of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security
RID	Reglement concernant le transport International ferroviare des merchandises Dangereuses
Safe Sea Net	European electronic reporting- and information system for vessel traffic
SMGS	Agreement concerning the International Freight Traffic by Rail
SOLAS	Safety of Life at Sea Convention (1974) of the IMO
STCW code	The Seafarers Training, Certification, & Watchkeeping Code of the IMO
VTS	The system, Vessel Traffic Service, is based on a combination of VHF, radar, computers and TV monitoring.

1 INTRODUCTION

One of the European Union INTERREG III B programmes is the Baltic Sea Region Neighbourhood Programme. Safe and Reliable Transport Chains of Dangerous Goods in the Baltic Sea Region (DaGoB) was initiated by TEDIM, a joint organ for ministries responsible for transport in the Baltic Sea Region (BSR). DaGoB aims at improving cooperation between public and private constituents related to dangerous goods transport in the Baltic Sea Region. It aims at connecting the stakeholders on different levels, providing up-to-date information on cargo flows, supply chain efficiency, risks related to dangerous goods transport, and action plan production.

Working Package 2 of DaGoB is responsible for the survey of authorities who deals with road, rail and maritime transport of dangerous goods and their roles and responsibilities. The Swedish Rescue Services Agency, in the role of WP2 Leader, sent out a questionnaire in March 2006. Partners in Estonia, Finland, Germany, Latvia, Lithuania and Sweden answered the questionnaire and this report is the result. The survey contains information on two areas - legislation and enforcement - which has been divided into the following areas:

- ministries and authorities
- number of staff
- legislation
- procedures for implementing regulations
- cooperation
- routing and transport restrictions
- approval of packagings, tanks, vehicles, wagons and vessels etc
- objectives
- training and examination
- transport units inspected
- infringements

The survey does not draw any conclusions about what is good or bad; rather it provides examples how countries have solved their handling of dangerous goods matters. The survey contains information on both legislation and enforcement, provides information on the responsible ministries, authorities and agencies involved in the legislative process; and presents their objectives. It notes the legislation, explains how international agreements and other requirements have been implemented, and describes the cooperation among authorities on a national and international level. It seems that most of the agreements have been incorporated within national

legislation, or are currently in the process of being implemented within participating countries.

The number of ministries responsible for the handling of dangerous goods varies from only one ministry to six. In addition to the ministries, several authorities, administrations and competent authorities are named. Although cooperation is already active it seems as though there is a need for further cooperation especially in the field of inspection of dangerous goods.

This report seeks to draw attention to two outstanding presentations in the area of dangerous goods transport. The first is the German report “Lagebild Gefahrgut 2005” and the other is the strategy report “Transport of Dangerous Goods in Finland: Strategy 2006-2015” from the Finnish Ministry of Transport and Communications. A short survey of IT applications and systems used in dangerous goods transport checks in the Baltic Sea Region is also included. It also provides a short comparative case study on the legal liabilities and sanctioning that follow from dangerous goods related breaches in the Baltic Sea Region.

The carriage of dangerous goods is surrounded by extensive regulations. These regulations are based on international agreements and EU legislation. The regulations are mostly developed within the United Nations - Economic and Social Council (ECOSOC) (Shown in figure 1). However, for rail transport the regulations are developed within the Intergovernmental Railway Organisation (OTIF).

As regards carriage of general cargo by sea the IMDG Code being part of the SOLAS Convention comes into application. The carriage of dangerous bulk cargo in tankers is governed by the SOLAS Convention and the IMDG Code is not applicable. There is also an international convention for the prevention of pollution from ships called MARPOL 73/78. Yet another international convention on liability and compensation for damage in connection with the carriage of Hazardous and Noxious Substances by Sea (HNS) is currently waiting for ratification.

The road- and rail transport of dangerous goods within each country is regulated by the European Union by different directives based on the international agreements ADR and RID. At present sixth countries have ratified the ADN Agreement on the transport of dangerous goods by inland waterway. One more signatory is required before the Agreement can enter into force. Compared to other member states of EU the rail transport in Baltic countries and Finland have a rather unique situation. They must rely on OSJD/SMGS regulations in case of freight originating from third countries

and OTIF/COTIF regulations in case of freight originating from the EU member states.

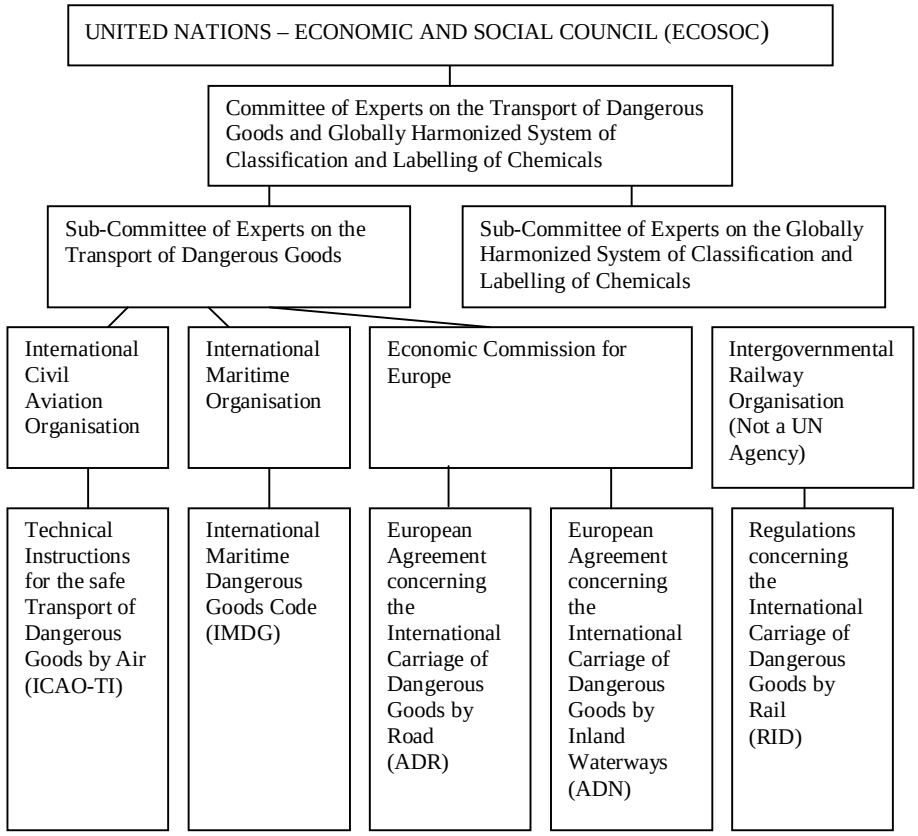

Figure 1 The structure of United Nations- Economic and Social Council (ECOSOC)

This report is a survey of authorities who deal with road, rail and maritime transport of dangerous goods and their roles and responsibilities in the BSR. It also provides structured and important input to DaGoB ToolKit, developed by other partners to DaGoB. The partners of DaGoB are responsible for the information provided in this report. Information presented herein has been collected from the competent authorities. The Evaluation of EU Policy on the Transport of Dangerous Goods since 1994, TREN/E3/43-2003 from Pira International, April 2005, is a study in connection to this report.

In presenting this report the project leader would like to express his grateful thanks to the partners for their help and cooperation without which the report could not have been completed. Project leader for this report is Bo Zetterström of the Swedish Rescue Services Agency.

2 ESTONIA

2.1 Legislation for road, rail and maritime transport of dangerous goods

2.1.1 Ministries and authorities

There are 13 ministries in Estonia, five of which are more or less involved with the process of transportation of dangerous goods. Ministries are responsible for the regulation in their own domain both domestically and on an EU level. Each ministry's area of responsibility is covered by a number of government authorities. It is these authorities that are responsible for the day to day running of activities within the civil service. The government sets objectives, issues guidelines and apportions resources for the work of the ministries and authorities. Authorities (also inspectorates) are in administrative fields of ministries.

Table 1 Ministries and authorities involved with DG transport in Estonia

Estonian Ministries	**Estonian Authorities**
Ministry of Finance	Estonian Tax and Customs Board
Ministry of Environment	Estonian Radiation Protection Centre Environmental Inspectorate
Ministry of Economic Affairs and Communications (till 31. 01. 2003 Ministry of Transportation and Communications) Road and Railways Department Aviation and Maritime Department	Civil Aviation Administration Estonian Maritime Administration Estonian Railway Inspectorate Estonian Road Administration Technical Inspectorate Estonian Motor Vehicle Registration Centre
Ministry of the Interior	Police Board Rescue Board Border Guard
Ministry of Social Affairs	Chemicals Notification Centre (established by Chemical Act), Health Protection Inspectorate

Transport authorities are:

- for road transport: Estonian Road Administration
- for rail transport: Estonian Railway Inspectorate
- for maritime transport: Estonian Maritime Administration.

The regulations on the transport of dangerous goods are issued by Ministry of Economic Affairs and Communications.

The **competent authorities** for Estonia are:

1. for ADR; Ministry of Economic Affairs and Communications Road and Railways Department
2. for RID; Road and Railways Department of the Ministry of Economic Affairs and Communications; Estonian Railway Inspectorate
3. for IMDG code; Estonian Maritime Administration and Aviation and Maritime Department of the Ministry of Economic Affairs and Communication;
4. Estonian Maritime Administration on sea transport matters pertaining to IMDG, BC, IBC, IGC and (INF) Codes;
5. the Estonian Radiation Protection Centre on matters that concern all kinds of radioactive substances and matters;

If, in the course of any matter of business at a competent authority, issues arise that belong to the area of responsibility of another authority, then the matter isdealt with in consultation with that other authority. To solve such an issue, appropriate ministries must be involved. The following ministries and authorities are responsible for representing Estonia in international meetings:

Table 2 Ministries and authorities responsible for representing Estonia in international meetings

Responsible for	**Authorities**
Representing/monitoring the work of the EU; land transport	Road and Railways Department of the Ministry of Economic Affairs and Communications Estonian Road Administration, Estonian Railway Inspectorate
Representing/monitoring the work of the EU; maritime transport	Aviation and Maritime Department of the Ministry of Economic Affairs and Communications, Estonian Maritime Administration
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	Road and Railways Department of the Ministry of Economic Affairs and Communications
Representing/monitoring the work of the ADR	Road and Railways Department of the Ministry of Economic Affairs and Communications
Representing/monitoring the work of the RID	Road and Railways Department of the Ministry of Economic Affairs and Communications, Estonian Railway Inspectorate
Representing/monitoring the work of the IMDG, IBC, IGC, BC codes etc	Estonian Maritime Administration
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic	Estonian Maritime Administration

2.1.2 Number of staff at the competent authorities

The number of staff working with the regulations at the competent authorities as defined in ADR, RID and IMDG code is:

Table 3 Number of staff working with DG regulations in Estonia

Authority	Number
Road and Railways Department of the Ministry of Economic Affairs and Communications in cooperation with Estonian Railway Inspectorate	1 2
Road and Railways Department of the Ministry of Economic Affairs and Communications in cooperation with Estonian National Motor Vehicle Registration Centre and Estonian Road Administration	1 1 1
Aviation and Maritime Department of the Ministry of Economic Affairs and Communications in cooperation with Estonian Maritime Administration (all issues concerning sea transport of hazardous cargo)	1 2
Estonian Radiation Protection Centre (class 7) Technical Inspectorate (class 1)	1 1

There is also informal cooperation among staff working at different bodies.

2.1.3 Legislation

There is no special Transport of Dangerous Goods Act in Estonia. Relevant norms accompany legislative acts that deal with particular fields.
Transportation of the dangerous goods by rail adjusts(regulates) Railway Act (§66). Regulations on safety advisors on the transport of dangerous goods are adopted by Railway Act.

Special regulations are imposed by Rules for the Transport of Dangerous Goods by Road under the Road Transport Act.

Estonia, Finland and Russia: Memorandum of Understanding has been signed by Estonia, Finland and Russia. Working Groups have prepared a joint submission to the IMO. Joint submission for NAV 48 (NAV 48/3/1) agreed and drafted MSC Resolution “Mandatory ship reporting system” to be adopted by MSC 76 (Annex 4 to NAV 48/10). Date to take effect 1 July 2004. Estonia, Finland and Russia have commenced the works for development of the integrated VTMIS of the Gulf of Finland. It includes new routing and ship reporting systems, AIS-network, radar surveillance and data exchange.

Security matters are implemented by the Maritime Safety Act and the Ports Act and Regulations (3) of the Ministry Economic Affairs and Communications.

The following national regulations are published to support international regulations for road, rail and maritime transport of dangerous goods.

Table 4 National regulations for DG in Estonia

Directive	National legislation
94/55	Transport of dangerous goods by road Road Transport Act Law 07.06.2000 ; Regulation of the Minister of Transport and Communications No 118 of 14 December 2001 on "Rules for Transport Dangerous Goods by Road" Law 14.12.2001
96/49	Transport of Dangerous Goods by Railway – Railway Act
95/50	Transport of Dangerous Goods by Road – Regulation of the Minister of Transport and Communications No 118 of 14 December 2001 on "Rules for Transport Dangerous Goods by Road" Law 14.12.2001
96/35	Regulations for Transport of Dangerous Goods Safety Advisors- Regulation of the Minister of Economic Affairs and Communications No 56 of 3 April 2003 "Training Curriculum and Requirements for Professional Qualification and Certificate Model for Safety Adviser" Law 03.04.2003
99/36	Regulations for Transportable Pressure Equipment – Pressure Equipment Safety Act (passed 22 May 2002) and 19. 12. 2002 Regulation No. 49 of the Ministry of Economic Affairs and Communications
2000/18	Requirements for the Tutorial Program and Qualification of Dangerous Goods Safety Advisors 3. 04. 2003 Regulation No. 56 of the Ministry of Economic Affairs and Communications (issued under Chemical Act)

2.1.3.1 Maritime Safety Act

Passed 12 December 2001.

The IMDG, BC, IBC Codes, transport of oils (MARPOL Annex I) and ISPS Code, the International Ship and Port Facility Security Code of the IMO, and the Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security have been implemented by the Maritime Safety Act.

The ISM code, the International Safety Management Code, has been implemented by the Maritime Safety Act.

The purpose of Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system is to establish in the Community a vessel traffic monitoring and information system with the aim of enhancing the safety and

efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships. This directive is implemented by the Maritime Safety Act and by different regulations issued by Ministry of Economic Affairs and Communications, and these are:

1. 10. 08. 2005 Regulation No. 89 of the Ministry of Economic Affairs and Communications regarding the Discipline of Notification of Hazardous Cargo and Order for Forwarding of Hazardous Cargo Information to Interested Parties (implements the articles 12, 13 and 17 of the Directive 2002/59/EC). Dangerous cargo shall not be stowed on a ship before the master of the ship and the harbour master have received the declaration of dangerous cargo. The declaration of dangerous cargo shall be submitted by the consignor or the authorised representative of the consignor;
2. 12. 12. 2002 Regulation no 22 of the Ministry of Economic Affairs and Communications regarding the Hazardous Cargo Declaration Form (partly the article 12 of the Directive 2002/59/EC).
3. 12. 09. 2004 Regulation no 178 of the Ministry of Economic Affairs and Communications regarding the Boundaries of the Vessel Traffic Services Area and Procedures for Forwarding the Information therein (partly the articles 4 and 5 of the Directive 2002/59/EC).

2.1.3.2 Ports Act

Passed 22 October 1997.
Ministry of Transportation and Communications 26. 01. 1998 Regulation No. 4 The Requirements for the Receipt, Processing and Storage of Dangerous Goods in Ports and Release thereof from Ports. Implements some principles from directive 2002/59/EC.

2.1.3.3 Inland waterways

Not applicable.

2.1.4 Procedure for implementing the international regulations within national law

The procedure for implementing the international regulations within national law follows the regular legislative process in Estonia. Drafts of laws are usually prepared in the relevant ministries and discussed with all relevant parties during the process. Drafts go through government to the relevant parliamentary commission and are eventually adopted by parliament. Costs of implementation are always accounted for in the explanatory annex of the draft. If respective explicit delegation is given in the law, practical aspects of the implementation can be specified in the decrees by particular ministers or heads of administrations.

Estonian Maritime Administration has the right to issue its own circular letters on IMO resolutions and other documents in order to implement them as official guidelines.

2.1.5 Cooperation with industry in the rule making process

Representatives of the private industry are involved in the rule making process and are consulted while regulation is being drafted. In particular industries, strong lobby forces are also often exercised in parliamentary commissions.

2.1.6 Cooperation between ministries and authorities and with trade organisations

Ministries make rules in accordance with mandates from acts. An act clearly states which ministry is responsible for issuing certain regulations and outlines other ministries involved. The Ministry of Economic Affairs and Communications is responsible for issuing regulations concerning the transport of dangerous goods by every kind of transport, and therefore central to the process. Cooperation has been relatively weak and mainly project-based e.g. - relevant authorities were involved in the initiative by the Crisis Commission of Estonian Government in the second half of 2005 to analyse the transport of dangerous goods by rail and map the functions of inspection and supervision. Cooperation with the trade and industry organisations take place on an *ad hoc* basis.

Regulations concerning the handling of dangerous goods in port areas shall be issued in concordance with the Ministry of the Environment.

There is a joint group of specialists lead by the Ministry of Economic Affairs and Communications for the implementation of the concept of a sustainable marine environment.

2.1.7 Routing and transport restrictions

The following ministries and authorities are responsible for routing and transport restrictions on dangerous goods:

Table 5 Ministries and authorities responsible for routing and transport restrictions in Estonia

Responsible for routing and transport restrictions	**Authorities**
Road	Municipalities can impose restrictions on both the route and time that dangerous cargo is transported within their territory
Rail	Public authorities have no such authority, with perhaps the exception of Rescue Board in cases of responding to serious accidents. Furthermore, there is no practical implication to imposing routing restrictions on railway due to the alignment of the railway grid in Estonia. Restrictions are most effective when imposed in the course of spatial planning by the municipalities, and when handling the demand for the transport of dangerous goods in populated areas.
Maritime	Estonian Maritime Administration

Responsible for tunnel restrictions	**Authorities**
Road	Not applicable (no tunnels)
Rail	Not applicable (no tunnels)

2.1.7.1 Maritime transport

Transit shipping of certain dangerous goods via Estonian internal waters is restricted when carried out by foreign ships not visiting Estonian ports in agreement with the Regulation of the Government of the Republic of Estonia

No. 170, dated 28 July 1998 - the List of Hazardous Substances that are not Allowed for Transit Shipping in Estonian Internal Waters.

6.12.2000 Regulation No.106 of the Ministry of Transportation and Communication (regarding the requirements for storage facilities and places of loading, unloading and transhipment of chemicals, and for other structures necessary for handling of chemicals in ports, road transport terminals, railway stations and airports and special requirements on handling of ammonium nitrate) sets the restriction on ship to ship cargo transfer at sea and use of the ship as storage vessel depending on hazardous properties of the cargo (substance).

2.1.8 Approval of packaging, tanks, receptacles etc...

The Technical Inspectorate is responsible for approval and supervision of packaging of tanks and pressurised packages in all modes of transport. In terms of railway, the Customs and Infrastructure Manager additionally monitors packaging in border crossings.

The Estonian Maritime Administration authorizes staff and other groups such as classification societies, etc. According to the Maritime Safety Act these activity fields inter alia are:

- ship building, ship repair and ship conversion;inspection and testing of ships, shipboard installations and systems;in-water inspection of the underwater hull of ships; manufacture, inspection and testing of navigation equipment,
- radio communication equipment, life saving appliances and fire fighting equipment and fire protection structures;
- calculations and testing related to shipbuilding;
- checks of cargo operations of chemical tankers;
- performance of hydrographical surveys; auditing the quality system of maritime educational institutions;
- installation and maintenance of equipment which ensures the safety of ships in the Republic of Estonia.
- organisation of initial training and refresher update courses for seafarers;

The Estonian Board for Accreditation and Conformity Assessment is the competent authority for assessment and accreditation of business activities.

2.1.9 Approval of vehicles, railway wagons and maritime vessels

The following ministries and authorities are responsible for the approval of vehicles, railway wagons and maritime vessels intended for the transport of dangerous goods:

Table 6 Ministries and authorities responsible for approval of vehicles, railway wagons and maritime vessels intended for DG transport in Estonia

Approval of	**Ministries and authorities**
Road vehicles	Estonian Vehicle Register Centre
Railway wagons	Estonian Railway Inspectorate
Maritime vessels	The ship inspection division of the Estonian Maritime Administration approves and certifies maritime vessels for the transport of packaged goods and hazardous cargo in bulk. The following classification societies are recognised for supervision of Estonian ships: Lloyds Register Germanischer Lloyd Bureau Veritas Det Norske Veritas Russian Register of Shipping

2.1.10 The objectives of ministries and authorities

Estonian transport strategy for 2006-2013 does not include independent objectives that target the transport of dangerous goods. The strategy elaborates on a number of a bit more general principles: safety of traffic, infrastructure and transport system; development of infrastructure; polluter-pays principle and reducing negative environmental side effects; improving monitoring, supervision and inspection techniques and cooperation between public authorities. The work with transport of dangerous goods is not explicitly acknowledged on the higher strategic level (perhaps with minor exceptions) and relevant authorities work individually. There seem to be no quantified or detailed objectives for the future in particular authorities. On a more general level, its possible to identify goals that target the elimination of transport and storage of dangerous goods from more populated areas. Increasingly important is to draw attention to careful spatial planning; misconduct or errors in the past have caused most of the problems encountered today.

2.1.10.1 Estonian Maritime Administration

The Quality System ISO 9002:2000 is implemented for enhancing maritime safety in every aspect. To enhance the safety of maritime navigation the VTS is implemented in the Finnish Gulf region. The Memorandum of Understanding has been signed by Estonia, Finland and Russia. Working Groups have prepared the joint submission to IMO. Joint submission for NAV 48 (NAV 48/3/1) agreed and drafted the MSC Resolution “Mandatory Ship Reporting System” to be adopted by MSC 76 (Annex 4 to NAV 48/10). Estonia, Finland and Russia have commenced development work of the integrated VTMIS of the Gulf of Finland. It includes new routing and ship reporting systems, AIS-network, radar surveillance and data exchange.

2.1.11 Legislation on the transport of dangerous goods to legislation on physical planning

There is no direct relation between the legislation on the transport of dangerous goods and physical planning. Municipalities can impose restrictions on the establishment of facilities that handle dangerous goods on their territory; furthermore, the mentioned discretion is enhanced by the new act on spatial planning (currently a draft).

6. 12. 2000 Regulation Ministry of Transportation and Communication (from 2003 Economics and Communication) No. 106 is issued to implement requirements for storage facilities and places of loading, unloading and transhipment of chemicals, and for other structures necessary for handling of chemicals in ports, road transport terminals, railway stations and airports and special requirements on handling of ammonium nitrate.

The main requirements state, that in handling premises in ports, road transport terminals, railway stations and airports, it is prohibited to: handle a chemical in a manner which results in the chemical warming, cooling or reacting due to another chemical.

The design, construction and appropriate testing of handling premises shall be based on the standards and regulations of the Republic of Estonia or, in the absence thereof, preferably on international standards, and standards and regulations of other states which are approved by the Estonian Centre for Standardisation.

Special requirements on handling of ammonium nitrate are valid for every type of premises.

For a port, there has to be an Environmental Investigation Analysis and permission in accordance with Directive 2001/42/EC.

2.1.12 Liaison between the national competent authority for the supply and use of chemicals

The Chemical Safety Committee is an advisory body for chemicals, and comes under the Ministry of Social Affairs. Some members of the Committee are from the Ministry of Economic Affairs and Communications. This group is to perform as a meeting forum for different relevant authorities and industry on the registration and supervision of chemicals.

2.1.13 Competent authority for issuing ADR certificates for driver training

A drivers register is kept and maintained by the Estonian Road Vehicle Register Centre.

2.1.14 Cooperation with other countries

Estonia is part to a convention that deals with responding to cross-border accidents. Estonia has cooperation agreements with Russian Federation and Latvia in the field of railway transport and also is member OSJD (OSJD – International Organisation of Railway Cooperation - is an organisation of railways, the members of which are the administrations, managing the railway transport in Europe and Asia).

2.1.15 Cooperation at a local level

There is a cooperation established between some municipalities, local units of Rescue Board and Estonian Railways (the biggest vertically integrated infrastructure manager in Estonia) that aim at responding to accidents on railway.

2.1.16 Definitions of “transport” and “dangerous goods”

The definition of hazardous cargo in the Maritime Safety Act covers all hazardous cargo regulated by SOLAS and MARPOL, but also has a roader application. For the purposes of this act, hazardous (dangerous) cargo means a chemical, or a product, material or finished product containing a chemical, which is carried in packages or in bulk and which, while being handled at a port or transported by sea or inland water, may endanger human life, harm the health or property of people or damage the environment.

This definition is not applicable for road and railway transport.

2.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

2.2.1 Ministries and authorities

The following authorities have the responsibility of supervision of the following areas within the transport of dangerous goods:

Table 7 Authorities responsible for supervision of the DG transport in Estonia

Area	**Authorities**
Transport on land (not rail transport)	The Police
Railway transport	Estonian Railway Inspectorate
Maritime transport, including the IMDG, IBC, IGC, and BC codes.	Estonian Maritime Administration
Safety advisors and security of land transport (chapter 1.10 of ADR/RID)	Estonian National Motor Vehicle Registration Centre (for road transport and some aspects of ro-ro transport) Estonian Railway Inspectorate (for rail transport)
ISPS code and port areas where the ISPS code applies	Estonian Maritime Administration
Goods in port areas set for further transport by road or rail or *visa versa*.	Estonian Maritime Administration (packaged goods) Technical Inspectorate (storage) Rescue Board (local authority) Environmental Inspectorate
Transport of radioactive substances	Estonian Radiation Protection Centre Rescue Board
Transport of radioactive substances that are fissionable substances and for which there are specific packaging requirements.	Estonian Radiation Protection Centre Rescue Board

2.2.2 The objectives of ministries and authorities

2.2.2.1 The Police

The objective for police is to work torwards an increase in security during the transport of dangerous goods. Supervisory and inspection work is connected to directive 95/50/EG. The main objectives are to reduce the number of deficiencies, prohibitions and injunctions and to reduce the number of major safety deficiencies.

2.2.2.2 Estonian Railways Inspectorate

The focus is aimed at supervising that safety systems and routines in railway undertakings as well as infrastructure managers are in place and working adequately. Inspection is based on risk assessments. This policy is in alignment with the directive 2004/49 that introduces the requirement for safety management systems and two-pillar safety certificates. On the spot checks will not be as important in the future, since despite of the number of

checks, they produce a very small fraction of the information on the actual railway safety. In addition the information is outdated very quickly.

2.2.2.3 Estonian Maritime Administration

The main objective in the field of dangerous goods transportation (hazardous and polluting materials in bulk are included) is the supervision as an integral part of the general ship's supervision. Two specialties, a Port State Control (PSC) and a Flag State Control (FSC) exists. PSC also includes inspection of bulkers, oil and chemical tankers. PSC procedures are enforced by regulation of the Minister of Economic Affairs and Communication (MEAC) and are in full compliance with the Directive 95/21/EC. The FSC is regulated by Maritime Safety Act and orders of the Director General. In the dangerous goods field, it also includes surveys for issuing the Document of Compliance for the ships carrying dangerous goods when applicable.

There are 11 ship surveyors, 6 man-years for PSC plus 2 dangerous goods experts/surveyors. In the case of the need of the dangerous goods expert's advice, ship's surveyors are instructed in advance or they are incorporated into the inspection team in advance. The dangerous goods experts/surveyors have some additional rights that are stipulated by two regulations of the MEAC, the first concerns a survey of the dangerous goods in the port areas and the second (in accordance with the Directive 2002/59/EC) the survey of the notifications from ships carrying hazardous and polluting goods.

2.2.2.4 Board of Boarder Guard

Foreign vessels not visiting Estonian ports are to be inspected in accordance with 28. 07. 1998 Regulation of the Government of the Republic of Estonia No 170 regarding the List of Hazardous Substances that are not Allowed for Transit Shipping in Estonian Internal Waters (issued under Border Act)

2.2.2.5 Responsibility for the coordination/harmonisation of supervision and inspection

Today, there is no authority/ministry responsible for the coordination/ harmonisation of supervision and inspection of the different modes of transport or praxis between different regions of the country.

2.2.3 Staff involved in supervision and inspection work

Table 8 Number of staff involved in DG transport supervision and inspection work in Estonia

Authority	**Number of staff involved**
Rescue Board	as needed
Board of Boarder Guard	as needed
Police	as needed
Estonian Railway Inspectorate	14
Estonian Maritime Administration	2 specialists (chemists). Number of part-time inspectors for Port State Control is 13, conversion to the fulltime is 6,7.
Environmental Inspectorate	as needed
Estonian Radiation Protection Centre	2

2.2.4 Training and examination of personnel

2.2.4.1 Police

Police inspection training of inspecting vehicles transporting dangerous goods is part of training inspection of heavy vehicles. Inspection training of heavy vehicles lasts about two weeks, inspecting vehicles transporting dangerous goods is a small part there of. At the moment, Estonia has no specialists in dangerous goods.

2.2.4.2 Customs

There has not been any special training program on dangerous goods.

2.2.4.3 Estonian Railway Inspectorate

There has not been any special training program on the dangerous goods. Relevant specialists have passed safety advisers training.

2.2.4.4 Estonian Maritime Administration

A private maritime school has organised 5 day basic training on dangerous goods in accordance with STCW code B-V. This is primarily for seamen but many staff working on shore have passed this course (all together about 400 people).

2.2.5 Number of transport units inspected

2.2.5.1 Road transport

There is no record of the number of dangerous goods vehicles inspected.

2.2.5.2 Railway wagons

Only safety audits are performed.

2.2.5.3 Maritime vessels

In 2005, the Estonian Maritime Administration ship inspectors made 742 inspections on ships - 335 as flag state control and 407 as port state control. When appropriate, the hazardous cargo related items have been checked, as the cargo information (declaration of hazardous cargo), cargo securing etc.

During the period of the 45th week of 2002 to 35th week of 2004 Estonian Maritime Administration inspectors together with Customs Board inspectors inspected 42 vehicles loaded with dangerous goods in ports.

2.2.6 Number of infringements noted

2.2.6.1 Road transport

From January to September 2006 the police detected 36 infringements of transporting dangerous goods.

Table 9 Number of infringements in DG road transport in Estonia

Risk category	Number
1	5
2	20
3	11

See also Annex I.

2.2.6.2 Rail transport

Only safety audits are performed.

2.2.6.3 Maritime transport

Table 10 Number of infringements in DG Sea transport in Estonia

Part of the year		2002 (week 45) – 2004 (week 35)
Vehicles (CTUs) inspected		42
CTUs with deficiencies		20 (47,6%)
Type of deficiency (%)	Securing of cargo inside CTU	16,7 %
	Transport document	37,5 %
	Marking, labelling of packages and placarding of CTUs	45,8 %

2.2.7 Ministries and authorities responsible for setting the level of penalties

2.2.7.1 Road transport

The Traffic Act sets the levels of penalties

2.2.7.2 Railway transport

The Railway Act sets the levels of penalties

2.2.7.3 Maritime transport

The Maritime Safety Act sets the levels of penalties:

In accordance with the Code of Misdemeanours Procedure, ship inspectors of the Estonian Maritime Administration decide the actual level of penalty.

For violations against the rules (Chemical Act) regarding the safe handling of hazardous chemicals the Penal Code sets fines or jail sentence (decided in court).

Inspector of Estonian Maritime Administration is authorised to investigate and issue injunctions with fines in case of violations against safety rules of sea transport of hazardous cargo. Criminal cases shall be sent to court.

2.2.8 Cooperation among ministries, authorities responsible for supervision, and inspection bodies

There has been ad hoc cooperation between the Estonian Railway Inspectorate and Work Inspectorate (maximum working hours of locomotive drivers); Police (sudden increase in accidents on level-crossings) and Inspectorate for Environment (responding to accidents that cause environmental damages).

From the end of 2002 up to the end of 2004 Estonian Maritime Administration (EMA) has made joint checks of dangerous goods transport units in cooperation with the Customs Board (CB) in ports. The inspections were coordinated by Germany in the framework of the Memorandum of

Understanding for the Transport of Dangerous Goods in Ro-Ro Ships in the Baltic. The further cooperation between EMA and CB is disabled now by the lack of regulations.

2.2.9 Cooperation with other countries

2.2.9.1 Road transport

Not applicable yet in road and sea transport

2.2.9.2 Rail transport

There is cooperation between Baltic countries with respect to railway interoperability on the EU level, however, none on the transport of dangerous goods.

2.2.9.3 Maritime transport

1. The Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro Ships in the Baltic.
2. Agreement between Maritime Administrations of Estonia, Latvia and Lithuania regarding information exchange, working groups and joint meetings once a year.

2.2.10 Methods for determining where and when to carry out inspections

The Estonian Railway Inspectorate elaborates a general working plan on an annual basis and correlates it with a monthly plan. The inspections are prepared considering the traffic volumes on particular companies/objects, flow of dangerous freight, accidents/incidents that have occurred etc. No fixed rules for transport by sea yet.

2.2.11 Relationship between supervision and inspection of traffic safety in general and the supervision/inspection of the transport of dangerous goods

Not applicable yet.

3 FINLAND

3.1 Legislation for road, rail and maritime transport of dangerous goods

3.1.1 Ministries and authorities

The Parliament has legislative power in Finland. Additionally, Government and Ministries when authorized by Parliament can give decrees on technical matters.

The following ministries and authorities are involved in the transport of dangerous goods:

Table 11 Ministries and authorities involved in DG transport in Finland

Finnish Ministries	Finnish Authorities
Ministry of Transport and Communications Finland (Mintc)	Finnish Vehicle Administration AKE, Finnish Maritime Administration, Finnish Rail Agency Finnish Rail Administration RHK, Finnish Road Administration, Finnish Civil Aviation Authority
Ministry of the Interior	Finnish Police, Finnish Border Guard, Finnish Rescue Services
Ministry of Trade and Industry	Safety Technology Authority TUKES, Radiation and Nuclear Safety Authority of Finland STUK
Ministry of Social Affairs and Health	Radiation and Nuclear Safety Authority of Finland STUK, Institute of Occupational Health TTL, Board for Gene Technology
Ministry of the Environment	Finnish Environment Institute SYKE
Ministry of Finance	Finnish Customs

The following ministries and authorities are responsible for representing or monitoring international meetings:

Table 12 Ministries and authorities responsible for representing Finland in international meetings.

Area of responsibility	Authorities
Representing/monitoring the work of the EU; land transport	Mintc,
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	Mintc
Representing/monitoring the work of the ADR	Mintc, Finnish Police
Representing/monitoring the work of the RID	Mintc, Finnish Rail Agency
Representing/monitoring the work of the IMDG, IBC, IGC, BC Codes etc.	Finnish Maritime Administration, Finnish Police, Finnish Border Guard, Labour protection authority, Finnish Customs
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic	Mintc, Finnish Maritime Administration, Finnish Police, Finnish Border Guard, Finnish Customs
Representing/monitoring the work of class 7 – Radioactive materials	Radiation and Nuclear Safety Authority of Finland STUK, Mintc, Finnish Maritime Administration, Finnish Police, Finnish Border Guard, Finnish Customs

3.1.2 Number of staff at the competent authorities

The number of staff working with the regulations at the competent authorities as defined in ADR, RID and IMDG code is.

Table 13 Number of staff working with DG regulations in Finland

Authority	Number
ADR	
Ministry of Transport and Communications,	3
Finnish Vehicle Administration AKE	4
IMDG Code	
Finnish Maritime Administration	1.5
RID	
Mintc,	1.5
Finnish Rail Agency	2.0
Class 7– Radioactive materials	
Radiation and Nuclear Safety Authority of Finland STUK	1
Packaging, Tanks and Transportable Pressure Equipment	
Safety Technology Authority TUKES	1

3.1.3 Legislation

Act on Transport of Dangerous Goods (719/1994) that applies to all transport modes must be observed in national transport. The purpose of the Act is to prevent accidents and mitigate risks that transport of dangerous goods might causes to people, environment and property. Regulations concerning the various modes of transport are stated in decrees. National regulations on transport are based on EU directives and internationally agreed principles.

International agreements that are binding on international transport of dangerous goods include the ADR agreement in road transport, the RID regulations on railways, and the IMDG code of the SOLAS agreement in maritime transport.

3.1.3.1 All transport modes

- Act on the Transport of Dangerous Goods (719/1994, amendments 557/2006, 215/2005, 419/2002, 124/2001, 642/1999, 1250/1996, 1596/1995 and 1075/1995)
- Guidelines on Classification of Explosives {Safety Technology Authority (TUKES) Guidelines V2-2005}

3.1.3.2 Road

- Council of State Decree on the Transport of Dangerous Goods by Road (194/2002, amendments 250/2005 and 283/2003)

- Mintc Decree on the Transport of Dangerous Goods by Road (277/2002, amendments 746/2005, 363/2005, 312/2005, 1105/2004 and 313/2003)
- Decree on the Safety Adviser for the Transport of Dangerous Goods by Road and Rail (274/2002, amendment 295/2005)
- Decree on Certification of Drivers of Vehicles Carrying Dangerous Goods (1112/1998, amendments 294/2005, 1120/2003, 281/2003 and 275/2002)
- Guidelines of Transport of Medicinal Oxygen (531/71/2006)
- Guidelines for the various reports from Safety Adviser (1314/01/2000):
    - model of the annual report,
    - model of the accident report,
    - model of the internal inspection monitoring.

The aforementioned regulations are collected in the book *Vaarallisten aineiden kuljetus tiellä* 2005 (Collection of regulations concerning transport of dangerous goods by road)

3.1.3.3 Rail

- Council of State Decree on the Transport of Dangerous Goods by Rail (195/2002, amendments 275/2005 and 307/2003)
- Decree of Ministry of Transport and Communications on the Transport of Dangerous Goods by Rail (278/2002, amendments 364/2005, 313/2005 and 314/2003)
- Decree on the Safety Adviser for the Transport of Dangerous Goods by Road and Rail (274/2002, amendment 295/2005)
- Guidelines for the various reports from Safety Adviser (1314/01/2000):
    - model of the annual report,
    - model of the accident report,
    - model of the internal inspection monitoring.

The aforementioned regulations are collected in the book *Vaarallisten aineiden kuljetus rautatiellä* 2005 (Collection of regulations concerning transport of dangerous goods by rail)

3.1.3.4 Sea

- Government Decree on the Transport and Temporary Storage of Dangerous Goods in a Port Area (251/2005)
- Government Decree on Control of Foreign Ships in Finland (619/2004)
- Government Decree on Coming into Force of Port Facility Security Actions that Serve Certain Ships and Supervision of Ship and Port Facility Security Act (489/2004)
- Ship and Port Facility Security Act (485/2004)
- Government Decree on Assuring of the Safety of Regular Ro-ro Passenger Ships and High-speed Crafts (95/2002)
- Decree on the Transport of Dangerous Goods in Packaged Form by Sea (666/1998, amendments 405/2005, 1127/2003, 528/2001 and 1163/2000)
- Decree on Ship owner's International Safety Management (66/1996, amendment 552/2002)
- Act on Surveillance of the Safety of Ships (370/1995, amendments 543/2004, 55/2002, 643/1999, 1251/1997, 461/1996 and 1022/1995)
- Decree on Reporting Obligations of Ships Carrying Dangerous or Pollutants (869/1994, amendments 816/2005, 65/2004, 781/2000, 252/1999, 34/1998 and 76/1997)
- Sea Act (674/1994, amendments 325/2004, 1359/2002, 336/2002, 1146/2001, 771/2000, 1302/1999, 549/1999, 396/1999, 924/1998, 98/1997, 462/1996, 421/1996, 234/1996 and 369/1995)
- Decree for chemical tankers and gas carriers (244/1982)
- Finnish Maritime Administration Regulations on the Transport of Dangerous Goods in Packaged Form on Ro-Ro ships in the Baltic Sea (2489/30/2005)
- Finnish Maritime Administration Regulations on the Transport of Dangerous Goods in Packaged Form by Sea (2496/30/2004)
- Finnish Maritime Administration Regulations on Reporting Obligations of Ships Carrying Dangerous or Polluting Goods (1733/30/2004)
- Finnish Maritime Administration Regulations for chemical tankers and gas carriers (1/30/2002)
- Finnish Maritime Administration Bulletin on the Transport of Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes in Packaged Form on Board ships (FMA Bulletin 3/24.2.2004)
- Finnish Maritime Administration Bulletin on the ISPS legislation (FMA Bulletin 9/1.7.2004)

- Finnish Maritime Administration Guidelines for Shipboard Marine Pollution Emergency Plan (SMPEP)

3.1.3.5 Inland Waterways

Not applicable in Finland

3.1.4 Packaging, Tanks and Transportable Pressure Equipment

- Decree on the Conformity Assessment of Packaging and Tanks Used for the Transport of Dangerous Goods (302/2001, amendments 282/2003 and 326/20 05)
- Mintc Decree on the Transportable Pressure Equipment (393/2001, amendment 736/2002)
- Mintc Decree on the Transportable Pressure Equipment and Tanks Discharged or Filled by Pressure and Used for the Transport of Dangerous Goods (579/2000)

3.1.5 Procedure for implementing the international regulations within national law

Some comprehensive parts of international regulations become law, decrees of Government or decrees of ministry. Some detailed regulations are issued by the authorities as regulations.

The aforementioned regulations are jointly prepared by various authorities and representatives of industry.

3.1.6 Cooperation between ministries and authorities and with trade organisations

Advisory Committee on the Transport of Dangerous Goods and its sub-committees advise on technical and policy matters relating to the transport of dangerous goods. It is a cooperative forum where stakeholders in dangerous goods are able to provide input into regulations that directly affect their operations. The Advisory Committee on the Transport of Dangerous Goods is a cooperative body appointed by the Council of State upon the submission

of the Mintc for a term of three years. Members of the Advisory Committee represent:

- Ministry of Transport and Communications Finland
- Ministry of Trade and Industry
- Ministry of the Interior
- Ministry of Social Affairs and Health
- Finnish Environment Institute SYKE
- Defence Staff of the Finnish Defence Forces
- Finnish Transport Company Providing Rail Transport (VR Yhtymä Oy)
- Finnish Maritime Administration
- Finnish Civil Aviation Authority
- Chemical Industry Federation of Finland
- Finnish Oil and Gas Federation
- Finnish Transport and Logistics SKAL
- Transport Workers' Union AKT
- Safety Technology Authority TUKES
- Radiation and Nuclear Safety Authority of Finland STUK
- Finnish Freight Forwarders Association
- Finnish merchant shipping

Additionally, there are a number of working groups within various areas, for example within the areas of vehicle, tank and receptacle inspection and approvals.

3.1.7 Routing and transport restrictions

The following ministries and authorities are responsible for the routing and transport restrictions of dangerous goods:

Table 14 Ministries and authorities responsible for the routing and transport restrictions of DG in Finland

Responsible for routing and transport restrictions	**Authorities**
Road	Mintc
Rail	Mintc
Maritime	Finnish Maritime Administration

3.1.7.1 Road transport

On a well-founded proposal by a municipality, the Mintc may restrict the transport of dangerous goods in a certain area, road or section of a road if the transport there may cause significant danger to people, the environment or property. In issuing the restriction it shall be ensured that no more restrictions are placed on the possibilities to transport dangerous goods than are necessary for the elimination of the danger caused by the transport. The municipality shall disseminate information concerning restrictions on its area.

Limitations on transport of dangerous goods established in subsection 1 of section 14 b of the Act on Transport of Dangerous Goods (719/1994), are marked as follows: The traffic sign 318 as indicated in section 16 of the Road Traffic Act with the additional panel 848 indicated in section 21 of the Road Traffic Act (267/1981) refers to a transport restriction that applies to the carriage of dangerous goods (dangerous goods of group A). The traffic sign 318 with the additional panel 849 refers to a transport restriction that applies to through traffic in the carriage of dangerous goods (dangerous goods of group B). The carriage of dangerous goods is allowed within areas indicated by the traffic sign 318 together with the additional panel 849, if the place where goods are to be loaded or unloaded is situated within an area restricted by signs. Carriage to the site of loading or unloading should be made by way of the shortest route, and after loading, the vehicle must without delay be removed from the restricted area (so-called drive-through ban).

The traffic sign 318 as indicated in the Road Traffic Act with the additional panel 848 refers to the carriage of the following dangerous substances (group A):

Class	Mode of transport	Packing group	Quantity (kg)
1	all modes		more than 50
2	transport in tanks		more than 1 000 [a]
3	all modes	I, II	more than 5 000 [b]
	transport in tanks	I, II	more than 1 000
4.1	all modes	I	more than 500
		II	more than 2 000
		III	more than 5 000
4.2	all modes	I	more than 10 000
4.3	all modes	I	more than 10 000
5.1	transport in tanks	I	more than 1 000
5.2	all modes	I, II, III	more than 500 [c]
		I, II, III	more than 2 000 [d]
6.1	all modes	I	more than 1 000
		II	more than 5 000
8	transport in tanks	I	more than 1 000
9	all modes	II	more than 5 000

[a] *Does not apply to gases of groups A and O.*
[b] *Applies to substances of class 3 for which the labels No 3 and No 6.1 are required.*
[c] *Applies to substances of class 5.2 for which the labels No 5.2 and No 1 are required.*
[d] *Does not apply to substances of class 5.2 for which the labels No 5.2 and No 1 are required. See footnote c above.*

However, the transport restrictions referred to in this subsection do not apply to transport that fulfils the conditions given in exemption limits.

The traffic sign 318 as indicated in the Road Traffic Act with the additional panel 849 refers to through traffic in the carriage of the following dangerous substances (group B):

Class	Mode of transport	Packing group	Quantity (kg)
1	all modes		more than 50
2	transport in tanks		more than 1 000 [a]
	transport in tanks		more than 10 000 [b]
3	all modes	I, II	more than 5 000 [c]
	transport in tanks	I, II	more than 10 000
4.1	all modes	I	more than 500
		II	more than 2 000
		III	more than 5 000
4.2	all modes	I	more than 10 000
4.3	all modes	I	more than 10 000
5.1	transport in tanks	I	more than 10 000
5.2	all modes	I, II, III	more than 500 [d]
		I, II, III	more than 2 000 [e]
6.1	all modes	I	more than 1 000
		II	more than 5 000
8	transport in tanks	I	more than 10 000
9	all modes	II	more than 5 000

[a] *Applies to toxic gases (groups T, TF, TC, TO, TFC, TOC).*
[b] *Does not apply to toxic gases (see footnote a above) nor to gases of groups A and O.*
[c] *Applies to substances of class 3 for which the labels No 3 and No 6.1 are required.*
[d] *Applies to substances of class 5.2 for which the labels No 5.2 and No 1 are required.*
[e] *Does not apply to substances of class 5.2 for which the labels No 5.2 and No 1 are required. See footnote d above.*

However, the transport restrictions referred to in this subsection do not apply to transport that fulfils the conditions given in exemption limits.

The traffic sign 318 with the additional panel 848:

The traffic sign 318 with the additional panel 849:

ADR 1.9.4 requires that the competent authority of the Contracting Party shall notify the Secretariat of the United Nations Economic Commission for Europe of additional provisions, and the Secretariat shall bring them to the attention of the Contracting Parties.

Figure 2 The traffic sign 318 as indicated in the Road Traffic Act with the additional panels 848 and 849

3.1.7.2 Rail transport

RID 1.9.4 requires that the competent authority of the Contracting Party shall notify the Central Office in Bern of the additional provisions, and the central Office shall bring them to the attention of the Contracting Parties.

3.1.7.3 Ferry traffic

A vehicle that is marked by orange-coloured plates (without a hazard identification number and UN number) and is carrying dangerous goods may be transported along with other vehicles by ferry if it connects to a road referred to in section 3 of the Act on Transport of Dangerous Goods (719/1994 as amended). The vehicle shall be continuously supervised while it is aboard the ferry.

A vehicle that is marked by orange-coloured plates (with a hazard identification number and UN number) and is carrying dangerous goods shall be transported using a separate ferry route without any passengers or other vehicles on board. However, a tank vehicle carrying UN 1202 diesel fuel, gas oil or light or heavy heating oil, may be transported by ferry along with other vehicles. In such a case, the vehicle shall be continuously supervised. In addition, special attention shall be paid to the safety of such transport.

With exception to the items above, other vehicles and passengers may be transported along with a vehicle carrying dangerous goods, if the provisions and regulations on waterway transport of dangerous goods in vessels are observed.

3.1.8 Approval of packaging, tanks, receptacles etc...

Tanks and gas receptacles are approved by notified bodies. Periodic inspection of gas receptacles also can be made by approved bodies.

Packages are approved by special inspection bodies. Periodic inspection of packages can be made also by inspection bodies. These bodies are recognised by the Safety Technology Authority TUKES and for class 7 Radiation and Nuclear Safety Authority of Finland STUK.

3.1.9 Approval of vehicles, railway wagons and maritime vessels

The following authorities are responsible for approval of vehicles, railway wagons and maritime vessels:

Table 15 Authorities responsible for approval of vehicles, railway wagons and maritime vessels in Finland

Approval of	Ministries and authorities
Vehicles	Finnish Vehicle Administration AKE promotes traffic safety and environmental awareness, and offers vehicle traffic information services to the general public, the authorities, and the corporate sector. AKE's responsibilities include the registration of vehicles and driving licences, vehicle taxation, organising driving examinations, and supervising driving schools. AKE supervises vehicle registration and inspection operations. It operates as an agency of the Mintc. Finnish Vehicle Administration AKE is responsible for: ADR-certificates, receiving safety adviser tests and granting certificates, authorization of dangerous goods vehicle inspections
Railway wagons	The Finnish Rail Administration, RHK, which operates under the Mintc, is responsible for rail safety in Finland for maintaining and developing the rail network. Finnish Rail Agency carries out inspections of transport of dangerous goods by rail.
Maritime vessels	The Maritime Safety Department of the Finnish Maritime Administration is responsible for ship safety, ship and port facility security and small craft safety in Finland. Compliance with rules and regulations is ensured by means of surveys and inspections. The administration also ratifies the minimum safe staffing of Finnish ships, issues certificates of competence, and maintains a register of seafarers. The Finnish Maritime Administration operates under the Mintc.

3.1.10 The objectives of ministries and authorities

Mintc's strategic vision sees Finland as a leading country in the safe transport of dangerous goods, and promotes safety and the proactive prevention of accidents. The Mintc's own goal focus two areas: The first is to safeguard Finland's national interests, prepare legislation and provide information to interested parties; the second is to promote joint cooperation among operators, authorities and other involved parties.

Safety is the primary concern in all activities related to the transport of dangerous goods. The strategic plan promotes ways to enhance safety. Particular emphasis is put on proactive prevention, training and education, and carefully focused information. Since the field is by definition international in many respects, safety and efficiency are to be promoted through the Ministry working to achieve an internationally harmonised legal framework.

The needs of the many different kinds of operators active in the field are best served by focusing on the creation of a common regulatory framework, and by improving the exchange of information and cooperation among different administrative sectors. The identification and achievement of joint goals will become even more important in the future.

With regard to Finland's commercial and industrial policy, it is important that the transport of dangerous goods continues to be a viable business sector. In order to ensure that such transport continues to be profitable and logistically effective, emphasis is placed on the quality and maintenance of the infrastructure, on transport safety, and on carefully focused supervision and control.

More information can be found in the report "Transport of dangerous goods in Finland - Strategy 2006-2015". ISSN 1457-747X (printed version), 1795-4037 (electronic version).

3.1.11 Legislation on the transport of dangerous goods and physical planning

In Finland, the land use planning system has three levels. On the regional level, regional land use plans are drawn up by Finland's 19 regional councils, which are made up of the representatives of local authorities. These plans must be approved by the Ministry of the Environment. More than 400 local authorities independently plan land use on the local level through local master plans which define land use patterns, and through local detailed plans which control construction.

Regulations for the transport of dangerous goods only apply to the safe transport of the dangerous goods while the environmental policy of the Mintc is part of the Ministry's general transport policy. The general transport policy is also guided by several separate action programmes and strategies. In addition to the environmental programmes of the administrative sector, the action programmes of relevance to environmental work in the transport sector include e.g. the policy programme on walking, the policy programme on cycling, the programme for the promotion of public transport, the strategy on accessibility and the plan on road safety. The environmental work of the administrative sector focuses on the following key target areas for 2005–2010:

1) integration of environmental considerations into the preparation of transport systems,
2) reduction in greenhouse gas emissions and adaptation to the changing climate,
3) reduction in emissions that impair air quality,
4) noise and vibration abatement,
5) more efficient use of materials and reduction of waste,

6) prevention of water and soil pollution,
7) investigation and processing of previously contaminated soil and sediments,
8) protection of marine environment,
9) preservation and promotion of natural biodiversity

3.1.12 Liaison between the national competent authority for the supply and use of chemicals and national transport representatives

The Ministries of Social Affairs and Health, the Environment and Trade and Industry are responsible for legislation concerning the supply and use of chemicals.

The Ministry of Social Affairs and Health works to prevent health hazards (both public health and occupational health) as well as fire and explosives hazards. The Ministry of the Interior deals with rescue issues while the Mintc deals with the transport issues regarding dangerous chemicals. The Ministry of the Environment takes works to prevent environmental hazards. All these ministries also have subordinate agencies or institutes that manage chemicals control and supervision.

The Advisory Committee on Chemicals is a cooperative body appointed by the Council of State upon the appointment of the Ministry of Social Affairs and Health for a term of three years. The members represent the relevant chemicals control authorities and relevant associations of chemical industry, trade and employees. Members of the Advisory Committee represent:

- Ministry of Social Affairs and Health
- Ministry of the Environment
- Ministry of Trade and Industry
- Ministry of the Interior
- Ministry of Transport and Communications Finland
- National Product Control Agency for Welfare and Health STTV
- Finnish Environment Institute SYKE
- Safety Technology Authority TUKES
- Association of Finnish Technical Traders
- Chemical Industry Federation of Finland
- Chemical Workers' Union

The Advisory Committee on Safety Technology is a cooperative body appointed by the Council of State upon the appointment of the Ministry of

Trade and Industry for a term of three years. The members represent the relevant authorities for use and storage of chemicals and relevant associations of chemical industry, trade and employees. Members of the Advisory Committee include:

- Ministry of Trade and Industry
- Safety Technology Authority TUKES
- Ministry of the Interior
- Ministry of Social Affairs and Health
- Finnish Environment Institute SYKE
- Confederation of Finnish Industries EK
- Finnish Energy Industries
- Inspecta corporation (independent, international qualification requirements fulfilling inspection, testing, measurement and certification services provider)
- Finnish Association of Natural Gas
- Central Organisation of Finnish Trade Unions SAK
- Association of Finnish Technical Traders
- Association of Fire Brigade Officers in Finland
- Finnish Confederation of Salaried Employees STTK
- VTT Technical Research Centre of Finland
- Finnish Oil and Gas Federation

Before meetings of the UN Committee of Experts on Committee of experts on the Transport of Dangerous Goods (TDG) and on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS) the national competent authority for the supply and use of chemicals and national transport representatives liaise to co-ordinate Finland's position on these matters.

3.1.13 Competent authority issuing ADR certificates for driver training

AKE (Finnish Vehicle Administration) promotes vehicle safety and environmental-friendliness. It also provides vehicle information services for private citizens, state authorities and companies. AKE operates under the aegis of the Mintc. Key responsibilities of AKE are:

- vehicle registration
- vehicle inspection supervision
- administering driver testing

- collecting annual vehicle taxes
- providing information for motor vehicle traffic
- maintaining driver's licence registration
- preparing driver's licences

Drivers must possess the appropriate transport license when transporting hazardous substances that exceed minimum allowable levels. Receipt of the transport license requires training and successful completion of a final examination. The transport license is valid for five years. Training is divided into basic courses, courses specialising in tankers, and advanced courses. Training may be provided by bodies approved by the AKE.

3.1.14 Cooperation with other countries

Since the field of transport of dangerous goods is international in many respects, safety and efficiency are to be promoted through the Mintc as it works to achieve an internationally harmonised legal framework. Finland takes initiatives and participates actively in UN and EU cooperation.

Finland cooperates closely with Russian authorities especially in terms of rail transport.

In addition, the Nordic Countries have annual meetings dealing with issues of:

- interpretation of regulations,
- cooperation on proposals to international groups,
- discussion on solving upcoming problems.

More internal cooperation within EU, the Baltic Sea Region, including Russia, in aforementioned issues is needed especially among inspection authorities.

Dangerous goods declaration in sea traffic made by country of departure should be available also for the country of destination.

3.1.15 Cooperation at a local level

Dangerous goods inspections courses are arranged by the Police Academy. There are certain seats in the course reserved for Customs and for Border Guard.

PTR authorities (Police, Customs and Border Guard) conduct joint inspection operations in harbour areas and on roads. Sometimes many other authorities are involved.

Finnish Customs records pre-arrival/pre-departure information about dangerous goods consignments in the PortNet database.

3.1.16 Definitions of “transport” and “dangerous goods”

Finnish definitions of “transport” and “dangerous goods” is the same as those in international legislation. “Road transport” includes off-road transport.

3.1.17 Legal structure between dangerous goods regulations and traffic safety regulations in general

There are a number of acts and decrees which, in a more general manner, regulate the transport of goods in general, for example Act for Road Traffic (267/1981), Sea Act (674/1994) and Railway Act (198/2003). These regulations also apply to the transport of dangerous goods.

The Finnish Act on the Transport of Dangerous Goods is however, applied not in bulk transport of dangerous goods in maritime and inland waterway traffic, neither in the transport of liquid bulk and gas by tankers. Tanker regulations are assembled under the maritime law (674/1994) and in the law concerning prevention of water pollution caused by ships (300/1979).

3.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

3.2.1 Ministries and authorities

Ministries and authorities responsible for the Enforcement of legislation for the road, rail and maritime transport of dangerous goods at local, regional, and national levels are:

Mintc, Transport Policy Department, Traffic Safety Unit

- legislation
- supreme management and guidance
- communications
- promotion of cooperation
- recognition of notified and approved bodies

Finnish Police

- surveillance of road, sea, air and port transportation
- derogations on road restrictions
- terminal and warehouse Security
- ISPS code and port areas where the ISPS code applies

Finnish Border Guard

- surveillance and control of transportation
- ISPS code and port areas where the ISPS code applies

Finnish Customs

- surveillance and control of transportation
- ISPS code and port areas where the ISPS code applies

Finnish Vehicle Administration AKE is responsible for

- Safety Advisor training and testing
- ADR certificates
- vehicle inspections

Finnish Road Administration

- infrastructure

Finnish Maritime Administration
Maritime Safety Department

- surveillance and control of water transportation
- issuing of regulations concerning water transportation
- approval of safety reports of dangerous goods in port areas
- ISPS code and port areas where the ISPS code applies

Safety Technology Authority TUKES

- market and product surveillance of packages and tanks
- recognition of VAK inspection bodies and VAK periodic inspection bodies
- exemption from specific packages and tanks requirements

Finnish Rail Administration RHK

- surveillance and control of rail transportation
- approval of safety reports of dangerous goods in railway yards

Labour protection authority

- surveillance and control of transportation in port areas

Radiation and Nuclear Safety Authority of Finland STUK

- approval of radioactive substances (class 7)
- approval of multilateral permissions in international traffic
- exemption from specific packages and tanks requirements for class 7
- exemptions from transport regulations of class 7 in special cases

3.2.2 The objectives of ministries and authorities

3.2.2.1 Finnish Maritime Administration

Environmental applications are a special field to be developed further; in 2002 the total volume of transportation of dangerous goods by ship was 39.2 million tonnes. Imports represented 64% and exports 36%. The growth in transportation by ship in 1997-2002 was about 5 million tonnes (15%). The revised Annex II Regulations for the control of pollution by noxious liquid substances in bulk was adopted in IMO October 2004. It includes a new four-category categorization system for noxious and liquid substances. The revised annex is expected to take force on 1 January 2007. Improvements in

ship technology, such as efficient stripping techniques, has made it possible to significantly lower permitted discharge levels of certain products which have been incorporated into Annex II.

Government Decree on the Transport and Temporary Storage of Dangerous Goods in a Port Area (251/2005) applies to the transport and temporary storage in a port area of dangerous goods and internal transfer. A safety report shall be prepared for a port area through which the volume of dangerous goods transported in packaged form exceeds 10,000 tons annually. The safety report shall be submitted to the Finnish Maritime Administration for first approval prior to 1 January 2007. It is assumed that safety will progress even further under the conditions of safety reports.

3.2.3 Finnish Police, Finnish Customs and Finnish Border Guard

The objective of aforementioned authorities' cooperation is to work for increasing safety and security during the transport of dangerous goods on and off-road and to reduce the number of deficiencies that occur. The main means of achieving this is through inspections on roads, at terminals, at port areas where the ISPS code applies and at companies.

3.2.3.1 Finnish Rail Administration RHK

The Finnish Rail Administration RHK works toward maintaining a high level of safety on railway traffic.

3.2.4 Responsibility for the co-ordination/harmonisation of supervision/inspection

Mintc arrange meetings for inspection authorities twice a year.

3.2.5 Staff involved in supervision and inspection work

The number of staff involved in the control is at the;

Table 16 Staff involved in supervision and inspection work of DG transport in Finland

Authority	People involved
Finnish Maritime Administration	All ship inspectors can execute supervision of vessels used for the transport of dangerous goods in packaged form and for bulk transport. Currently, the total number of inspectors is 31.
Finnish Police	30 specialist for dangerous goods with help of another 100 police officers
Finnish Border Guard	30 specialist working in the border crossing points
Finnish Customs	10 specialist for dangerous goods with help of another 30 customs officers
Port authorities	20 specialists and 40 other officers working inside port areas
Labour protection authority	6 specialists
Finnish Rail Administration RHK	2 specialists

3.2.6 Training and examination of personnel

3.2.6.1 Finnish Police, Finnish Customs and Finnish Border

First, officers of the aforementioned authorities must pass 4 weeks training on heavy goods vehicles transport. Then those officers who whish to specialize in dangerous goods transport inspection must pass a 10 day training course.

Every authority disseminates knowledge concerning dangerous goods transport within its own organisation.

3.2.6.2 Port authorities

Specialists are trained via internal courses.

3.2.6.3 Finnish Maritime Administration

All ship inspectors must have at least 5 days training on dangerous goods. In addition, there are specific inspectors with in-depth knowledge on dangerous goods who must undergo a refresher course every third year.

3.2.7 Number of transport units inspected

3.2.7.1 Road transport

2401 Cargo Transport Units (CTUs) were examined in 2005.

3.2.7.2 Railway wagons

In 2005 about 250 CTUs were examined.

3.2.7.3 Maritime vessels

In 2005 231 CTUs were examined at ports of Helsinki, Hanko, Turku (Åbo) and Naantali.

3.2.8 Number of infringements noted according to type and mode of transport

3.2.8.1 Road transport

From 2401 CTUs examined 912 had deficiencies (2005).

3.2.8.2 Rail transport

From about 250 CTUs examined about 25 had deficiencies (2005); mostly defects in wheels.

3.2.8.3 Maritime Transport

From 231 CTUs examined 75 had deficiencies (2005). The most common deficiency was insufficient securing of cargo inside CTU.

3.2.9 Ministries and authorities responsible for setting the level of penalties

Provisions concerning punishment for a crime committed against the Finnish Act on the Transport of Dangerous Goods (719/1994) or provisions or regulations issued there concerning the transport of dangerous goods are outlined in chapter 44, section 13, of the Penal Code (39/1889):

> "A person who deliberately or through gross negligence in violation of the Act on the Transporting of Dangerous Substances (719/1994) or a provision or an order in general or in an individual case given on its basis, who sends, gives as freight, ships, transports, drives, loads, places on board, unloads, handles, keeps as baggage or temporarily stores a dangerous substance so that the action is conducive to endangering the life or health of another, or endangers the property of another, shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for a transport of dangerous substances offence to a fine or to imprisonment for at most two years."

3.2.10 Cooperation among ministries, authorities responsible for supervision, and inspection bodies

See section "Cooperation at a local level" above.

3.2.11 Cooperation with other countries

There is a need for better exchange of information. Authorities of the port of destination do not have the same information about dangerous goods as do the authorities of the port of departure.

Finland participates in joint checks according to the Transport of Dangerous Goods in Packaged Form on Ro-Ro ships in the Baltic Sea (MoU).

There is need for officers' exchange on the operational level. There is also a need to complete building up of SafeSeaNet.

3.2.12 Methods for determining where and when to carry out inspections

The majority of inspections of the transport of dangerous goods are carried out in random checks. Inspections are not just aimed at the haulier but also at others in the transport chain.

3.2.13 Relationship between supervision and inspection of traffic safety in general and the supervision/inspection of the transport of dangerous goods

See above.

4 GERMANY

4.1 Regulation for road, rail and maritime transport of dangerous goods

4.1.1 Ministries and authorities

Germany is a nation, made up of 16 federal states (*Länder* or *Bundesländer*), which in certain spheres act independently of the Federation.

Federal level:

The central authority which is responsible for all issues of regulations concerning the transport of dangerous goods in Germany is the
Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Bundesministerium für Verkehr, Bau- und Stadtentwicklung (BMVBS).

There are some subordinates, some departments and some institutes which also handle the issues in each means of transport more detailed and specific. They are as follows:

Federal Authority of Goods Traffic

Bundesamt für Güterverkehr (BAG) has the specific responsibilities to regulate the transport of dangerous goods through roads.

Federal Railway Authority

Eisenbahnbundesamt (EBA) has the specific responsibilities to regulate the transport of dangerous goods through Railway.

Federal Aeronautical Authority

Luftfahrtbundesamt (LBA) has the specific responsibilities to regulate the transport of dangerous goods and transport restriction in the air.

Federal Water and Shipping Authority

Wasser- und Schifffahrtsverwaltung des Bundes (WSV) has the specific responsibilities to regulate the transport of dangerous goods and transport restriction in the sea area and inland waterways.

Federal Institute for Materials Research and Testing

Bundesanstalt für Materialforschung und –prüfung (BAM)

Federal Physical and Technological Institute

Physikalisch Technische Bundesanstalt (PTB)

Federal Authority for Radiation Protection

Bundesamt für Strahlenschutz (BfS)

Federal Institute for Risk Assessment

Bundesinstitut für Risikobewertung (BfR)

Federal Environmetal Authority

Umweltbundesamt (UBA)

Defence Scientific Institute for Materials and Explosives

Wehrwissenschaftliche Institut für Werk-, Explosiv- und Betriebsstoffe (WIWEB)

Robert-Koch-Institute

The following ministries and authorities are responsible for representing Germany in international meetings:

Table 17 Ministries and authorities responsible for representing Germany in international meetings

Responsible for	Authorities/Ministries
Representing/monitoring the work of the EU; land transport	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the EU; maritime transport	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the ADR	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the RID	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the IMDG, IBC, IGC, BC codes etc	Federal Ministry of Transport, Construction and Urban Affairs, Division A33
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic	Federal Ministry of Transport, Construction and Urban Affairs, Division A33

4.1.2 Number of staff at the competent authorities

The number of staff working with the regulations at the competent authorities as defined in ADR, RID and the IMDG code is:

Table 18 The number of staff working with DG regulations in Germany and in the Baltic Sea Region:

Authorities	Number of staff
BMVBS, A33	10
BAG	6-8
EBA	10
LBA	4
WSV	1
BAM	50-60
PTB	4
BfS	2-4
BfR	1-2
UBA	1-2
WIWEB	1
Robert-Koch-Institut	1

Authorities	Number of staff
Hamburg Department of Interior Behörde für Inneres	2
Schleswig-Holstein Ministry of Science, Economics and Transport Ministerium für Wissenschaft, Wirtschaft und Verkehr	2
Mecklenburg –Western Pomerania Ministry of Economics Wirtschaftsministerium	2

4.1.3 Legislation

Some comprehensive parts of the international regulations become law or ordinance. Other more detailed regulations are issued by the authorities as regulations. All laws and some regulations have to be adopted by the Parliament (Bundestag) and Federal Council (Bundesrat).

The government has tasked the BMVBS with the responsibility to issue regulations as and when required. Before regulations are adopted and issued there is a circulation process to relevant authorities and organisations, particularly to the federal states administrations within the Expert Committee "Transport of Dangerous Goods" (BLFA-GG). The circulation must always include a description of effects with estimated costs for the new regulations.

On the drawing up of legislation for the transport of dangerous goods, industry representatives are part of the discussion process on different levels. There are many industry cooperations like the Federal Association of Road Traffic of Dangerous Goods Logistic and Disposal (BGL), German Expedition and Logistic Association (DSLV), Chemical Commerce Association (VCH), Association of Chemical Industry (VCI), German Transportation Company Association (VDV), Association of Pyrotechnique Industry (VPI), Mineral Science Association (MWV).

Dangerous Goods Laws and Regulations/ All Modes

GGBefG Gefahrgutbeförderungsgesetz vom 29.9.1998
Act of Dangerous Goods Transport

GbV Gefahrgutbeauftragtenverordnung vom 26.3.1998
Regulation for Dangerous Goods Safety Advisor

PO Gb Gefahrgutbeauftragtenprüfungsverordnung vom 1.12.1998
Regulation for Dangerous Goods Safety AdvisorTest

GGAV Gefahrgut-Ausnahmeverordnung vom 6.11.2002
Exemption of Dangerous Goods Regulation

OrtsDruckV Verordnung über ortsbewegliche Druckgeräte vom 17.12.2004
Regulation on transportable pressure equipment

Dangerous Goods Laws and Regulations/ Road

ADR Gesetz zum ADR vom18.8.1969 Europäisches Übereinkommen über die internationale Beförderung gefährlicher Güter auf der StraßeAnl. A und B zum ADR-Übereinkommen vom 20.9.2005
Law from ADR, Appendix A and B in ADR

GGVSE Gefahrgutverordnung Strasse und Eisenbahn vom **3.1.2005**
Dangerous Goods Regulation for Road and Rail

26. ADR-AusnV 26. ADR-Ausnahmeverordnung/ Multilaterale Sondervereinbarungen
Numerous multilateral Special Agreements concerning ADR

GGKontrollV Gefahrgut – Kontrollverordnung vom 26.10.2005
Dangerous Goods Control Regulation

RSE GGVSE-Durchführungsrichtlinien/Richtlinien zum GGVSE, ADR und RID
Guidelines for GGVSE, ADR and RID

Dangerous Goods Laws and Regulations/ Rail

RID Ordnung für die internationale Eisenbahnbeförderung gefährlicher Güter vom 28.9.2004
Regulation for the International Railway Transport of Dangerous Goods

GGVSE Gefahrgutverordnung Strasse und Eisenbahn vom 3.1.2005
Dangerous Goods Regulation for Road and Rail

3. RID-AusnV3. RID-Ausnahmeverordnung/ multilaterale Sondervereinbarungen
Numerous multilateral Special Agreements concerning RID

RSE GGVSE-Durchführungsrichtlinien/Richtlinien zum GGVSE, ADR und RID
Guidelines for GGVSE, ADR and RID

Dangerous Goods Laws and Regulations/ Maritime Shipping

IMDG-Code Internationaler Code für die Beförderung gefährlicher Güter mit Seeschiffen
International Maritime Dangerous Goods Code

MoU Memorandum of Understanding für die Beförderung verpackter gefährlicher Güter mit Ro/Ro-Schiffen in der Ostsee
Memorandum of Understanding (MoU) for the Transport of Packaged Dangerous Goods on Ro-Ro Ships in the Baltic Sea

GGVSee Gefahrgutverordnung See
Dangerous Goods Regulation Sea

Dangerous Goods Laws and Regulations/ Inland Navigation

ADNR Verordnung über die Beförderung gefährlicher Güter auf dem Rhein
Regulation for Transport of Dangerous Goods at the River Rhine

GGVBinSch Gefahrgutverordnung Binnenschifffahrt
Dangerous Goods Regulation Inland Navigation

Additional Laws and Regulations concerning the transport of dangerous goods

GGKostV Kostenverordnung für Maßnahmen bei der Beförderung gefährlicher Güter vom 13.11.1990
Cost Regulation for Measures at Dangerous Goods Transport

Rotterdamer Übereinkommen (in Kraft 24.2.2004)
Rotterdam Agreement

Basler Übereinkommen (in Kraft 30.9.1994)
Basle Agreement

Gef-StoffV Gefahrstoffverordnung vom 23.12.2004
Regulation of Dangerous Goods Material

SÜFV Sicherheitsüberprüfungsfeststellungsverordnung vom 30.7.2003
Safety Inspection Identification Regulation

GPSG Geräte- und Produktsicherheitsgesetz vom 6.1.2004
Tools and Product Safety Law

BetrSichV Betriebssicherheitsverordnung vom 27.9.2002
Safety Service Regulation

BimSchG Bundesimmissionsschutzgesetz mit Verordnungen
Federal Emission Protection Law

StörfallV Störfall-Verordnung vom 8.6.2005
Accident Regulation

SprengG Sprengstoffgesetz vom 10.9.2002
Law of Explosive Material

AtG Atomgesetz vom 15.7.1985
Atom Law

StrlSchV Strahlenschutzverordnung vom 20.7.2001
Radiation Protection Regulation

VwVws Allgemeine Verwaltungsvorschrift wassergefährdende Stoffe vom 17.5.1999
General Administrative Instructions of Pollutant

CTU-Packrichtlinien (IMO, ILO, UN-ECE)
CTU Packing guidelines

ECE-Regelungen Nr. 105, 110, 111, 115
ECE Regulation Number 105, 110, 111, 115

KrW-/AbfG Kreislaufwirtschafts- und Abfallgesetz
Circular Economic and Waste Regulation

The traffic safety regulations in general are also being published by the same authorities with authorities that publish the rules for dangerous goods regulation.

There are some specific regulations for transport in general for example the Road Traffic Regulation, Load of Goods Traffic Regulation (GüKG), Safety of Life at Sea Convention (SOLAS, 1974), SCTW, BGBl. I S. 78 about Air safety Regulation (LuftSiG).

These regulations are also applied and used together for the transport of dangerous goods.

4.1.4 Cooperation between ministries and authorities and with trade organisations

The Federal Ministry of Transport, Construction and Urban Affairs, the Federal Authority of Goods Traffic and the Federal Railway Authority have a close cooperation with the Federal Police, the Federal Armed Forces, Customs and with almost all federal states in Germany. The type of the cooperation is likely happen on research activities, joint inspections, regulars` tables and also partnership in regularity.

Twice a year the federal/regional Expert Committee "Transport of Dangerous Goods" (BLFA-GG) hold their meeting with representatives of the Federal Ministry of Transport, Federal Authority of Goods Traffic, Federal Railway Authority and the highest regional authorities. In these meetings the participants discuss all issues concerning regulations of dangerous goods transport.

There is also an informal dialogue between the Federal Ministry of Transport, Federal Authority of Goods Traffic, Federal Railway Authority, Federal Police and interested groups of the local administrations which is held twice a year. This dialogue will give some exchange in information and experience about Dangerous Goods Control Regulation (GGKontrollV). Some objects of the discussions are for example:

- questions of interpretation concerning the uniform implementation of dangerous goods law,
- knowledge gleaned from official control activities,
- current points of emphasis, such as:
    - results of checks on fireworks
    - measures aimed at preventing external hazards
    - involvement of the police in events in the transporting of dangerous goods in accordance with Section 1.8.5 ADR
- the updating of the annual briefing on dangerous goods,
- adoption of a uniform standard overarching course for monitoring staff.

4.1.5 Routing and transport restrictions

The Authority which is responsible for the approval is the BMVBS. BMVBS has delegated some responsibilities to subordinated authorities.

4.1.5.1 The road and rail transport:

The Federal Authority of Goods Traffic (BAG) and the Federal Railway Authority (EBA) have the specific responsibilities to regulate the transport of dangerous goods through road and rail. The regulations and restrictions are being stated in the Dangerous Goods Regulation for Road and Rail (GGVSE). These restrictions are presented in the regulation by the limitation of area which is not allowed to be used and there is also a limitation of time in certain areas.

4.1.5.2 The maritime transport

The authority that is responsible for transport restrictions in the sea area is the Federal Water and Shipping Authority (WSV).

Besides all these authorities mentioned above, the Ministry of the Interior of each federal state is responsible for the law and regulation in their own area.

4.1.6 Approval of packaging, tanks, receptacles etc...

The regulations are made by the BMVBS. The following subordinates are assisting the ministry:

Federal Institute for Materials Research and Testing (BAM)

The BAM is responsible for the approval and issue the certification for the packaging, tanks, etc which are intended for the transport of dangerous goods.

Federal Authority for Radiation Protection (BfS)

The BfS is responsible for the approval and issue the certification for the packaging, tanks, etc which are related with radiation as the product.

Defence Scientific Institute for Materials and Explosives (WIWEB)

The WIWEB is responsible for the approval and certification of the packaging, etc. of dangerous goods which is intended for military use, like example explosives.

4.1.7 Approval of vehicles, railway wagons and maritime vessels

The regulations are made by the BMVBS. The following subordinates are assisting the ministry:

Federal Motor Transport Authorities (KBA)

The KBA is responsible to issue a certificate regarding the approval of types of vehicles which use road and are intended for the transport of dangerous goods.

Federal Railway Authority (EBA)

The EBA is responsible to issue a certificate regarding the approval of vehicles which use rails and are intended for the transport of dangerous goods.

These authorities work together with other institutions to do the inspection on the practical level. The practical inspection for the condition and quality of the tools or vehicles which are used for dangerous goods is being done by different institutions in each federal state. Some institutions which usually inspect and examine vehicles are the **Technical Monitoring Authority Club (TÜV) and DEKRA.** After it has been inspected by them and the result is fine, the authorities have the responsibility to issue the certificate.

4.1.8 The objectives of ministries and authorities

The aim/goal for the ministries' work with the transport of dangerous goods is:

- International regulations should come into force at the right time.
- National regulations should be issued as required and at the right time.
- Applicable regulations and standards should be reviewed as and when needed.
- Safe transport of dangerous goods

A more extensive presentation is made in Lagebild Gefahrgut from July 2005. See also pages 58-62 to this report.

4.1.9 Legislation on the transport of dangerous goods and physical planning

All land and water use is regulated by federal and municipal plans. Both determine whether a road may be used for the transport of dangerous goods or not. Also the construction of buildings beside roads and the building of ports can be restricted. This is regulated by numerous acts.

4.1.10 Liaison between the national competent authority for the supply and use of chemicals and national transport representatives

The Chemical Notification Unit which comes under the Federal Institute for Occupational Safety and Health (BAuA) is the authority which is responsible for the supply and use of chemicals.

4.1.11 Competent authority for the issuing of ADR certificates for driver training

The competent authorities that have the right to issue the ADR Certificate for driver training are the Chambers of Commerce and Industry (IHK). They exist in all Federal States. The training which has been done by the driver should be in the training course which has been acknowledged by the IHK.

4.1.12 Cooperation with other countries

The cooperation with other countries has been done in many varieties, for example seminars between European countries, activities regarding dangerous goods inspections, build facilities for controlling the transport, etc.

The cooperation which has been done until now is:

- International ADR conference between countries in Europe
    - In the frame of International ADR-Conference the cooperation between the control authorities and the responsible ministries on European level will be optimised. Exchange of information and experience about the accomplishment of controls and updating the control guidelines are also topics.

- International training with the topics “Inspection of dangerous goods in Harbour” which took place in Travemünde.
- The construction of a Polish transport inspection.
    - The traffic administration of Germany and France work together in a project to construct a Polish Transport inspection.
- Euro-Control-Route: A cooperation between the inspection authorities from France, Netherlands, Luxemburg, Belgium, Great Britain, Ireland, Spain, Poland, Austria and also Germany in an area of traffic goods. Some other tasks from this Euro-Control-Route are: data exchange, coordination of inspection activities, training of personnel, and consultation.

4.1.13 Cooperation at the federal state level

The cooperation between the different federal states authorities is comprised in the membership of research groups, joined inspections, having a regular meeting discussing the matters on dangerous goods, seminars and also the regularity partnership.

There is also a close cooperation between the authorities within the federal states.

4.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

4.2.1 Ministries and authorities

The ministries and authorities responsible for the Enforcement of legislation for the road, rail and maritime transport of dangerous goods at local, regional, and national levels, covering both safety and security regulations are at:

Federal Level

Federal Police (BPOL)

BPOL is the authority that is responsible to do the inspection in road traffic on the border of Germany. They inspect the traffic to be aware of the danger from the dangerous goods that go in or out of the country.

Customs

Customs only has a limited responsibility for dangerous goods inspection (only in the border customs area).

Federal Armed Forces

The Federal Armed Forces are responsible for controls of dangerous goods transported by their own vehicles.

Regional Level

At the regional level, the police is responsible for the enforcement of the regulations. They have to make sure that a transport of dangerous goods is already safe and follows all the regulation about transporting dangerous goods.

4.2.2 The objectives of ministries and authorities

The Federal Ministry of Transport has published the 5th situation report “Lagebild Gefahrgut 2005” where the following objectives are stated:

Updating of the briefing on dangerous goods

The “Lagebild Gefahrgut 2005” (Dangerous Goods Briefing Project 2005)constitutes a milestone in the cooperation that exists amongst the monitoring authorities. To enable well-founded representations to be made concerning the carriage of dangerous goods in Germany in the future, as well, the dangerous goods briefing is updated annually. It is being recommended that all the monitoring authorities that are affected participate in its elaboration. In future, it is also intended that data will be included from the carriers operating in inland waterway, maritime and air transport who have not yet taken part.

Improved cooperation between the authorities

The cooperation that already exists in many spheres between the authorities that are competent for the monitoring of the carriage of dangerous goods should be increased still further.

The intention is that all the relevant departments will participate in the regular exchange of experiences that takes place concerning the Dangerous Goods Monitoring Decree (GGKontrollV) with the representatives who are responsible in each case.

Making checks more targeted

In terms of the frequency of checks, the Federal Republic of Germany is one of the EU's trailblazers (Report from the Commission to the European Parliament and the Council [COUNCIL DIRECTIVE 95/50/EC for the 1997/98 reporting period]). During that period, of the 385,251 vehicles that were checked, 256,291 were checked in the Federal Republic of Germany. In the light of the growth in transport that has been forecast and that has already occurred, as well as the societal problems that are increasing at the same time, which commit police manpower commensurately, it will be necessary to concentrate still further the staff who conduct checks on dangerous goods if optimum benefit is to be derived from their deployment. This does not mean more checks, but checks that are more targeted, the aim being to detect irregularities.

The most common offence: failure to secure loads

As a result of checks, very high numbers of objections have been established in relation to the securing of loads. Overall, in 2003, instances of inadequately secured loads accounted for 22.39% (2002 = 23.82%, 2001 = 24.36%, 2000 = 22.23% and 1999 = 20.94%) of the infringements found in the Federal Republic of Germany. These findings are very serious precisely because, across the country, load security has now become the main factor in monitoring, and the relevant professional publications are constantly referring to this set of problems. Here, what is needed is more extensive efforts on the part of commerce and industry. The following is recommended:

- Appropriate consideration of load security requirements in the training of all the persons involved and
- Greater consideration of load security in the quality management operated in commercial concerns (top priority).

Dialogue with commerce and industry/safety partnership

With their own accountability, commerce and industry must continue to be included in deliberations as to how the practice of transporting dangerous goods can be made even safer.

Safety partnerships with trade and industry would be the best means of achieving this. In this way it would be possible to create further synergy effects. For controls, the objective should be to take into account businesses' own monitoring, accordingly.

Every year since 1991 the German Dangerous Goods Prize has been offered by the editorial office of the dangerous goods magazine, "Gefährliche Ladung" ("Dangerous Cargo"). It is awarded to an individual who has accomplished an exceptional achievement in the field of dangerous goods law, the transporting of dangerous goods or the handling of or exposure to and/or the securing of dangerous goods, and, at the same time, made a noteworthy contribution to the safe carriage of dangerous goods.

Every year since 2003, with the "Innovationspreis Gefahr/gut", the specialist journal, "Gefahr/gut" has awarded a company that has demonstrably introduced a successful, innovative dangerous-goods concept that serves to improve safety in the handling of dangerous goods.

Standardising data collection

With a view to the comparability of the relevant figures, it would be desirable if all the monitoring authorities, including in operations conducted under the auspices of the Ministry of Labour and the Ministry of Social Affairs (Offices for Health and Safety at Work/Labour Inspectorate Offices), were to collect the data mentioned in Appendix 5 to the GGKontrollV.

Creating control sites

It is also becoming increasingly harder to find appropriate, safe parking sites for checks on dangerous goods consignments (control sites). Therefore, the following are recommended:

- The creation of control sites, in particular, for the monitoring of transport units containing dangerous goods, when roads are being built or expanded,
- The maintaining of existing control sites,
- fixed lighting at control sites,
- The erection of automated signage for checking points, or the activation and deactivation of the signage relating to controls by the road maintenance staff.

Introduction of ESP

A presentation at the 2004 IAA in Hanover clearly demonstrated the effectiveness of electronic stabilisation systems. These should be prescribed for dangerous goods vehicles.

New railway transport companies

The liberalisation of railway transport has led to a very considerable increase in the number of new railway transport companies (Eisenbahnverkehrsunternehmen [EVUs]), and brought about changes in the carriage of goods. Thus, for example, consignors of dangerous goods are no longer committed to a single EVU. Servicing journeys and the forming of trains are becoming increasingly geared towards the current needs of the consignors of the goods. This has meant that timetables have had to be devised with greater flexibility, and that sections of track have had to be available for short periods of time. The use of shunting yards is being adapted to their demands, more and more. In addition, the cooperation that exists between EVUs is also improving a great deal. The consequence of this is that it is now harder to plan checks in the rail transport system. In order for the quality of dangerous goods checks to be improved, it would be helpful if the competent authorities could cooperate to a greater degree. This can be done, for example, through joint dangerous goods checks, or exchanging information quickly between each other when irregularities are found.

Checking block trains

Amongst the logistical factors that come into play, block trains are becoming more and more common, whereas classic single-wagon transport is on the decline. In some instances, block trains that travel without any noteworthy stops from the premises of the consignor to those of the consignee can only be checked to a limited extent by the EBA within the domain of the Federation's railways.

Therefore, in order to avoid gaps in monitoring, improved cooperation amongst the competent monitoring authorities (Länder and EBA) is recommended.

Uniform checks on the securing of loads

In particular as concerns the secure loading of packages onto road vehicles, an increasingly large number of objections has been established. The load-securing manual drawn up by the Lower Saxony police force is available to all monitoring bodies and has been posted on the police extranet. It is in the interests of standardised monitoring practice that the manual be applied.

More checks on vans

Vehicles of up to 7.5 t permissible maximum weight that operate in distribution transport continue to be disproportionately involved in road traffic accidents, as was proven by the BASt study, "Unfallbeteiligung von Kleintransportern" ("The Involvement of Vans in Accidents"), dated August 2003. It is intended that these vehicles should be checked, in particular.

Adjustment of the frequency of checks in Federal Länder with external EU borders

Particularly because of the high rate of objections relating to vehicles from third countries, in the Federal Länder with external borders with the new EU member states, the frequency of checks should be increased in line with requirements. Nevertheless, it must be borne in mind that, from 1st May 2004, these states have been counted amongst the EU member states.

Ensuring one's own safety

The cases of accidents during checks of dangerous goods transports and incidents document the significance of officials' own safety, and serve to underline the requirement that only staff who have received special training and who have undertaken continuing development should conduct heavy-duty/dangerous goods checks.

Targeted checks on consignments of refuse

A greater and greater incidence of prohibited combinations of cargoes of refuse of different hazard classes has been established during checks.

Principal areas of failure - the railways

Time and again in its checks the EBA has found leakages or leaks of cargo around the filling and draining equipment of tank wagons. Amongst the various aspects of safety, these infringements represent the most significant areas of failure. In such situations, it is generally forbidden to take the consignment any further until the problem has been remedied. In addition, for EBA, the following shortcomings are the ones that are most frequently found in their checks on dangerous goods:

- No/incorrect information on the tank label
- Shut-off devices of the tanks are not protected against unintended opening (e.g. return catch not inserted)
- No/incorrect labelling or hazard labels on empty, uncleaned tank wagons.

Therefore, checks conducted on consignments carried by rail should largely be geared to these areas of failure.

Checks at the apex of tank wagons/tank containers

Dangerous goods checks during routine railway operations are subject to testing conditions that have become more rigorous in recent times. Thus, for example, comprehensive checks at the apex of tank wagons or tank containers are only possible when the latter are situated at platforms without overhead electric cables, or if the overhead cables have been disconnected,

or, alternatively, if the consignments have been discarded. In order to prevent railway transport from being disrupted, as far as possible, checks should mostly be conducted around the apex of tank wagons and tank containers, at locations without overhead cables before the journey of the wagon begins.

4.2.3 Responsibility for the co-ordination/harmonisation of supervision/inspection

The BMVBS is responsible for the co-ordination and harmonisation of different federal authorities and the federal states authorities with the federal state police.

There are plenty of co-ordinated inspections in Germany within a year.

4.2.4 Staff involved in the supervision and inspection work

The central authority for supervision is the BMVBS. It works together with all other authorities. Besides this, the police, which stays under the government of the Bundesländer and the federal Armed Forces can organise their own controls.

The number of staff involved in the controls are:

Federal Authority of Goods Traffic	260 Inspectors
Federal Railway Authority	60 Inspectors
Federal Armed Forces	188 Inspectors
Police	
Hamburg	46 Inspectors
Mecklenburg-Vorpommern	34 Inspectors
Schleswig-Holstein	111 Inspectors

4.2.5 Training and examination of the personnel

- Every person that does the inspection of dangerous goods must have a certificate which is qualified in the sense of the task to do the inspection of the dangerous goods.
- This certificate is valid for 5 years and to get the certificate, the person first of all has to attend a course related to dangerous goods. The course can be made in the form of oral, written or a combination of both.

- The length of the course will be 10 teaching units for general knowledge or it will be 20 teaching units for a special knowledge like for a specific means of transport.
- For every single additional mean of transport, there will be an additional 10 teaching units. Every teaching unit last for 45 minutes.
- After the course every person that participated in the course has to take a test. The test is being held by the chamber of industry and commerce. It tests the knowledge, the understanding and the ability of the person to inspect dangerous goods.

4.2.6 Number of transport units inspected

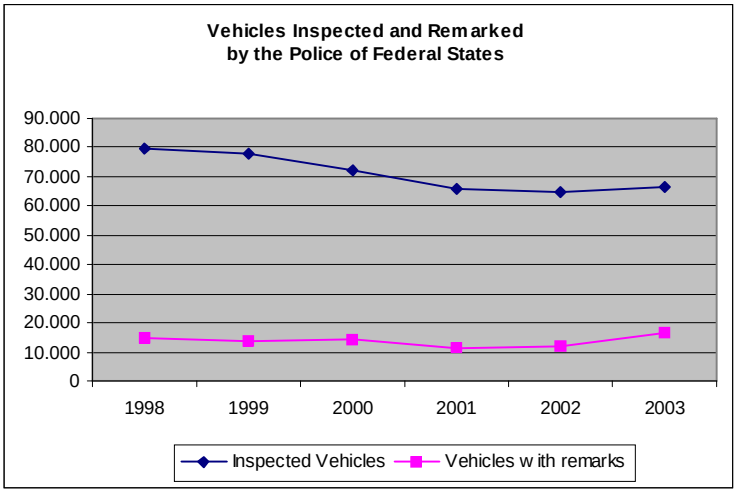

Figure 3 Road control by the Police of Federal States
(Source : BMVBS: Lagebild Gefahrgut 2005)

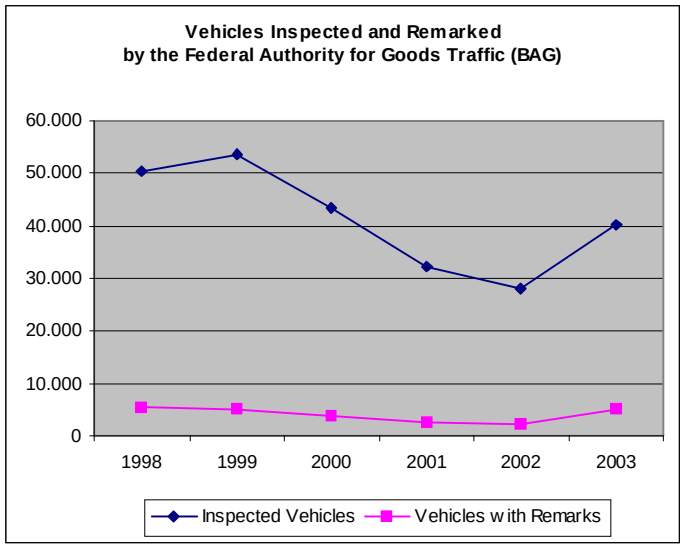

Figure 4 Road control by The Federal Authority of Goods Traffic (BAG) (Source : BMVBS: Lagebild Gefahrgut 2005)

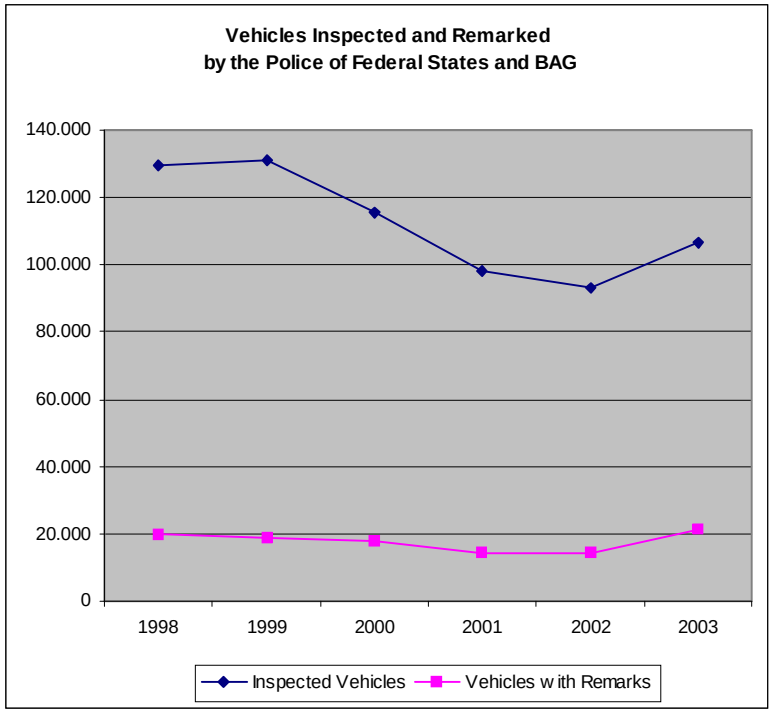

Figure 5 Overall road control by the Police of Federal States and The Federal Authority of Goods Traffic (BAG) (Source : BMVBS: Lagebild Gefahrgut 2005)

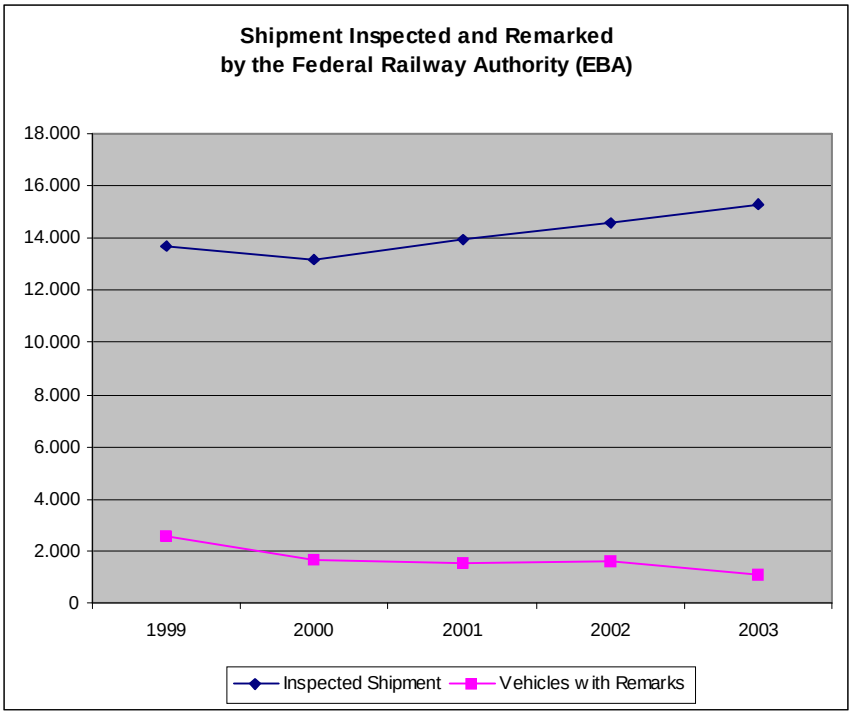

Figure 6 Rail transport by the Federal Railway Authority (EBA) (Source : BMVBS: Lagebild Gefahrgut 2005)

There is no data base for other modes.

4.2.7 Number of infringements noted according to type and mode of transport

Road transport

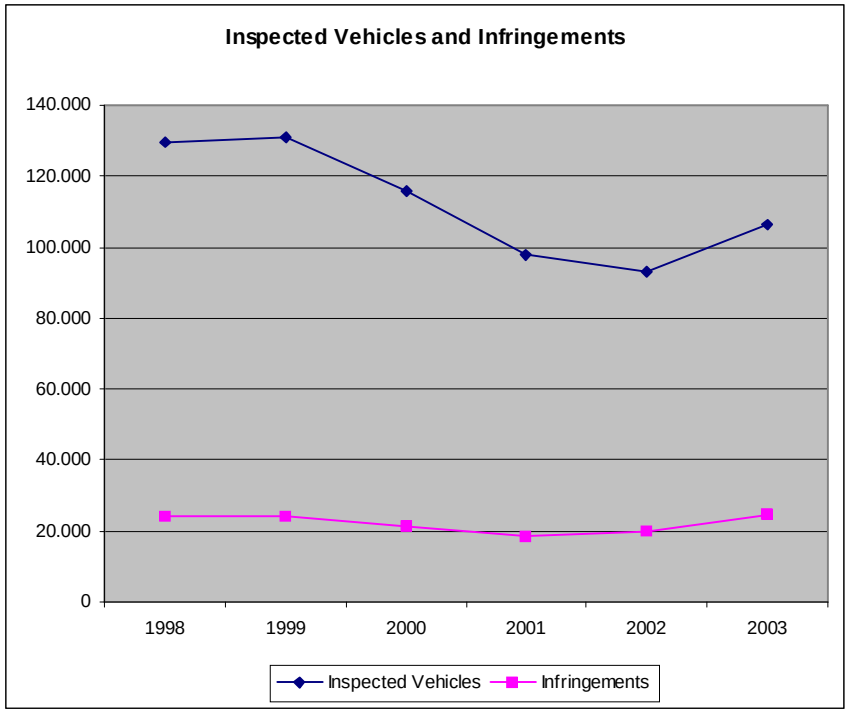

Figure 7 Road transport infringements by the Police and The Federal Authority of Goods Traffic (BAG) (Source : BMVBS: Lagebild Gefahrgut 2005)

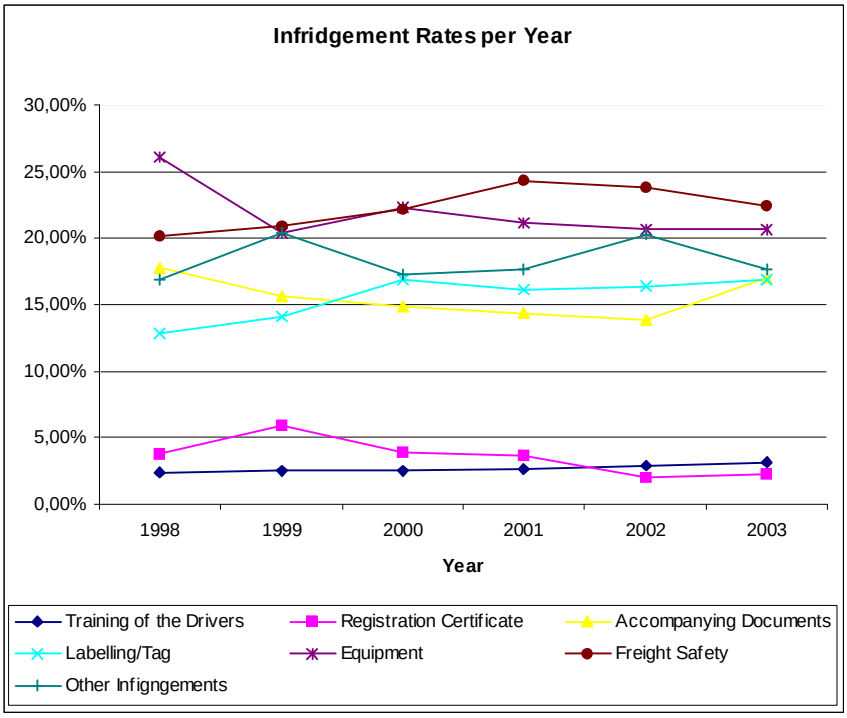

Figure 8 Infringements in total

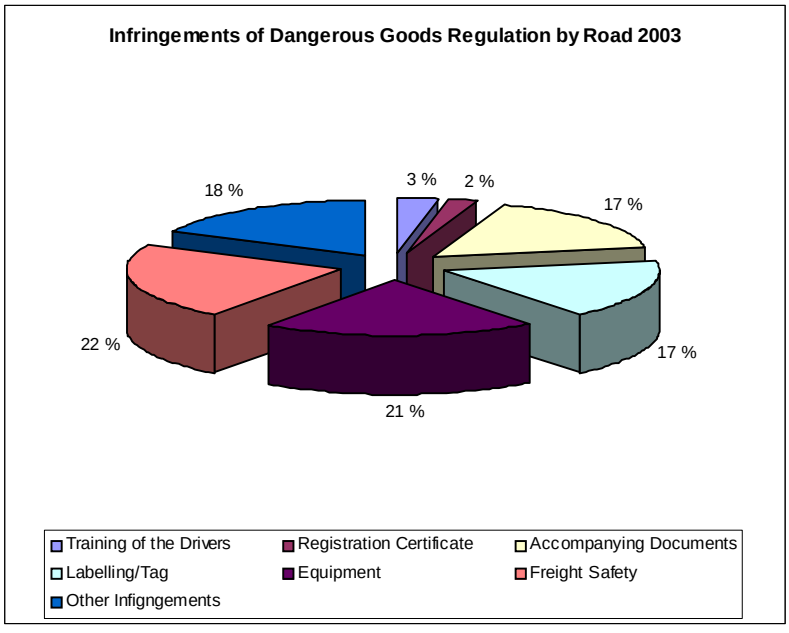

Figure 9 Infringements of DG regulation by road

Rail transport

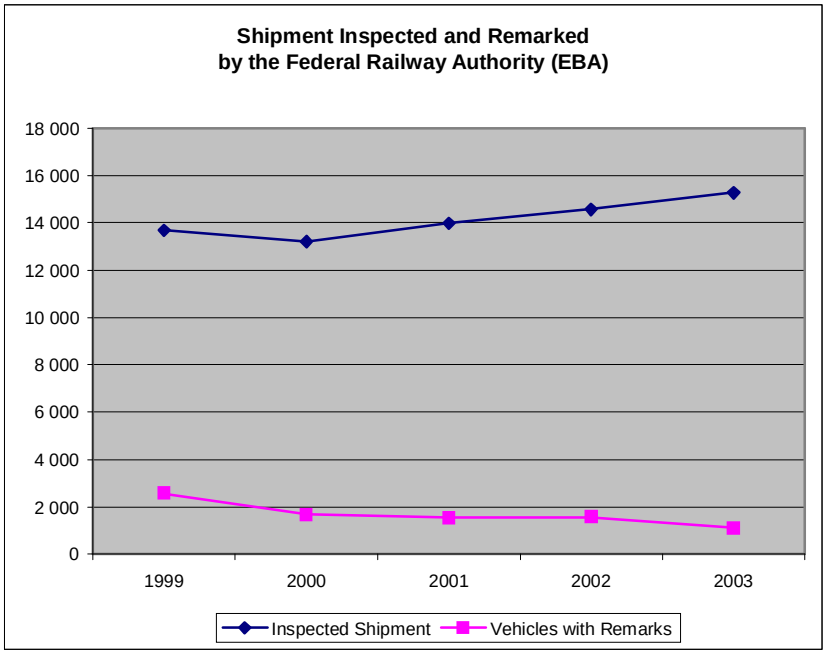

Figure 10 Railroad control by the Federal Railroad Authority (EBA)

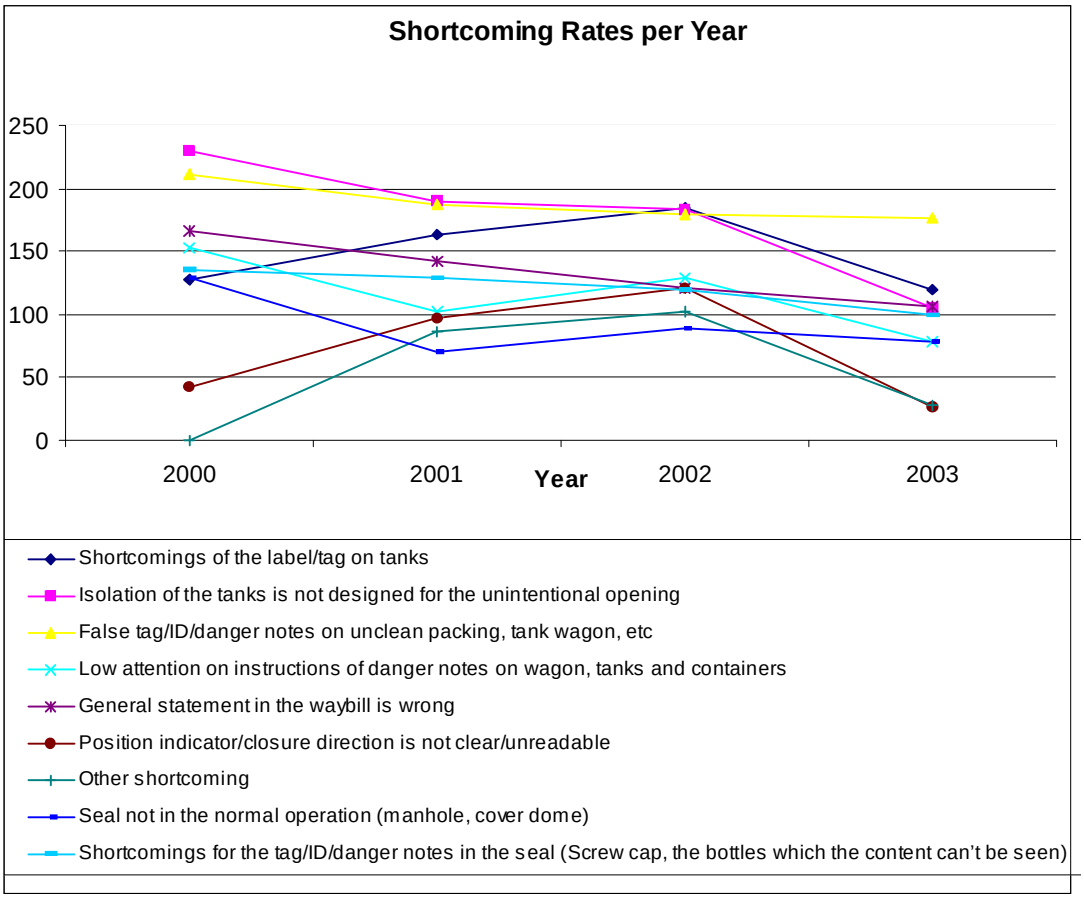

Figure 11 Shortcoming rates per year

4.2.8 Ministries and authorities responsible for setting the level of penalties

The rules and level of penalties is found in the Dangerous Goods Regulation for the Road and Rail – GGVSE. The Federal Ministry of Transport is responsible for setting the rules and also the level of penalties.

4.2.9 Cooperation between ministries and authorities responsible for the supervision and with inspection bodies

Please also see chapter **"**Cooperation between ministries and authorities and with trade organisations" and chapter "Cooperation at a federal state level" above.

The cooperation between the authorities occurs in every federal state of Germany. But most of them have similar activities regarding the topics of dangerous goods transport. The cooperation comes from quite many varieties of companies. Seminars, training, discussions, forming a special working group are the activities which are held so frequently in every federal state. At these activities topics around dangerous goods transport are discussed, for example the training of the police by the chemical industry, exchange of information between the authorities, distributing the task so it can be more effective, doing inspection together, etc.

The authorities who are involved in this kind of activities come from many different areas. Some of them are the cooperation with the Industry and chamber of commerce, the chemical industry which is willing to give some training about chemical materials which is important for the police in doing their task, the cooperation between the police and also the organization of test and training. Some of the cooperation also comes from the ministries, like Federal Ministry of the Interior, State Ministry of Economic, Traffic and Technology, State Ministry of Environment, Health and Consumer Protection, and many more.

4.2.10 Methods for determining where and when to carry out inspections

The inspection is usually done in the area which is a border of the region. So the officer does the inspection in the place where the vehicles is entering the new region or city. The intensity of the inspection depends on the level of the emergence of the dangerous goods transport, the variety of the dangerous goods and the credibility of the affected.

Some of the inspection is done under the cooperation between some authorities or even between countries. Because of this cooperation, the inspection is usually done according to the date which was already planned together and usually takes more than one day to do a quite big inspection. According also to the agreement which can be done by the countries, the inspection usually is done in a regular and periodical time, for example once a year or once in a month. A part from that, the inspection which is done randomly is also another existing way to carry out the inspection.

4.2.11 Relationship between supervision/inspection of the traffic safety in general and the supervision/inspection of the transport of dangerous goods

The authorities which handle the supervision of the traffic safety in general and the supervision/inspection of the transport of dangerous goods are the same. They are under one body of authorities but only being separated by the main task of the sub department.

5 LATVIA

5.1 Regulation for road, rail and maritime transport of dangerous goods

5.1.1 Ministries and authorities

In Latvia, legislation laws are issued by parliament (saeima) and regulations- by government (Cabinet of Ministers). In either case, these legislative acts must be prepared by the appropriate ministry within their own area of responsibility.

The Ministry of Transport of Latvia is responsible for preparing legislative acts on the transport of dangerous goods by all modes of transport. The Ministry of Environment is reponsible for the transport of radioactive materials and transport of dangerous wastes. The Ministry of Economics is responsible for the transportable pressure receptacles and tanks.

There are several ministries and institutions, related to these ministries, connected with different matters of transportation of dangerous goods in Latvia.

Table 19 Ministries and authorities involved with DG transport in Latvia

Ministries	**Institutions**
Ministry of Interior Affairs	State Police State Firefighting and Rescue Services
Ministry of Economics	Latvian National Bureau of Accreditation (LATAK)
Ministry of Transport	Administration of Road Transport Road Traffic Safety Directorate State Administration of Railways Road Transport Inspectorate State Railways Technical Inspectorate Latvian Maritime Administration Administration of Civil Aviation
Ministry of Environment	State Environmental Service Centre of Radiation Safety Latvian Agency of Environment, Geology and Meteorology
Ministry of Welfare	State Labour Inspectorate

The competent authorities for Latvia as listed in:

1) ADR appendices;

2) RID;
3) IMDG code;
4) the Council's directive 94/55/EG dated, 21st November 1994 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by road, most recently altered via the Commission's directive 2006/89/EK; and
5) the Council's directive 96/49/EG dated, 23rd July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, most recently altered via the Commission's directive 2006/90/EK; are:
    a) The Radiation Safety Centre on matters that concern the transport of radioactive materials,
    b) Road Traffic Safety Directorate- ADR vehicles certification, regular inspection of vehicles, drivers ADR certification;
    c) Ministry of Economics- transportable pressure equipment and tanks;
    d) Ministry of Transport on other matters pertaining to 1, 2, 4 and 5 above,
    e) Latvian Maritime Administration on other matters pertaining to number 3 above.

Table 20 Ministries and authorities responsible for representing Lativia in international meetings

Responsible for	**Institution**
Representing/monitoring the work of the EU; land transport	Ministry of Transport
Representing/monitoring the work of the EU; maritime transport	Ministry of Transport
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	none
Representing/monitoring the work of the ADR	Ministry of Transport, Road Traffic Safety Directorate
Representing/monitoring the work of the RID	Ministry of Transport, State Railway Inspectorate
Representing/monitoring the work of the IMDG, IBC, IGC, BC codes etc	Latvian Maritime Administration
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic see.	Latvian Maritime Administration

5.1.2 Number of staff at the competent authorities

The number of staff working with regulations at the competent authorities as defined in ADR, RID and IMDG code is approximately:

Table 21 Number of staff working with DG regulations in Latvia

Authority	**Number**
Ministry of Transport	4
Latvian Maritime Administration	3
Radiation Safety Centre	3
Road Traffic Safety Directorate	1
State Railway Technical Inspectorate	2
State Railway Administration	1

5.1.3 Legislation

Transport of dangerous goods by different forms of transport is regulated by a few different acts (as part of the following acts):

1. Act " Maritime Code"
2. Road transport Act
3. Railway transport Act
4. Act "About Radiation Safety and Nuclear Safety"
5. Act "About Technical Supervision of Dangerous Equipment "
6. Act "About Regulated Professions and Mutual Recognition of Professional Qualification"

By virtue of these acts the following regulations are issued:

Table 22 Regulations issued

Directive	Regulations
94/55	Nr.674 from 05.09.2005 - Transport of dangerous good by road (ADR) Nr. 466 from 29.04.2004 – State technical inspection and checking of vehicles (part about dangerous goods) Nr. 571 from 29.06.2004- Road traffic regulations (parts about road signs) Nr. 127 from 15.02.2005- Professional qualification of drivers for dangerous goods vehicles (procedure, drivers' ADR certificate)
96/49	Nr. 226 from 29.04.2003- Transport of dangerous goods by railway (RID)
95/50	Nr. 69 from 25.01.2005 – Procedure of control (checks)of road transport (part about dangerous goods transportation)
96/35	Nr. 156 from 21.02.2006- Dangerous goods safety advisers: assignment, professional qualification and activity
99/36	Nr. 234 from 18.06.2002 - Transportable pressure equipment
2000/18	Nr. 546 from 27.12.2006- Dangerous goods safety advisers: assignment, professional qualification and activity

For the regulation of sea transport of dangerous goods there are such Regulations of Cabinet of Ministers:

Nr. 592 from 09.08.2005. "Procedure for reporting about dangerous and polluting shiploads";

Nr. 199 from14.03.2006. "Regulations about movement and control of dangerous and polluting goods in the territories of ports".

Latvia has not prepared any supplementary guidance material about dangerous goods transportation.

The IMDG code, the IBC Code, the IGC Code, the BC Code, ISPS Code and the ISM code are implemented in 2 acts act "Maritime code" and "Maritime administration and maritime safety act".

5.1.4 Procedure for implementing the international regulations within national law

Some comprehensive parts of international regulations are included in national law. Other more detailed parts are incorporated in new regulations or in existing regulations as amendments.

Before laws or regulations are adopted and issued, there is a circulation process between relevant ministries. The circulation must always include a description of effects with estimated costs for the new regulations.

5.1.5 Cooperation with industry in the rule making process

During the process of drawing up legislation for the transport of dangerous goods, draft material must be published in the home-page of government for discussion. This is common demand for all legislation. Representatives of industry, mostly as members of appropriate nongovernmental organizations, may offer their opinion.

5.1.6 Co-peration between ministries and authorities and with trade organisations

Authorities with responsibilities within the area of the land, maritime and air transport of dangerous goods mainly are related to the sphere of activity of the Ministry of Transport, which is responsible for the coordination of all safety regulations as well as for Latvian work within international bodies; and the work of transport authorities in general within the field of the transport of dangerous goods.

There are some problems (for example, classification, certification of packaging), which are not resolved in Latvia at this moment.

5.1.7 Routing and transport restrictions

The following authorities are responsible for routing and transport restrictions:

Table 23 Authorities responsible for routing and transport restrictions in Latvia

Responsible for routing/transport restrictions	**Authorities**
Road	Local governments or municipalities
Rail	Situation dependant
Maritime	Latvian Maritime Administration

Latvia has no tunnels (nor tunnel restrictions).

5.1.8 Approval of packaging, tanks, receptacles etc...

The system for testing, inspection and approval of packaging, tanks, receptacles etc. intended for the transport of dangerous goods on road and rail (ADR and RID) is such, that any company and/or organisation which would like to become a competent body and perform these activities may apply for accreditation. There was not an applicant for each area.

The Latvian National Bureau of Accreditation (LATAK)) is the competent authority for assessment and accreditation of business activities.

Concerning the appointment of notified and approved bodies in accordance with council directive 1999/36/EC on transportable pressure equipment (TPED), the Ministry of Economics is the competent authority for regulation establishment and LATAK- for the assessment of aforementioned bodies.

5.1.9 Ministries and authorities responsible for the approval of vehicles, railway wagons and maritime vessels

The following authorities are responsible for approval of vehicles, railway wagons and maritime vessels:

Table 24 Authorities responsible for approval of vehicles, railway wagons and maritime vessels

Approval of	Ministries and authorities
Vehicles	The Road Traffic Safety Directorate is the competent body for technical inspections of vehicles
Railway wagons	The railway companies themselves have to arrange for an inspector to inspect their railway wagons. There is not a request for approval of railway wagons in the RID
Maritime vessels	It is the inspection department of the Latvian Maritime Administration that approves and certifies maritime vessels for the transport of packaged goods and goods in bulk. There is no differentiation for dangerous goods and other goods.

5.1.10 The objectives of ministries and authorities

The main aim is to reduce risk during the transport of dangerous goods as pertains the health and life of people, environment, and property.

5.1.11 Liaison between the national competent authority for the supply and use of chemicals and national transport representatives

The Latvian Agency of Environment, Geology and Meteorology, Unit of Register of chemicals, is the competent authority for the supply and use of chemicals; it is subordinate to the Ministry of the Environment.

The government organized a permanent working party for chemical safety under the Ministry of Environment from representatives of different ministries and institutions. Representative from the Ministry of Transport is a member of this working party. During regular meetings the Globally Harmonized System of Classification and Labelling of chemicals as well as other questions more or less connected with the transportation of dangerous goods is discussed.

5.1.12 Competent authority for issuing ADR certificates for driver training

The Road Transport Safety Directorate (CSDD) is the competent authority for issuing the ADR driver´s certificate.

5.1.13 Cooperation with other countries

When Latvia prepared to join to the EU, there was good cooperation with some countries (Sweden, Denmark, Norway, Finland, Germany) in the field of training Latvian civil servants and control officers connected with transportation of dangerous goods.

5.1.14 Cooperation at the local level

There is a cooperation between State Police and Road Transport Inspection during road checks of vehicles with dangerous goods, because only the police have right to stop vehicles on the road.

5.1.15 Definitions of “transport” and “dangerous goods”

The definition of dangerous goods is the same as that in international legislation.

5.1.16 Legal structure between dangerous goods regulations and traffic safety regulations in general

All legislative acts that regulate traffic safety by road or rail transport in general also apply to the transport of dangerous goods. In some there are articles especially connected to dangerous goods transport. For example, the Road Traffic Regulations prescribe use of special traffic signs for the regulation or prohibition of vehicles carrying dangerous goods by road.

Regulations for the transport of dangerous goods are prescribed above.

5.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

5.2.1 Ministries and authorities

The following authorities are responsible for supervision of the following areas within the transport of dangerous goods:

Table 25 Authorities responsible for supervision of DG transport in Latvia

Area	Authorities
Road transport	Road Transport Inspectorate
Railway transport	Latvian State Railway Inspectorate
Maritime transport, including the IMDG, IBC, IGC, and BC codes, in port areas and vessels	Latvian Maritime Administration Port inspector (from proper port administration)
Transport of radioactive materials	Latvian Radiation Safety Authority
Safety Advisors	Ministry of Transport

Customs and police are also authorised to perform checks of dangerous goods transportation.

5.2.2 The objectives of ministries and authorities

To increase security and ensure high levels of safety during the transport of dangerous goods by reducing number of accidents, incidents, and other emergencies and ensuring that preventive measures are taken.

5.2.3 Responsibility for the co-ordination/harmonisation of supervision/inspection

There is no authority responsible for the harmonisation/coordination of the inspection of the different modes of transport. Inspection in different regions of the country is harmonised, because specialists of the State Railway Technical Inspectorate and Road Transport Inspectorate operate in the entire country.

5.2.4 Staff involved in supervision and inspection work

The number of staff working with supervision and inspection is approximately:

Table 26 Number of staff working with supervision and inspection of DG transport in Latvia

Authority	People involved
Road Transport Inspectorate	40 (4 in each control area)
State Railway Technical Inspectorate	3
Latvian Maritime Administration	2-3

Customs and Police are also authorised to perform control of dangerous goods transportation

5.2.5 Training and examination of personnel

5.2.5.1 Road Transport Inspectorate

There are 2 levels of training:

- Basic level – all control officers of RTI (Road Transport Inspectorate), customs officers;
- Expert level – 1-2 officers of each control area of RTI

The curriculum of training of control officers is approved by Ministry of Transport. The duration of training is 56 hours:

- 40 hours – theoretical training
- 12 hours – practice exercise
- 4 hours – examination

The examination consist of:

- Written test on the use of dangerous goods provisions;
- Case study (Situations which are possible in real work of controls officer)

After training new inspectors are under supervision of experienced inspector (max 6 months)

Refresher courses take place every 2 years in the time when new changes of ADR are going to come into force. All control officers take part in refresher courses. Refresher courses include practical exercises and final examination

To achieve the expert level the following must be fulfilled:

- 2 years experience as inspector;
- Additional training in DGSA courses;
- Participation in workshops about approval of vehicles, construction of tanks, conformity assessment, classification procedures etc.

Additional work tasks of expert level inspector are:

- To provide advises to other inspectors in difficult situations;
- To carry out audits in enterprises;
- To control work of DGSA in enterprises;
- To analyze reports of DGSA;
- To participate in development of methodical materials and proposals for changes of legislation;
- To participate in workshops on transportation of dangerous goods

5.2.5.2 Latvian railways

The Latvian Railways Training Centre conducts a 2 week basic course for dangerous goods advisers.

5.2.5.3 Maritime

The Latvian Shipping Company Training Centre conducts a 5 week basic course for dangerous goods transported by sea.

5.2.6 Number of transport units inspected

5.2.6.1 Road transport

Table 27 Number of transport units inspected in road transport

Year	2001	2002	2003	2004	2005
Inspected transport units (total)	451	392	430	408	417
Transport units registered abroad	19	72	115	125	119
Units with remarks	392	286	270	147	79

5.2.6.2 Rail transport

Only control of the management system of companies are performed.

5.2.6.3 Martime transport

No information.

5.2.7 Number of infringements noted according to type and mode of transport

5.2.7.1 Road transport

Table 28 Number of infringements in road transport

Violation	Percent
Transport document	6.85
Written instruction	4.85
Fire extinguisher	4.00
Portable lamp	3.71
Orange coloured lights	2.57
Package marking/labelling	2.57
Approval certificate	2.28
Driver training certificate	1.14
Hazard labels	1.14
Personal protective equipment	1.14
Vehicle marking	0.85
Scotch	0.57
Leakage of goods	0.28

5.2.7.2 Rail transport

Only control of the management system of the companies are performed.

5.2.7.3 Martime transport

No information.

5.2.8 Ministries and authorities responsible for setting the level of penalties

It is the Police, Road Transport Inspectorate and State Railway Technical Inspectorate that set penalty level.

5.2.9 Cooperation among ministries, authorities responsible for supervision, and other inspection bodies

The supervision of the transport of dangerous goods is executed primarily by a specific authority. Often collaboration occurs between Road Police and the Road Transport Inspectorate.

5.2.10 Cooperation with other countries

There is no cooperation with other countries in actual checks of dangerous good transport, except with regard to training of inspectors

5.2.11 Methods for determining where and when to carry out inspections

The majority of inspections of the transport of dangerous goods by road are conducted during random checks. For rail transport, the checks are carried out by controlling the management system.

5.2.12 Relationship between supervision and inspection of traffic safety in general and the supervision/inspection of the transport of dangerous goods

The same authorities perform the checks of ordinary transport operations and the check of the transport of dangerous goods. However, the Radiation Safety Centre has no obligation for traffic safety as such.

6 LITHUANIA

6.1 Regulation for road, rail and maritime transport of dangerous goods

6.1.1 Ministries and authorities

The Government has various ministries and others authorities under the Government. Each ministry's area of responsibility covers a number of authorities – inspectorates, administrations and etc. It is these authorities that are responsible for the day to day running of activities within the civil service.

Table 29 Ministries and authorities involded in DG transport in Lithuania

Lithuanian Ministries	**Lithuanian Authorities**
	State Nuclear Power Safety Inspectorate under the Government of the Republic of Lithuania (VATESI)
	Weaponry Fund of the Republic of Lithuania under The Government of the Republic of Lithuania
Ministry of Transport and Communications	State Road Transport Inspectorate State Railways Inspectorate State Inland Waterways Navigation Inspectorate Lithuanian Maritime Safety Administration Klaipėda State Seaport authorities
Ministry of Economy	State Non Food Products Inspectorate
Ministry of Health	The Lithuanian Radiation Protection Centre (RSC)
Ministry of Finance	Customs
Ministry of Interior	Traffic Supervision Service State Board Guard Service Fire and Rescue Department Department of Police
Ministry of Social security and Labour	State Labour Inspectorate

The key legal act regulates responsibilities between authorities to pursue the policy and supervision of transport of dangerous goods by inland transport is a Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway.

However internationally there is only one authority as described in ADR and Council's directive 94/55/EC - Lithuanian Ministry of Transport and Communication.

Responsibilities in field of DGT in Lithuania are as follows:

a) Lithuanian Radiation Protection Centre – on matters that concern the transport of radioactive substances that are not fissionable substances. Or that are fissionable substance and for which there is an applicable exemption from specific packaging requirements (including permissions for transport of Class 7).
b) State Nuclear Power Safety Inspectorate – on matters that concern the transport of radioactive substances those are fissionable substances and for which specific packaging requirements apply.
c) State Road Transport Inspectorate, State Railways Inspectorate, State Inland Waterways Navigation Inspectorate, Traffic Supervision Service, Department of Custom, State Board Guard Service are responsible for vehicles, documents and load inspections.
d) Department of Police:
    - permission for the loading/unloading in public places within densely built-up areas
    - information about loading/unloading in public places outside of densely built-up areas
    - permission for longer journey breaks near residential places or assembly places during the transport of certain dangerous goods
    - permissions for circulation (including transportation) of Pyrotechnics substances.
e) Lithuanian Maritime Safety Administration – inspection of ships in ports.
f) Klaipėda State Seaport Authority – supervision of movement of dangerous goods in port area.
g) Weaponry Fund of the Republic of Lithuania – permissions for transport of Class 1 (explosives).
h) State Labour Inspectorate – inspections of potentially dangerous equipment: receptacles for dangerous materials and related equipment (including transportable)

All related competent authorities in Lithuania can give proposals to the Ministry of Transport and Communications regarding routs. The Ministry shall set the routes on the roads, rail and waterways of national significance, on which the carriage of dangerous goods shall be prohibited or recommended and organise the establishment of standing areas for vehicles with

dangerous goods. A Municipal government shall establish the routes on the roads of local significance.

Table 30 Ministries and authorities responsible for representing Lithuania in international meetings

Responsible for	Authorities
Representing/monitoring the work of the EU; land transport	Ministry of Transport and Communications Ministry of Economy State Road Transport Inspectorate State Railways Inspectorate
Representing/monitoring the work of the EU; maritime transport	Ministry of Transport and Communications Lithuanian Maritime Safety Administration
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	Ministry of Transport and Communications
Representing/monitoring the work of the ADR	Ministry of Transport and Communications Ministry of Economy Ministry of Social security and Labour State Road Transport Inspectorate
Representing/monitoring the work of the RID	Ministry of Transport and Communications Ministry of Economy Ministry of Social security and Labour State Railways Inspectorate
Representing/monitoring the work of the IMDG, IBC, IGC, BC codes etc	Ministry of Transport and Communications Lithuanian Maritime Safety Administration
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic	Ministry of Transport and Communications Lithuanian Maritime Safety Administration

6.1.2 Number of persons at the competent authorities

The number of persons working with the regulations at the competent authorities as defined in ADR, RID and IMDG code is:

Table 31 Number of staff working with DG regulations in Lithuania

Authority	Number
Ministry of Transport and Communications	1
Lithuanian Maritime Safety Administration	1
State Road Transport Inspectorate	6
State Nuclear Power Safety Inspectorate	3-5
State Railways Inspectorate	1

6.1.3 Legislation

Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway (December 11, 2001. No. IX–636). This Law shall establish the legal and organisational principles of the carriage of dangerous goods by road, rail and waterway, in striving to ensure the safe carriage of dangerous goods.

The Law shall not regulate the legal and organisational principles of the civil defence activity and carriage of nuclear materials intended for nuclear power, and dangerous military goods. The Law on Maritime Safety and the Law on Commercial Navigation and other legal acts shall regulate the carriage of dangerous goods by sea and air.

The Law on Protection of Marine environment, Law on Maritime Safety and the Law on Merchant Shipping and secondary legislation regulates the carriage of dangerous goods by sea.

By virtue of the Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway and European Union legislation the following regulations are issued:

Table 32 Regulations issued

Directive	National legislation
94/55	Transport of dangerous goods on road - Government of the Republic of Lithuania, resolution 23.03.2000 No. 337, including Lithuanian derogations. (ADR). In 1999 the Ministry of Transport issued the Order concerning Training and Examination of Drivers Carrying Dangerous Goods, and in 2000 approved the Order on Drivers' Teachers.
96/49	Transport of dangerous goods by railway - Government of the Republic of Lithuania, resolution 22.01.2002 No. 84.
95/50	Regulations concerning the supervision of dangerous goods carried by road, rail and inland waterway – Government of the Republic of Lithuania, resolution 13.11. 2002 No.1778 .
96/35	Regulations concerning appointment of safety advisors for the carriage of dangerous goods in undertakings - Minister of Transport and Communications of the Republic of Lithuania, order 01.29.2003 No. 3-32 (valid for road, rail and inland waterway transport).
99/36	Regulations concerning transportable pressure equipment – Minister of Economy of the Republic of Lithuania, order 09.07.2004 No. 4-272.
2000/18	Regulations concerning training and examination of safety advisors for the carriage of dangerous goods - Minister of Transport and Communications of the Republic of Lithuania, order 29.11.2002 No. 3-547 (valid for road, rail and inland waterway transport).

Others legal acts:

Regarding Class 1:

Decision No. 2063 on the Confirmation of Import, Export and Selling Licenses Rules of the Civil Pyrotechnic Articles of the Government of the Republic of Lithuania, issued on December 21, 2002.

Rules on Issue of Permits on the Import, Export and Transit through the Territory of the Republic of Lithuania of Explosive**s,** adopted on 13 July 2004 by Director of Weaponry Fund of the Republic of Lithuania, Order No. 1A-41.

– Order No. V-505 on the Confirmation of the Rules of the Permits Issued for the Import, Export and Transit of Civil Pyrotechnic Articles, of the Police Commissioner General of the Republic of Lithuania, issued on October 19, 2004

Regarding Class 7:

- Law on Nuclear Energy, 14 November 1996, No. I-1613.
- Law on Radiation Protection, 12 January 1999 No. VIII-1019.
- Law on the Management of Radioactive Waste, May 20, 1999, No. VIII-1190.

These laws set out the requirement for licensing of radioactive material transport operations and approval of transport packages. They define the competent authority which is dependent upon the nature of the material which is to be transported.

The import and export of radioactive materials and radioactive waste and shipment of radioactive materials and waste within Lithuania are subject to an appropriate authorisation granted by the RSC. The permits for export of Radioactive Waste are issued in accordance with Council Directive 92/3/Euratom. The permits for import, transit and export of radioactive materials are issued in accordance with the Council Regulations 1493/93/Euratom. This directive has been implemented through order of the Minister of Health of the Republic of Lithuania on approval of the regulations for import, export, transit and carriage within the country of radioactive Materials and radioactive waste, 26 November 2004, No. V-834. The Regulations for Import, Export, Transit, and Carriage within the Country of Radioactive Substances and Radioactive Waste (hereinafter referred to as the Regulations) shall regulate execution and control of import, export, transit and carriage within the country of class 7 hazardous materials, radioactive materials, including radioactive waste.

VATESI and RSC act as independent regulatory bodies for the issuing of licences for the transport of radioactive materials.

The role of VATESI is specified in the Law on Nuclear Energy of the Republic of Lithuania 14 November 1996, No. I-1613. The operations are detailed in The Government of the Republic of Lithuania Decision No.103 of January 27, 1998 Regulations for Licensing of Nuclear Power Related Activities.

VATESI are consulted on issues of physical protection for transport and this ensures compliance with the Convention on Physical Protection of Nuclear Materials. For radioactive sources (containing nuclear material) the application comes directly from the applicant planning to carry out shipments. For nuclear fuel the application comes from the Ministry of the Economy.

IMDG code, IBC Code, IMO International Code for the construction and equipment of ships carrying dangerous chemicals in bulk, IGC Code, IMO International Code for the construction and equipment of ships carrying liquefied gases in bulk and the BC Code, IMO Code of Safe Practice for Solid Bulk Cargoes has been implemented through Law on Maritime Safety of the Republic of Lithuania (29 August, 2000, No VIII-1897).

The ISM code, the International Safety Management Code, has been implemented by the Order Order No. 20 (1996-01-16), as amended, of Minister of Transport and Communications.

ISPS Code, the International Ship and Port Facility Security Code of the IMO, has been implemented by Lithuanian Government Ordinance No. 90 (2004-01-28) as amended, of Minister of Transport and Communications,

and order No. V-62 (2004-06-20) of Director of the Lithuanian Maritime Safety Administration. Regulation (EC) No. 275/2004 of the European Parliament and the Council of 31 March 2004 on enhancing ship and port facility security has been implemented by order 3-262 (2006-06-23) issued by the Minister of Transport and Communications, order No. 3-260 (2006-06-30) issued by the Minister of Transport and Communications, order No. 3-548 (2004-12-14) issued by the Minister of Transport and Communications, order No. 3-370 (2004-06-29) issued by the Minister of Transport and Communications.

The purpose of Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system is to establish in the Community a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships. This directive was implemented through Order of Minister of Transport and Communications (03.02.2004 No. 3-55) .

Member States shall monitor and take all necessary and appropriate measures to ensure that the masters, operators or agents of ships, as well as shippers or owners of dangerous or polluting goods carried on board such ships, comply with the requirements under this Directive.

6.1.3.1 Ports

Navigation Rules in the Klaipeda State Seaport, approved by order No. 286 of the Minister of Transport and Communications of 16 July 1998.

Navigation Rules in the Būtingė Oil Terminal, approved by order No. 248 of the Minister of Transport and Communications of 18 September 2000.

6.1.3.2 Inland waterways

Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway (December 11, 2001. No. IX – 636).

6.1.3.3 Supplementary guidance material

The brochure for drivers carrying dangerous goods by road is issued by State Road Transport Inspectorate as a simplified compilation about and as an aid to the use of ADR.

6.1.4 Procedure for implementing the international regulations within national law

International regulations become law issued by Parliament or ordinance issued by Government. Other more detailed regulations are issued by the competent ministries and authorities. Before regulations are adopted and issued they must pass a acception process from concerned authorities and organisations.

6.1.5 Cooperation with industry in the rule making process

On the drawing up of legislation for the transport of dangerous goods, industry representatives often are participate in a working groups and have possibility to offer a suggestion for new legislation.

6.1.6 Cooperation between ministries and authorities and with trade organisations

In Lithuania are so many authorities with responsibilities within the area of dangerous goods but the Ministry of Transport and Communications is key competent authority in this field so it is responsible for the co-ordination of all matters related with dangerous goods transportation.

There is a number of working groups were a specialists from diferent competent authorities as well as from trade organisations can solve controversial questions.

6.1.7 Routing and transport restrictions

As mentioned before all related competent authorities in Lithuania can give proposals to the Ministry of Transport and Communications regarding routs.

The Ministry shall set the routes on the roads, rail and waterways of national significance, on which the carriage of dangerous goods it shall be prohibited or recommended. A Municipal government shall establish the routes on the roads of local significance.

The following ministries and authorities are responsible for the routing and transport restrictions of dangerous goods:

Table 33 Ministries and authorities responsible for routing and transport restrictions of DG in Lithuania

Responsible for routing and transport restrictions	**Authorities**
Road	Ministry of Transport and Communications Municipal governments
Rail	Ministry of Transport and Communications Municipal governments
Maritime	Lithuanian Maritime Safety Administration

Responsible for tunnel restrictions	**Authorities**
Road	Not applicable
Rail	Not applicable
Maritime	Not applicable

6.1.7.1 Road transport

Order issued by Minister of Transport and Communications regarding routs of the carriage of dangerous goods (25.10.2002 No 3-508).

ADR 1.9.4 requires that the competent authority of the Contracting Party shall notify the Secretariat of the United Nations Economic Commission for Europe of additional provisions, and the Secretariat shall bring them to the attention of the Contracting Parties.

6.1.7.2 Rail transport

Order issued by Minister of Transport and Communications regarding routs of the carriage of dangerous goods (25.10.2002 No 3-508).

RID 1.9.4 requires that the competent authority of the Contracting Party shall notify the Central Office in Bern of the additional provisions, and the central Office shall bring them to the attention of the Contracting Parties.

6.1.7.3 Maritime transport

There is no restriction for maritime transport of dangerous goods at present.

6.1.7.4 Approval of packaging, tanks, receptacles etc...

The system for the testing, inspection and approval of packaging, tanks, receptacle etc. intended for the transport of dangerous goods on road and rail (ADR and RID) is a so-called 'open system'. This means that any company and organisation which would like to become a competent body and perform these activities may apply for it.

The Ministry of Social security and Labour has set up the applicable regulations which must be fulfilled to become a competent body for testing, inspection and approval of non- pressure packaging, tanks, receptacle and etc. The regulations are primarily based on an accreditation process. Lithuanian National Accreditation Bureau accredits testing and calibration laboratories, certification bodies for products, and inspections bodies.

Concerning the appointment of notified and approved bodies in accordance with council directive 1999/36/EC on transportable pressure equipment (TPED), the Ministry of Economy is the competent authority for setting up the regulations and is responsible for the notifications of the bodies.

6.1.7.5 Approval of vehicles, railway wagons and maritime vessels

The following ministries and authorities responsible for the approval of vehicles, railway wagons and maritime vessels intended for the transport of dangerous goods:

Table 34 Ministries and authorities responsible fot approval of vehicles, railway wagons and maritime vessels in Lithuania

Approval of	Ministries and authorities
Vehicles	For technical inspections of ADR vehicles – State Vehicle Technical Testing Centres; For issuing Certificates of approval – State Road Transport Inspectorate
Railway wagons	The railway companies themselves have to arrange for some inspecting body to inspect their railway wagons. Permission from the State Railways Inspectorate is required to use the rail network. Safety certificates or licences from the State Railways Inspectorate are required in order to transport dangerous goods, as indeed they are to transport all goods. Extra training is required for those transporting dangerous goods.
Maritime vessels	Certificates allowing Lithuanian flagged maritime vessels carry dangerous goods are issued by recognised organisations (RO), which are under supervision of Lithuanian Maritime Safety Administration.

6.1.8 Aim/goal for the ministries' and authorities' work

6.1.8.1 Ministry of Transport and Communications

Nearest objectives:

- implementation of ADR/ RID regulations (their 2007 editions) and Directives 2006/89/EC and 2006/90/EC at the right time;
- revision (and changing if needed) of national regulations with regard to new edition of ADR/RID.

6.1.8.2 Lithuanian Maritime Safety Administration

The main aims/goals in respect of carriage of dangerous goods are:

- ensure, that all Lithuanian flagged vessels engaged in carriage of dangerous goods are constructed, equipped and maintained according to international standards;
- ensure, that all vessels visiting Lithuanian seaports and carrying dangerous goods are certified properly and maintained accordingly;
- ensure, that all vessels intended to visit or to leave Lithuanian seaports carrying on board dangerous goods notifies competent authorities accordingly.

6.1.9 Legislation on the transport of dangerous goods and physical planning

There is no special legislation regarding planning infrastructure exclusively for the transport of dangerous goods. This is regulated by the Law on Territory Planning (12.12.1995 No. I-1120) as well as the planning of other infrastructure or buildings.

The planing procedure is organizing by Government, State authorities, municipalities, legal or natural person with regard to status of plan (plan of the Republic of Lithuania, municipalities' local plans and etc.)

For a port, there has to be an Environmental Investigation Analysis and permission.

Regulations for the transport of dangerous goods only apply to the safe transport of the dangerous goods.

6.1.10 Liaison between the national competent authority for the supply and use of chemicals and national transport representatives

The Ministry of the Environment is the competent authority for the supply and use of chemicals. Notwithstanding all internationally presented (in UN or EU), Lithuanian positions concerned with these issues are harmonized with the Ministry of Transport and Communications. From the other side the Ministry of Transport and Communications harmonize positions before WP.15 and EC dangerous goods committee meetings.

6.1.11 Competent authority for issuing ADR certificates for driver training

State Road Transport Inspectorate is the competent authority and holds the register of all ADR drivers and their certificates.

6.1.12 Cooperation with other countries

Ministry of Transport and Communications, State Road Transport Inspectorate and State Railways Inspectorate has been developed

cooperation with the Poland, Latvia and Estonia, where annual meetings are held and joint checks is carry out.

Lithuania can see a need for cooperation in the Baltic in the following scenarios:

- interpretation of regulations,
- cooperation on proposals to international groups, and
- discussion how to solve upcoming problems.

6.1.13 Cooperation between authorities on local level

The existing cooperation at local level is focused on the training of response to dangerous goods accidents (generally directed to industry) and joint checks (Inspectorates cooperate with local Traffic supervision service, State Board Guard Service and Customs).

6.1.14 Definitions for “transport” and “dangerous goods”

The definitions “transport” and “dangerous goods” are the same as that in international legislation concerned with carriage of dangerous goods.

6.1.15 Legal structure between dangerous goods regulations and traffic safety regulations in general

Special regulations concerned with transportation of dangerous goods are indicated above.

Basic Laws and ordinances regulate the transport of goods in general (including dangerous goods) are follows:

- Law on Safe Road Traffic (12.10.2000 No.VIII-20443),
- Law on Rail Transport Traffic Safety (30.03.2006 No.X-542),
- Road traffic regulations issued by Government resolution (11-12-2002 No. 1950),
- Maritime Safety Law of the Republic of Lithuania (29 August, 2000, N° VIII-1897, Vilnius).

6.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

6.2.1 Ministries and authorities

The following authorities have the responsibility for the supervision of the below mentioned areas within the transport of dangerous goods.

Table 35 Ministries and authorities responsible for supervision on DG transport in Lithuania

Area	**Authorities**
Road Transport	State Road Transport Inspectorate Traffic Supervision Service State Board Guard Service Customs
Railway transport	State Railways Inspectorate State Board Guard Service Customs
Maritime transport, including the IMDG, IBC, IGC, and BC codes.	Lithuanian Maritime Safety Administration Klaipėda State Seaport Authority Customs
Safety advisors and security of land transport (chapter 1.10 of ADR/RID)	State Road Transport Inspectorate State Railways Inspectorate State Inland Waterways Navigation Inspectorate
ISPS code and port areas where the ISPS code applies.	Klaipėda State Sea Port Authorities Lithuanian Maritime Safety Administration
Goods in port facilities on land that is due for onward transport by road or rail.	Klaipėda State Sea Port Authorities
Transport of radioactive substances that are not fissionable substances. Or that are fissionable substance and for which there is an applicable exemption from specific packaging requirements.	Klaipėda State Sea Port Authorities State Nuclear Power Safety Inspectorate Radiation Protection Centre
Transport of radioactive substances that are fissionable substances and for which there are specific packaging requirements.	Klaipėda State Sea Port Authorities State Nuclear Power Safety Inspectorate

6.2.2 Ministries' and authorities' objectives

According to Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway in ensuring safe carriage of dangerous goods, the Government of the Republic of Lithuania or its authorised institutions:

- draft, approve and implement the legal acts, which regulate the carriage of dangerous goods activities;

- control the carriage of dangerous goods;
- establish the routes of dangerous goods carriage;
- conduct expert analysis of accidents, which involve the carriage of dangerous goods and which have caused serious consequences, and administer the record thereof;
- accumulate statistical data on issues of dangerous goods carriage;
- provide consultations on questions of dangerous goods carriage;
- set the restrictions of dangerous goods carriage for the purposes of national security and environmental protection;
- perform the functions regulating the carriage of dangerous goods, set forth by the laws and other legal acts.

In general State authorities seek to increase security during the transport of dangerous goods and to reduce the number of deficiencies that occur. The main means of achieving and analysing this is through inspections on roads, border and at companies, achieving and analysing the accidents, executes supervision of operators and safety advisors.

Additionally, according to Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway the Government established a Commission of Experts of Carriage of Dangerous Goods, comprised of the representatives of the Ministry of the Environment, the Ministry of Health, the Ministry of Transport and Communications and the Ministry of the Interior, for the purpose of conducting an expertise of accidents in connection with the carriage of dangerous goods, which have caused serious consequences.

6.2.3 Responsibility for the co-ordination/harmonisation of supervision/inspection

The institutions responsible for supervision/inspection are authorised by the Government of Lithuania. The Ministry of Transport and Communications co-ordinates the work of supervisory authorities under its jurisdiction – State Road Inspectorate, State Railways Inspectorate, State Inland Waterways Navigation Inspectorate, Lithuanian Maritime Safety Administration and Klaipėda State Seaport authorities.

6.2.4 Persons involved in supervision and inspection work

Table 36 Staff involved with supervision and inspection work of DG transport in Lithuania

Authority	People involved
State Road Transport Inspectorate	15
State Railways Inspectorate	2
Lithuanian Maritime Safety Administration	9 inspectors are partly involved (documents control)
Traffic Supervision Service	All inspectors are partly involved (documents control)
Customs	All inspectors are partly involved (documents control)
State Board Guard Service	All inspectors are partly involved
Klaipėda State Sea Port Authorities	1

6.2.5 Training and examination system for personnel

6.2.5.1 State road transport inspectorate

Initial training:

- organized 3 times per year or when the group of no less than 5 persons is comprised.
- 507 hours of theoretical and 48 hours of practical training.

Periodic training:

- control officers must attend periodic training course once a year.

Theoretical and practical sessions are carried out by Road transport Inspectorate specialists and training institutions. Subject lists of Initial training are prepared by Control department of Road Transport Inspectorate together with appropriate specialists. After training course completion novice control officers have to pass the test. Novice control officers who passed the test must work for 3 month with experienced officer together. Only after this period they can carry out checks independently.

6.2.5.2 State railways inspectorate

There no special rules. Inspectors pass training courses, learn in practise and have annual refresher courses. Very often inspectors have a Dangerous goods safety advisor certificate though this certificate is not required.

6.2.5.3 Maritime

Vessel's crew is trained through normal education process and is attending short training courses.

For inspectors qualification training for Port State Control officers involves and training for dangerous goods control

6.2.6 Number of transport units inspected

6.2.6.1 Road transport

257 inspections were made in the year 2005 (including inspections directly in enterprises)

6.2.6.2 Railway transport

300 inspections were made in the year 2005 (including inspections directly in enterprises)

6.2.6.3 Maritime vessels

90 inspections were made 2006. (Until July)

6.2.6.4 Others

The Lithuanian Klaipeda Regional Environmental Protection Department inspects goods terminals in port area.

6.2.7 Number of infringements noted according to type and mode of transport

6.2.7.1 Road transport

Table 37 Number of road transport infringements in Lithuania

Number of inspections	257
Number of infringements	114

6.2.7.2 Rail transport

Table 38 Number of rail transport infringements in Lithuania

Number of inspections	300
Number of infringements	100

6.2.7.3 Maritime transport

Table 39 Number of maritime transport infringements in Lithuania

Part of the year		2006 (until July)
CTUs inspected		90
CTUs with deficiencies		51
Type of deficiency (%)	Damage	17
	Approval plate	24
	Placarding of CTUs	10

6.2.8 Ministries and authorities responsible for setting the level of penalties

Law on Carriage of Dangerous Goods by Road, Rail and Inland Waterway prescribes that the persons in violation of this Law shall draw administrative and criminal liability, in accordance with the procedure established by the laws – in general by Code of Administrative Offences.

In accordance with Government ordinance concerning supervision/inspection the appointed inspection authority takes decision regarding prohibitions and injunctions needed. Inspector who executes the inspection decides about level of penalty (within the pale of operation of Code of Administrative Offences).

6.2.8.1 Road transport

State Road Transport Inspectorate with local Traffic Supervision Service, State Board Guard Service and Customs;

6.2.8.2 Railway transport

State Railways Inspectorate with State Board Guard Service and Customs;

6.2.8.3 Maritime transport

Harbour master of Klaipéda State Seaport, Klaipéda Regional Environmental Protection Department.

6.2.9 Type and size of penalties imposed

Types and size of penalties for each type of transport of dangerous goods is settled by Code of Administrative Offences. Currently infringements mentioned in Code still are given in general way. Recently a new project of Code is prepared and submitted for Parliament approval. In new Code infringements will be more detailed.

6.2.10 Cooperation among ministries, authorities responsible for supervision, and inspection bodies

Biggest part of inspections of carriage of dangerous goods are carried out by related inspectorates, in some cases in collaboration with others authorities, for example, with Traffic Supervision Service (on road transport) and with State Board Guard Service and Customs (on border).

6.2.11 Cooperation with other countries and in what scenarios you see any need for cooperation with other countries

Cooperation with other countries is more or less developed in road and rail transport of dangerous goods. Specialists of State road transport inspectorate and State railways transport inspectorate has participated in the international trainings in the Netherlands and France.

6.2.11.1 Maritime transport

1. The Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro Ships in the Baltic.
2. Agreement between Maritime Administrations of Estonia, Latvia and Lithuania regarding information exchange, working groups and joint meetings once a year.

6.2.12 Methods for determining where and when to carry out inspections

The majority of inspections of the transport of dangerous goods and Enterprises periodically are carried out according advanced schedule.

6.2.13 Relationship between supervision/inspection of the traffic safety in general and the supervision/inspection of the transport of dangerous goods

In Lithuania for the road traffic safety in general is responsible Traffic supervision service and inspectors of this authority also carried out partial

check on the transport of dangerous goods (documents, marking, placarding, leakage, visual damages of vehicles, tanks and etc.). Customs and State Board Guard Service take place when inspection is carried out on border. However main dangerous goods supervision authorities are related inspectorates. Radiation Protection Centre and State Nuclear Power Safety Inspectorate have no obligations for the traffic safety as such.

7 SWEDEN

7.1 Regulation for road, rail and maritime transport of dangerous goods

7.1.1 Ministries and authorities

The Swedish government consists of various ministries whose areas of responsibility cover a number of governmental authorities. It is these authorities that are responsible for the day to day running of activities within the civil service. The government sets objectives, issues guidelines and apportions resources for the work of the authorities. However, it doesn't decide how the authorities should apply legislation or how they should make decisions on various matters.

Table 40 Ministries and authorities responsible involved in DG transport in Sweden

Swedish Ministries	**Swedish Authorities**
Ministry of Justice	National Police Board, Public Prosecutions Office
Ministry of Defence	Swedish Rescue Services Agency (SRSA) Swedish Coast Guard
Ministry of Industry, Employment and Communications	Work Environment Agency National Rail Administration Swedish Rail Agency Maritime Administration
Ministry of Sustainable Development	National Chemicals Inspectorate Radiation Protection Authority Nuclear Power Inspectorate
Ministry for Foreign Affairs	SWEDAC

Certain authorities, which, in accordance with the Transport of Dangerous Goods Ordinance, have specific tasks, are called "transport authorities".

These transport authorities are:

- for road and rail transport: the Swedish Rescue Services Agency ;
- for maritime transport: the Swedish Maritime Administration;
- for air transport: the Swedish Civil Aviation Authority.

These authorities issue regulations on the transport of dangerous goods within their own areas of responsibility.

According to the Transport of Dangerous Goods Ordinance *the competent authorities* for Sweden, as listed in:

1. the Swedish Radiation Protection Authority on matters that concern the transport of radioactive substances, that are not fissionable substances. Or that are fissionable substance and for which there is an applicable exemption from specific packaging requirements,
2. the Swedish Nuclear Power Inspectorate on matters that concern the transport of radioactive substances that are fissionable substances and for which specific packaging requirements apply,
3. the police after consultation with the municipal organisation for the emergency and rescue services on matters pertaining to road transport of dangerous goods, when it is a case of:
    - permission for the loading/unloading in public places within densely built-up areas,
    - information about loading/unloading in public places outside of densely built-up areas, and
    - permission for longer journey breaks near residential places or assembly places during the transport of certain dangerous goods,
4. the Swedish Rescue Services Agency on other matters pertaining to road and rail transport of dangerous goods,
5. the Swedish Maritime Administration on other matters pertaining to the IMDG- code
6. the Swedish Civil Aviation Authority on other matters pertaining to ICAO-TI.

If in the course of any matter of business at a competent authority issues arise that belong to the area of responsibility of another authority, then the matter must be dealt with in consultation with that other authority.

The following ministries and authorities are responsible for representing Sweden in international meetings:

Table 41 Ministries and authorities responsible for representing Sweden in international meetings

Responsible for	Authorities
Representing/monitoring the work of the EU; land transport	Swedish Rescue Services Agency (SRSA)
Representing/monitoring the work of the EU; maritime transport	Swedish Maritime Administration
Representing/monitoring the work of the UN Committee of Experts on the transport of dangerous goods	SRSA
Representing/monitoring the work of the ADR	SRSA
Representing/monitoring the work of the RID	SRSA, Swedish Rail Agency
Representing/monitoring the work of the IMDG, IBC, IGC, BC codes etc	Swedish Maritime Administration
Representing/monitoring the work of the Memorandum of Understanding for the Transport of Dangerous Goods in Ro-Ro ships in the Baltic	Swedish Maritime Administration

7.1.2 Number of staff at the competent authorities

The number of staff working with the regulations at the competent authorities as defined in ADR, RID and IMDG code is approximately:

Table 42 Number of staff at the competent authorities.

Authority	Number
Swedish Rescue Services Agency	10
Swedish Maritime Administration	2
Swedish Radiation Protection Authority	2
Swedish Nuclear Power Inspectorate	1

7.1.3 Legislation

The Transport of Dangerous Goods Act (SFS 2006:263) and its ordinance (SFS 2006:311) regulate the transport of dangerous goods for all forms of transport. However, they do not regulate bulk transport on ships. Bulk transport is regulated by the Maritime Vessels Safety Act (SFS 2003:438).

By virtue of the Transport of Dangerous Goods Act the following regulations are issued:

Table 43 Regulations issued

Directive	National legislation
94/55	Transport of dangerous goods on and off road - SRVFS 2006:7, including Swedish derogations. (ADR)
96/49	Transport of dangerous goods by railway - SRVFS 2006:8, including Swedish derogations. (RID)
95/50	Swedish National Police Board regulations for the supervision of dangerous goods RPSFS 2000:11 FAP 338-1
96/35	Regulations for transport of dangerous goods safety advisors SRVFS 2006:9 (valid for all modes of transport)
99/36	Regulations for transportable pressure equipment SRVFS 2005:3
2000/18	Regulations for transport of dangerous goods safety advisors SRVFS 2006:9 (valid for all modes of transport)

SRVFS means a regulation issued by the Swedish Rescue Services Agency.

In accordance with the Commission's decision 2004/388/EG of 15th April 2004 an application must be submitted to obtain permission for the cross-border transport of explosives. This has been implemented through the Flammable and Explosives Ordinance (1988:1145) and is contained in the Swedish Rescue Services Agency's Regulations for the Identification of and the Regulations for the Transport of Specific Explosives SRVFS 2005:1.

There is a specified requirement in Council Directive 96/29/Euratom of 13th May 1996 – laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation – for a handler of sealed sources or radioactive waste, who intends to carry out a shipment of such sources or waste, or to arrange for such a shipment to be carried out, to obtain a prior written declaration by the consignee of the radioactive substances to the effect that the consignee has complied, in the member state of destination, with all applicable provisions. This directive has been implemented through the Radiation Protection Act (SFS 1988:220) and the Nuclear Activities Act (SFS 1984:3). The competent authorities from which to obtain such permission are the Swedish Radiation Protection Authority and the Swedish Nuclear Power Inspectorate.

The IMDG code has been implemented within the Swedish Maritime Administration's Regulations on the Transport of Packed Dangerous Goods (SJÖFS 2005:15) which is issued by virtue of the Transport of Dangerous Goods Ordinance and the Maritime Vessels Safety Ordinance (2003:438).

IBC Code, IGC Code and the BC Code are all currently being implemented by the Swedish Maritime Administration.

The ISM code has been implemented through the Swedish Maritime Administration's regulations (SJÖFS 2002:8).

The ISPS Code has been implemented in law (2004:487) on ship security and in the Ordinance (2004:283) on ship security. The Swedish Maritime Administration has also issued Regulations on ship security, SJÖFS 2004:13.

Within the EU the majority of IMO regulations on the protection of maritime navigation have been harmonised, and the new regulations came into effect via the European Parliament's and European Council's ordinance No. 725/2004, dated 31st March 2004 regarding improved protection for maritime navigation for vessels and docks installations. The Swedish Parliament decreed a Protection of Maritime Navigation Act (2004:487), and the Government decreed a Maritime Security Ordinance (2004:283). The Swedish Maritime Administration has issued Regulations on Maritime Security (SJÖFS 2004:13).

The purpose of Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system is to establish in the Community a vessel traffic monitoring and information system with a view to enhancing the safety and efficiency of maritime traffic, improving the response of authorities to incidents, accidents or potentially dangerous situations at sea, including search and rescue operations, and contributing to a better prevention and detection of pollution by ships.

Member States shall monitor and take all necessary and appropriate measures to ensure that the masters, operators or agents of ships, as well as shippers or owners of dangerous or polluting goods carried on board such ships, comply with the requirements under this Directive.

By virtue of the Measures to Prevent Pollution from Vessels Ordinance (1980:789); the Transport of Dangerous Goods Ordinance (1982:923); the Maritime Ordinance (1986:300); and the Maritime Vessels Safety Ordinance (2003:438) the Swedish Maritime Administration implements directive 2002/59/EC in Sweden through its own regulations SJÖFS 2005:19 and via general information on compulsory registration, information obligations, and reporting obligations in certain cases.

7.1.3.1 Ports

The Swedish Maritime Administration has issued regulations on transport of dangerous goods in ports SJÖFS (1991:8).

7.1.3.2 Inland waterways

Not applicable in Sweden.

7.1.3.3 Supplementary guidance material

The brochure “Road and rail transport of dangerous goods” is issued as a simplified compilation about and as an aid to the use of ADR and RID.

7.1.4 Procedure for implementing the international regulations within national law

Some comprehensive parts of the international regulations become law or ordinance. Other more detailed regulations are issued by the authorities as regulations.

The government has tasked the transport authorities with the responsibility to issue regulations as and when required. Before regulations are adopted and issued there is a circulation process to relevant authorities and organisations. The circulation must always include a description of effects with estimated costs for the new regulations.

7.1.5 Cooperation with industry in the rule making process

On the drawing up of legislation for the transport of dangerous goods, industry representatives are part of the committee that puts forward the proposal for new legislation.

7.1.6 Cooperation between ministries and with trade organisations

Because there are so many authorities with responsibilities within the area of dangerous goods, the Swedish Rescue Services Agency (SRSA) is responsible for the co-ordination of all the safety regulations for the land, maritime and air transport of dangerous goods; as well as for Swedish work within international bodies; and the work of transport authorities in general when it is within the field of the transport of dangerous goods.

There is a council for the transport of dangerous goods connected to the SRSA to coordinate safety legislation for the land, maritime, and air transport of dangerous goods, the Swedish work in the international bodies and the transport authorities' work in general within the field of the transport of dangerous goods. This council includes all transport authorities.

To support the aim and direction of the work of the SRSA concerning the transport of dangerous goods, there is a delegation for the transport of dangerous goods on which chosen authorities and trade organisations can voice their viewpoints. This delegation is advisory only.

There is a group led by the SRSA to coordinate the supervisory authorities' work on matters concerning the transport of dangerous goods.

Before each international meeting the transport authorities invites opinions and comments from other relevant authorities and organisations on the documents that are going to be discussed. The transport authorities present a suggestion for a viewpoint which the others concerned can provide comments and opinions on.

Additionally, there are a number of working groups within various areas, for example within the areas vehicle, tank and receptacle inspection and approval.

7.1.7 Routing and transport restrictions

The following ministries and authorities responsible for the routing and transport restrictions of dangerous goods:

Table 44 Ministries and authorities responsible for DG routing and transport restrictions in Sweden

Responsible for routing and transport restrictions	Authorities
Road	County administrative boards, decisions are based on facts given by the municipalities
Rail	Depend on the situation
Maritime	Swedish Maritime Administration

Responsible for tunnel restrictions	Authorities
Road	County administrative boards, decisions are based on facts given by the municipalities
Rail	Depend on the situation
Maritime	Not applicable

7.1.7.1 Road transport

In accordance with the Road Traffic Ordinance (SFS 1998:1276) the Swedish Rescue Services Agency must maintain a compilation of regulations issued by the county administrative boards detailing route control on road. This is achieved by regularly producing an atlas of road maps showing recommended and prohibited routes for the transport of dangerous goods. This also contains details about recommended parking places for vehicles loaded with dangerous goods.

ADR 1.9.4 requires that the competent authority of the Contracting Party shall notify the Secretariat of the United Nations Economic Commission for Europe of the additional provisions, and the Secretariat shall bring them to the attention of the Contracting Parties.

7.1.7.2 Rail transport

RID 1.9.4 requires that the competent authority of the Contracting Party shall notify the Central Office in Bern of the additional provisions, and the central Office shall bring them to the attention of the Contracting Parties.

7.1.7.3 Maritime transport

There is only one restriction applicable for maritime transport of dangerous goods and that is in Lake Mälaren where there are certain restrictions for the construction of vessels that carry dangerous goods in bulk (e.g. double hull).

It is presented through a regulation from the Swedish Maritime Administration.

7.1.8 Approval of packaging, tanks, receptacles etc...

The system for the testing, inspection and approval of packaging, tanks, receptacle etc. intended for the transport of dangerous goods on road and rail (ADR and RID) is a so called 'open system'. This means that any company and organisation which would like to become a competent body and perform these activities may apply for it.

The SRSA has set up the applicable regulations which must be fulfilled to become a competent body. The regulations are primarily based on an accreditation process.

The Swedish Board for Accreditation and Conformity Assessment (SWEDAC) is the competent authority for assessment and accreditation of business activities. SWEDAC therefore has the responsibility to assess the company or organisation against the regulations set up by the SRSA and ultimately approve it as a competent body.

SWEDAC also performs audits each year in order to assess their activities and see if they still fulfil the regulations.

Concerning the appointment of notified and approved bodies in accordance with council directive 1999/36/EC on transportable pressure equipment (TPED), SRSA is the competent authority for setting up the regulations and SWEDAC for the assessment of the bodies. The Ministry for Foreign Affairs is responsible for the notifications of the bodies.

7.1.9 Approval of vehicles, railway wagons and maritime vessels

The following ministries and authorities are responsible for the approval of vehicles, railway wagons and maritime vessels intended for the transport of dangerous goods:

Table 45 Ministries and authorities responsible for the approval of vehicles, railway wagons and maritime vessels

Approval of	Ministries and authorities
Vehicles	The inspection bodies stated in the Vehicles Act (2002:574), i.e. the Swedish Vehicle Inspection Company, are the competent bodies for technical inspections of vehicles in accordance with the appendices to ADR and the appendices to the Council's directives 94/55/EG.
Railway wagons	The railway companies themselves have to arrange for some inspecting body to inspect their railway wagons. Approval from the Swedish Rail Agency is required for the use of wagons on the railway; and permission from the Swedish National Rail Administration is required to use the rail network. Internationally approved wagons do not require this approval and permission. Safety certificates or licences from the Swedish Rail Agency are required in order to transport dangerous goods, as indeed they are to transport all goods. Extra training is required for those transporting dangerous goods.
Maritime vessels	It is the inspection department of the Swedish Maritime Administration that approves and certifies maritime vessels for the transport of packaged goods and goods in bulk. There is no differentiation for dangerous goods and other goods.

7.1.10 The objectives of ministries and authorities

7.1.10.1 Swedish Rescue Services Agency (SRSA)

- During the period 2006-2009 the SRSA will work towards:
- A reduction - of 10% by 2009 compared to the three year average in 2004 - in the number of serious emergencies during the land transport of dangerous goods.
- A reduction - of 40% by 2009 compared to the three year average in 2004 - in the number of serious deficiencies during the land transport of dangerous goods.
- Reducing the number of Swedish derogations in relation to the ADR and RID directives, and instead introduce them into international legislation.
- Observing safety issues in infrastructure projects, so that risks are reduced; and to contribute to sustainable development.

7.1.10.2 Swedish Maritime Administration

The Government objective for safe maritime navigation is that there should be no fatalities or casualties seriously injured, this is done by adapting the

maritime transport system to the requirements needed to achieve this. The objective for safe maritime navigation includes maintaining good security in Swedish port facilities, in vessels that put in at these and in Swedish vessels regardless of where they are.

- Overall objectives for the Marine Surveying Department
- International regulations should come into force at the right time.
- National regulations should be issued as required and at the right time.
- Applicable regulations and standards should be reviewed as and when needed.
- Safety on Swedish vessels and protection against pollution from Swedish vessels should be at a high level internationally. This should also apply to the safety organisations for shipping companies and vessels.
- Maritime security in Swedish ports and on Swedish vessels should be at a high level internationally.

7.1.11 Relation between legislation on the transport of dangerous goods to legislation on physical planning

All land and water use is regulated by the municipalities' local plans. It is the municipalities that determine whether a road for the transport of dangerous goods may be built or not. The same applies to the construction of buildings beside roads and the building of ports. This is regulated by the Planning and Building Act (SFS 1987:10).

For a port, there has to be an Environmental Investigation Analysis and permission.

Regulations for the transport of dangerous goods only apply to the safe transport of the dangerous goods.

7.1.12 Liaison between the national competent authority for the supply and use of chemicals and national transport representatives.

The Swedish National Chemicals Inspectorate (SNCI) is the competent authority for the supply and use of chemicals; and comes under the Ministry of the Environment.

Before meetings of the UN Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of chemicals the SNCI and the SRSA liaise to co-ordinate Sweden's position on these matters.

7.1.13 Competent authority for issuing ADR certificates for driver training

It is the Swedish Rescue Services Agency that is the competent authority and holds the register of all drivers and their certificates, but it is the Swedish Road Administration that produces the certificates.

7.1.14 Cooperation with other countries

Cooperation on land transport of dangerous goods with other countries has best been developed with the Nordic countries, where annual meetings are held.

However, we can see a need for cooperation in the Baltic region in the following scenarios:

- interpretation of regulations,
- cooperation on proposals to international groups, and
- discussion how to solve upcoming problems.

7.1.15 Cooperation at a local level

The existing cooperation at local level is focused on the training of response to dangerous goods accidents and is often directed to the chemical industry.

7.1.16 Definitions of "transport" and "dangerous goods"

The Swedish regulations for road transport of dangerous goods also apply to transport off-road.

The definition of dangerous goods is the same as that in international legislation.

7.1.17 Legal structure between dangerous goods regulations and traffic safety regulations in general

There are a number of acts and ordinances which in a more general fashion regulate the transport of goods in general, for example, the Road Traffic Ordinance (SFS 1998:1276), the Railway Act (2004:519), the Railway Ordinance (2004:526) and the Maritime Vessels Safety Ordinance (2003:438).

Additionally there a number of general and specific acts and ordinances, for example, the Work Environment Act (1977:1160) and the Environmental code (1998:808) with associated regulations, which regulate individual areas in connection with transport.

These regulations of course also apply to the transport of dangerous goods. The regulations for the transport of dangerous goods are described above.

7.2 Enforcement of legislation for road, rail and maritime transport of dangerous goods

7.2.1 Ministries and authorities

The following authorities have the responsibility for the supervision of the below mentioned areas within the transport of dangerous goods.

Table 46 Authorities responsible for supervision of DG transport

Area	Authorities
Transport on land (not rail transport)	The police (regional level)
Railway transport	Swedish Rail Agency
Maritime transport, including the IMDG, IBC, IGC, and BC codes.	Swedish Maritime Administration
Safety advisors (for all types of transport) and security of land transport (chapter 1.10 of ADR/RID)	Swedish Rescue Services Agency
ISPS code and port areas where the ISPS code applies.	Swedish Maritime Administration
Goods in port facilities on land that are due for onward transport by road or rail. Or on request from the Swedish Maritime Administration for onward maritime transport.	Swedish Coast Guard (regional level)
Transport of radioactive substances that are not fissionable substances. Or that are fissionable substance and for which there is an applicable exemption from specific packaging requirements.	Swedish Radiation Protection Authority (New task from July 2006)
Transport of radioactive substances that are fissionable substances and for which there are specific packaging requirements.	Swedish Nuclear Power Inspectorate (New task from July 2006)

7.2.2 The objectives of ministries and authorities

7.2.2.1 The Police

Overall objectives

According to the Swedish National Police Board's instructions (POL-338-1475/02) the overall objective for the police is to work for an increase in security during the transport of dangerous goods on and off-road and to reduce the number of deficiencies that occur. The main means of achieving this is through inspections on roads, at terminals and at companies.

Quanitative objectives

The ambition of at least 7,000 inspections per year ought to serve as a target for the police.

Each police region has a quota to fulfil depending on the transport activity in the region.

Qualitative objectives

In supervisory and inspection work – apart from the stated inspection points in the inspection directive 95/50/EG and in FAP 338 – the following should be especially considered:

- follow ups on inspections performed in order to reduce the number of deficiencies, prohibitions and injunctions,
- reduce the number of major safety deficiencies,
- wherever possible increase the number of terminal inspections (suggested division: roads 50% and terminals 50% with a 10% variation),
- contact all consignors and hauliers, and
- apply a common system for assessing deficiencies.

7.2.2.2 Swedish Rail Agency

Overall market objectives

The Swedish Rail Agency works towards an effective railway market with equal conditions and healthy competition.

Overall safety objectives

The Swedish Rail Agency works towards maintaining a high level of safety on railway, tramway and underground railway systems.

Quantitative objectives

At least one check towards wagons loaded with dangerous goods shall be carried out during the first quarter. From these checks knowledge is drawn how to carry checks during rets of the year.

Priorities

Supervision prioritises large, and from a safety perspective, important operators. Planning focuses on problem areas and the application of those methods that give the best results for the least possible input. Safety audits by virtue of the Railways Act is aimed at the internal inspections of operators through safety management. Supervision is executed via company meetings, audits, themed inspections and inspections.

7.2.2.3 Swedish Coast Guard

Overall objectives

Safety during the maritime transport of dangerous goods will be increased by reducing the number of deficiencies. The objective for inspections of the

maritime transport of dangerous goods is therefore to effectively supervise observance of the legislation.

The result of inspections can be seen as a measurement of the adequacy of other implemented measures, for example, legislation, safety advisors, information and training.

- Foreign vessels are to be inspected in accordance with international undertakings and for their applicable regulations.
- Focused supervision campaigns are to be run when analysis shows there is a need. These campaigns can be initiated by both national and international decisions.
- There should be an increase of focus on system supervision when performing inspections on Swedish vessels and a decrease in legislative detail supervision.

Quantitative objectives

1. At least one inspection to be carried out each quarter in each port and/or shipping line that transports dangerous goods
2. So called “themed inspections” should be carried out on at least two inspection dater per year.
3. System supervision of dangerous goods handling should be executed in conjunction with the ISM inspections that are carried out.
4. Collaborative inspections with the supervisory authorities for other types of transport (police, customs, Swedish Rail Agency) should be carried out on at least 2 occasions per year, per county, where the maritime transport of dangerous goods is conducted.
5. There should be at least one inspection each quarter in accordance with the Baltic Sea Agreement in collaboration with other countries.
6. Co-ordination meetings between the Swedish Coast Guard and the Swedish Maritime Administration should be held at least twice a year. One of the meetings shall be held at the beginning of the year to evaluate the previous year’s supervisory work.
7. Through continuation training and information all ”dangerous goods inspectors” should receive a common ground to enable them to carry out equal assessments of what are major and what are minor deficiencies.

7.2.2.4 Swedish Rescue Services Agency (SRSA)

The SRSA executes supervision of operators and safety advisors; and through a choice of various methods ensures that preventive measures are taken that prevent the occurrence of accidents, incidents and other emergencies.

7.2.3 Responsibility for the co-ordination/harmonisation of supervision/inspection of the different modes of transport

The SRSA co-ordinates the work of the supervisory authorities, and contributes with technical knowledge to the authorities that execute supervision of land transport. The National Police Board co-ordinates the work of the police. The central office of the Coast Guard co-ordinates the work of the Coast Guard regions. The Swedish Rail Agency co-ordinates the work of their specialists.

7.2.4 Staff involved in supervision and inspection work

The number of staff working with supervision and inspection is approximately:

Table 47 The number of staff working with supervision and inspection of DG transport in Sweden

Authority	**People involved**
Swedish Rescue Services Agency	2
Police	50 specialist with help from another 200 police officers
Swedish Rail Agency	10 specialists
Swedish Maritime Administration	8 ship surveyors that execute supervision of vessels used for the transport of dangerous goods in packaged form and 4 inspectors for bulk transport
Swedish Coast Guard	50 specialists for the inspection of packaged dangerous goods
Swedish Radiation Protection Authority	New task from July 2006
Swedish Nuclear Power Inspectorate	New task from July 2006

7.2.5 Training and examination of personnel

7.2.5.1 Police

Only a police that have passed one of the National Police Board´s approved training courses may inspect the transport of dangerous goods according to the Swedish National Police Board regulations for the supervision of dangerous goods RPSFS 2000:11 FAP 338-1.

Specialists receive a two week basic training course on dangerous goods and refresher training every year (3-5 days depending on the amount of alterations and additions to the regulations).

7.2.5.2 Swedish Rail Agency

Every inspector goes on an in-service basic training course (3 days) on dangerous goods, and receives refresher training at least every other year (3 days). Training on radioactive substances and load securing shall be included. In addition, during an annual joint inspection, every inspector conducts a dangerous goods inspection, on which he/she is assessed; and during which inspectors are calibrated. Inspectors are also trained as quality auditors in accordance with ISO 9000, in order to participate as auditors during the auditing of operators. Furthermore, there is also training in, for example, railway related and authority related subjects dealing with technical, legal, and legislative aspects connected to the Swedish National Rail Administration.

7.2.5.3 Maritime

Swedish Coast Guard personnel receive 5 days basic training on dangerous goods, and 5 days refresher training every year. 60 personnel enforce the regulations on dangerous goods and the securing of loads. Of these, 3 work full-time with dangerous goods.

A ship surveyor must have at least 5 days training on dangerous goods. In addition there are specific inspectors with in depth knowledge on dangerous goods and they have to go on a refresher course every other year.

7.2.6 Number of transport units inspected

7.2.6.1 Road transport

6375 inspections were made 2005. This includes both inspections at terminals and on transport units.

7.2.6.2 Railway wagons

114 wagons were inspected during 2005.

7.2.6.3 Maritime vessels

In 2005 the Swedish Coast Guard conducted approximately 5,000 inspections of CTUs (cargo transport units) thereof 481 CTU:s with dangerous goods. When the Swedish Coast Guard is out on inspection work about 60-70 % of time is taken up by inspections of dangerous goods and securing loads safety.

7.2.6.4 Others

The Swedish Work Environment Agency's collated statistics from the transport sector for 2004 within heavy goods traffic and goods terminals show that they did 724 work place visits.

7.2.7 Number of infringements noted according to type and mode of transport

7.2.7.1 Road transport

Table 48 Number of road transport infringements in Sweden

Year	**2005**
Number of inspections	6,375
Inspections with remarks	1,432
Reports to the prosecutor	464
Prohibitions	380
Injunctions	1,073
Number of transport units with remarks	1,207
Number of remarks in total	1,841

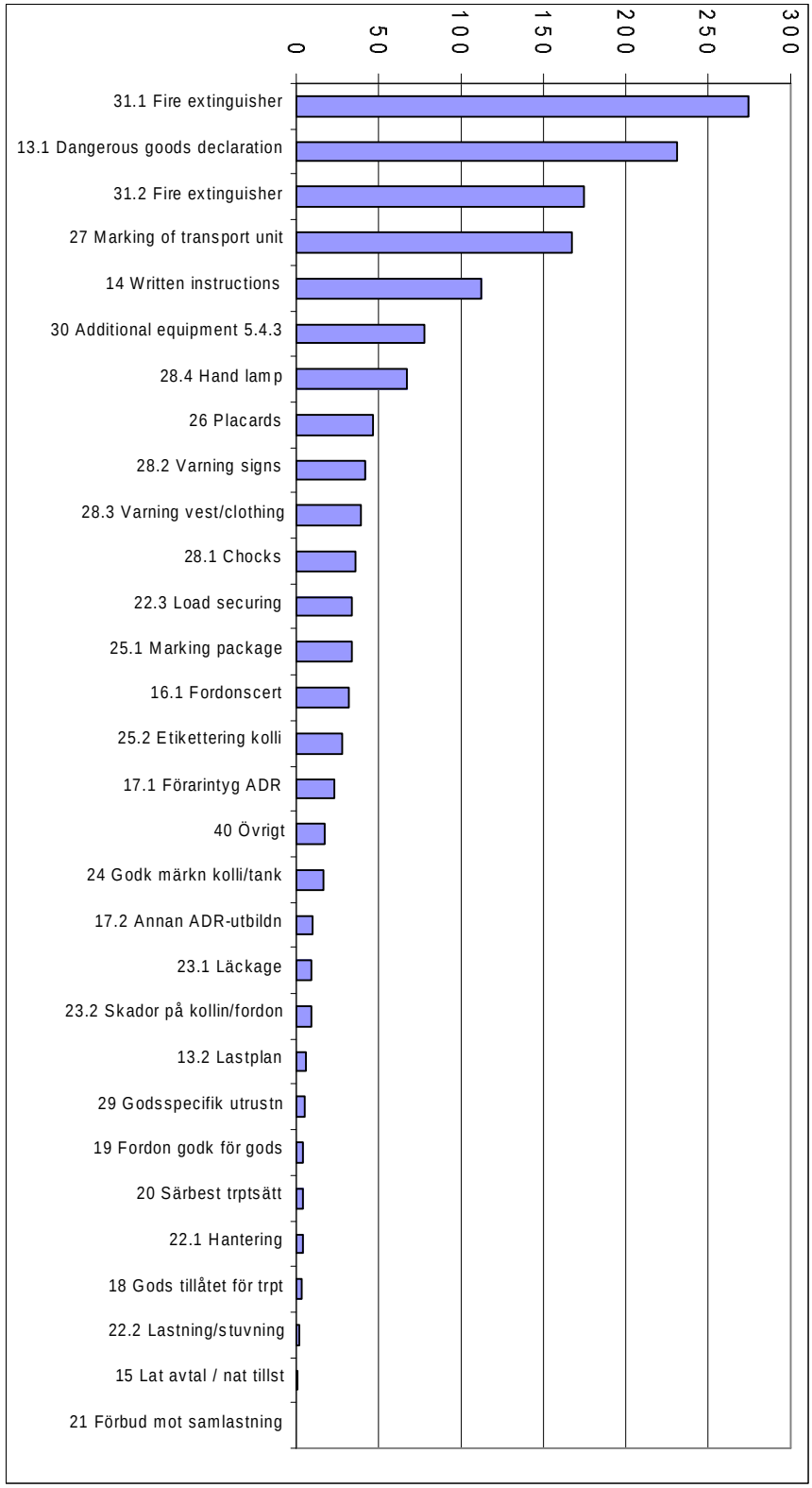

Figure 12 Type of infringements in 2005

7.2.7.2 Rail transport

The deficiencies identified during inspections mostly concerned hard to read signs and labels. The previously reported problem of incorrect goods declarations had reduced substantially. The reduction in the number of identified deficiencies over the last ten years would seem to indicate that safety has been increased.

During 2005 29 controls were carried out and 114 wagons inspected. At two major inspections were the inspectors evaluated to be able to perform as equal inspections as possible.

Two prohibitions due to no declaration of the dangerous goods and eight injunctions were distributed during 2005.

The deficiencies were divided into following classes:

Table 49 The deficiencies identified during inspections in rail transport

Class	Number of inspected wagons	Number of deficiencies
2	29	3
3	18	0
4.1	3	0
4.3	4	1
5.1	32	1
6.1	1	1
8	25	3
9	2	1

Almost 60% of the inspected wagons were intended for domestic transport.

7.2.7.3 Maritime transport

Table 50 Number of maritime transport infringements in Sweden

Part of the year	2005
CTUs inspected	481
CTUs with deficiencies	245
Prohibitions	157
Injunctions	47

7.2.7.4 All transport modes

The Swedish Work Environment Agency's collated statistics from the transport sector for 2004 within heavy goods traffic and goods terminals

Table 51 Summary of Swedish Work Environment Agency' statistics from transport sector

Work place visits	Inspection messages	Reg. requirements
724	357	1223
Injunctions with fines	**Immediate prohibitions**	**Prohibitions**
53	0	0

7.2.8 Ministries and authorities responsible for setting the level of penalties

The Transport of Dangerous Goods Act prescribes that the supervisory authority may decide the prohibitions and injunctions needed.

It is always the person who executes the inspection that decides level of penalty.

A minor deficiency leads to an injunction, i.e. transport may continue on the condition that the deficiency is remedied as soon as possible. A major deficiency leads to a prohibition of transport, i.e. the deficiency must be remedied before transport can continue. In addition to this, a decision is made for each case whether or not to send a report to the prosecutor or if there is to be a remission or reporting.

If the police send a report to the prosecutor, the district court can, if the case is so adjudged, apply a monetary fine as sentence. In very rare cases a person can be sentenced to a term in prison.

7.2.8.1 Road transport

The Public Prosecutions Office comes under the Ministry of Justice; and it is they who decide what should be covered by breach-of-regulations fines and the level of these fines. The size of the fine is prescribed in regulation from The Public Prosecutions Office (SFS 2006:1137) on fines for certain crimes.

7.2.8.2 Railway transport

The instruments that exist are injunctions, prohibitions and observations of items to be remedied. Injunctions are issued by section heads whereas prohibitions are issued by the inspector in question. Examinations of the right to prosecute are conducted by the Director General of the Swedish Rail Agency. A report is sent to the prosecutor.

7.2.8.3 Maritime transport

The instruments used are prohibitions and reports. If a report is sent to the police it is the police who investigate the case and send a report to the prosecutor. The Coast Guard can not issue injunctions. Instead they collaborate with the Swedish Work Environment Agency who can issue injunctions with heavy fines.

7.2.9 Cooperation among ministries, authorities responsible for supervision, and inspection bodies

The supervision of the transport of dangerous goods is mostly executed by a specific authority. Collaboration between two or more authorities also occurs, and is generally more commonplace in the metropolitan counties and less common in others; and if it does occur there then it usually entails just two authorities and those are usually the Swedish Rail Agency and the police; or the police and the Swedish Coast Guard.

In 1994 the Swedish Rescue Services Agency (SRSA) put forward the proposal that organised and continuous collaboration between the supervisory authorities for the transport of dangerous goods should be established in every county. The county police commissioners would be responsible for this co-ordination. At least two joint supervisory operations per year should be conducted at suitable sites. This collaboration has now been going on for about 10 years, and experience shows that it has been difficult to get this type of work going in several counties. It might, for example, be a problem for the police to find a collaborative partner authority locally or regionally. Reports of good experiences and a way to improve supervisions have been received from those counties where collaboration works.

7.2.10 Cooperation with other countries

7.2.10.1 Road transport

There is no developed cooperation with other countries.

7.2.10.2 Rail transport

There is no developed cooperation with other countries.

7.2.10.3 Maritime transport

There is no developed cooperation with other countries. In the few cases were contact is made it is with the German Maritime Police.

7.2.10.4 Miscellaneous

We see the benefit of collaboration with the supervisory authorities of other countries when, for example, we detect deficiencies in transport units from other countries. Then we can ask the relevant supervisory authority to contact the haulier or consignor in order to remedy the deficiency. Also, when goods are secured for maritime transport (only laterally) but not for road transport then it can be necessary to contact the supervisory authority in the receiving country. It can also be necessary to make contact with the supervisory authority in another country if it is detected that the general traffic safety regulations aren't met by a vehicle.

What is needed are well functioning channels with the supervisory authorities of other countries. For example, in chapter 1.8 of ADR there are formal regulations on mutual administrative support between Competent Authorities. In addition to this there is a need for exchanges of a less formal nature.

7.2.11 Methods for determining where and when to carry out inspections

The majority of inspections of the transport of dangerous goods are carried out during random checks. Inspections are not just aimed at the haulier but also at others in the transport chain.

The supervisory authorities try to apply a selection system, which allows for the focus of inspection operations on the required object (consignor, haulier etc.), behaviour, or situation which generates the greatest likelihood of a breach of applicable legislation.

This kind of risk-based supervisory work aims to reduce the total risk, i.e. find the object (vehicle, wagon, vessel etc.) and consignor, haulier and others responsible for the load, which generate deviations which can lead to major negative consequences.

To increase the effectiveness of supervision and to meet the new demands of supervision – also towards those other than hauliers – there needs to be a development of supervisory methods. It probably isn't possible to radically reduce the number of deviations without aiming supervision at other actors as well, especially consignors, in the transport chain.

Wider supervision like this, using system supervision, themed inspections and random checks ought to be performed in collaboration with all the relevant supervisory authorities. Apart from the actual inspections the supervisory authorities should also collaborate during planning.

7.2.12 Relationship between supervision/inspection of the traffic safety in general and the supervision/inspection of the transport of dangerous goods

It is the same authorities that perform the checks of the ordinary transport operations that also check the transport of dangerous goods. However there are some exceptions, the Swedish Rescue Services Agency, the Swedish Radiation Protection Authority and the Swedish Nuclear Power Inspectorate have no obligations for the traffic safety as such.

The customs have no special obligations for transport of dangerous goods.

8 COMPILATIONS

The compilations shown in this chapter are summaries of those given in the text above. Please look at the actual country's description to see the full description.

8.1 Application of directives and international agreements within national legislation

This table shows the status of the implementation of directives and other international agreements within national legislation.

Table 52 Status of directives and other international agreements within national legislation

Agreement	Estonia	Finland	Germany	Latvia	Lithuania	Sweden
Directive 94/55	X	X	X	X	X	X
Directive 96/49	X	X	X	X	X	X
Directive 95/50	X	X	X	X	X	X
Directive 96/35	X	X	X	X	X	X
Directive 99/36	X	X	X	X	--	X
Directive 2000/18	X	X	X	X	X	X
Reg 725/2004	X	X	X	X	X	X
Dir 2002/59	X	X	X	X	X	X
IMDG code	X	X	X	X	X	X
IBC Code	X	X	X	X	X	--
IGC Code	--	X	X	X	X	--
BC Code	X	X	X	X	X	--
ISM code	X	X	X	X	X	X
ISPS Code	X	X	X	X	X	X
ADN	NA	NA	X	NA	NA	NA

Remarks
X: implemented
--: implementation in progress
NA: not applicable

8.2 Regulation: Number of staff

This table shows the number of persons working with the regulations at the competent authorities as defined in ADR, RID and IMDG-code.

Table 53 Number of staff working with DG regulations (Year 2006)

Transport mode	Estonia	Finland	Germany	Latvia	Lithuania	Sweden
Road	N/A	7	N/A	3	6	9
Rail	N/A	2	N/A	N/A	1	1
Sea	N/A	1.5	N/A	3	1	2
Others	N/A	2	N/A		3-5	3
In total	11		90 + staff in the regions			

Remarks
N/A: information not available or easily compiled

8.3 Enforcement: Number of staff

The number of staff involved in the control is approximately:

Table 54 Number of staff involved in DG control (Year 2006)

Transport mode	Estonia	Finland	Germany	Latvia	Lithuania	Sweden
Road	N/A	30	260	40	15	50
Rail	14	2	60	13	2	10
Sea	8	30	N/A	2-3+ N/A	2	50+
Others	N/A	60	Staff in the regions	5	N/A	N/A

Remarks:
N/A: information not available or easily compiled.

8.4 Number of transport units inspected according to mode of transport 2005

Table 55 Number of transport units inspected in 2005

Transport mode	Estonia	Finland	Germany	Latvia	Lithuania	Sweden
Road	N/A	2,400	106,000	420	260	6,375
Rail	SA	250	15,000	SA	300	141
Sea	42[1]	230	N/A	N/A	90[2]	480

Remarks
N/A: information not available or easily compiled.
SA: Only Safety Audits are performed
1: 2002 (week 45)-2004 (week 35)
2: January-July 2006

The information on road transport of dangerous goods is sent to the EU and has been presented twice in reports from the Commission to the European

Parliament and the Council on the application by Member States of Council Directive 95/50 on the uniform procedures for checks on the transport of dangerous goods by road.

8.5 Number of infringements noted according to type and mode of transport during 2005

Table 56 Number of infringements according to transport mode in 2005

Transport mode	Estonia	Finland	Germany	Latvia	Lithuania	Sweden
Road	36[1]	912	24000	79	114	1840
Rail	SA	25	1100	SA	100	10
Sea	20[2]	75	N/A	N/A	51[3]	245

Remarks

N/A: information not available or easily compiled.
SA: Only Safety Audits are performed
1 January-September 2006
2 2002 (week 45)-2004 (week 35)
3 January-July 2006

8.6 Methods for determining where and when to carry out inspections

Table 57 Methods for determining inspections

Country	Rail	Road
Estonia	Annual and monthly planning; risk based inspection	Random checks
Finland	Management system control	Random checks
Germany	Risk based and random checks	Mostly random checks
Latvia	Management system control	Random checks
Lithuania	Management system control	Random checks
Sweden	Company meetings, audits, themed inspections and random checks	Risk based and random checks

9 TYPE AND SIZE OF PENALTIES

One of the tasks for Working Package 2 of DAGOB is to prepare a short comparative case study on the legal liabilities and sanctions which follow from dangerous goods related breaches in the Baltic Sea Region.

The Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road is the establishing directive. Member States shall use the checklist included in the directive when conducting the checks. The directive also includes a list of particular infringements classified into three risk categories. (Category I being the most serious).

Several countries e.g. Austria, Germany and Sweden created catalogues listing detected defects within risk categories.

In addition to the questionnaire described earlier in the report further information was solicited as follows: “Indicate type and size of penalties imposed for:

- test and inspection dates, and usage periods of IBCs or tank containers have not been complied with,
- packaging does not conform to the applicable packing instruction,
- information in transport documents on UN number, proper shipping name or packing group is missing or not relevant to the substance being carried,
- transport without placards or markings on the vehicle, and
- -he rules governing the securing and stowage of the load have not been complied with.”

The following answers were sent from the partners:

9.1 Estonia

The Maritime Safety Act sets the following levels of penalties:

§ 81^2. Operation of ship with AIS which is switched off

1) Operation of a ship the AIS of which is switched off is punishable by a fine of up to 300 fine units.
2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 croons (EEK).

§ 90. Violation of requirements for cargo containing dangerous substances or items in inland waterway or marine transport

1) Violation of the requirements for a cargo containing dangerous substances or items or failure to communicate information concerning dangerous cargo in inland waterway or marine transport is punishable by a fine of up to 300 fine units.
2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 croons.

§ 93^2. Violation of requirements for safe loading and unloading of bulk carriers

1) Violation of the requirements for the safe loading and unloading of bulk carriers, the safety requirements for the terminals for bulk carriers or the procedure for the notification of the master of a ship or terminal representatives is punishable by a fine of up to 300 fine units.
2) Remark: one fine unit is fixed by law and is 60.- EEK (approximately 3,83 EURO) today.

The same act, if committed by a legal person, is punishable by a fine of up to 50 000 EEK.

In accordance with the Code of Misdemeanours Procedure ship inspector of the Estonian Maritime Administration decides the actual level of penalty.

For violations against the rules (Chemical Act) safe handling of hazardous chemicals the Penal Code sets fines or jail sentence (decided in court).

9.1.1 Road transport

The Traffic Act sets the following levels of penalties:

§ 74^{54}. Violation of requirements for safe transporting dangerous goods, high level

Violation of the requirements for transporting dangerous goods, high level, is punishable by a fine of up to 200 fine units.

§ 74^{55}. Violation of requirements for safe transporting dangerous goods, medium level

Violation of the requirements for transporting dangerous goods, medium level, is punishable by a fine of up to 100 fine units.

§ 74^{56}. Violation of requirements for safe transporting dangerous goods, inconsiderable level

Violation of the requirements for transporting dangerous goods, inconsiderable level, is punishable by a fine of up to 50 fine units.

9.1.2 Railway transport

The Railway Act sets the following levels of penalties
§ 84. Violation of requirements for transporting hazardous substances or items by rail

1) Violation of the requirements for transporting hazardous substances or items by rail is punishable by a fine of up to 300 fine units.
2) The same act, if committed by a legal person, is punishable by a fine of up to 50 000 kroons.

9.2 Finland

Type and size of penalties imposed for

- **test and inspection dates, and usage periods of IBCs or tank containers have not been complied with**,Fine proportional to income and capital.
- **packaging does not conform to the applicable packing instruction**,Fine proportional to income and capital.
- **information in transport documents on UN number, proper shipping name or packing group is missing or not relevant to the substance being carried,** Fine proportional to income and capital.
- **transport without placards or markings on the vehicle,** Fine proportional to income and capital.
- **the rules governing the securing and stowage of the load have not been complied with**. Fine proportional to income and capital.

9.3 Germany

Type and size of penalties imposed for:

- **test and inspection dates, and usage periods of IBCs or tank containers have not been complied with,**

For this type, the penalty which has to be paid is 350€

- **packaging does not conform to the applicable packing instruction**,

For this type, the penalty which has to be paid is 500€

- **information in transport documents on UN number, proper shipping name or packing group is missing or not relevant to the substance being carried,**

For this type, the penalty which has to be paid is between 200€ to 500 €

- transport without placards or markings on the vehicle,

For this type, the penalty which has to be paid is 250€

- **the rules governing the securing and stowage of the load have not been complied with.**

For this type, the penalty which has to be paid is between 50€ and 500€ and prison for 3 years. (Source : According to the Buss und Verwarngeldkatalog, 7th Appendix of RSE, Guidelines for GGVSE, ADR and RID)

9.4 Latvia

In Latvian Code of Administrative Infrigements (Administrative Violation Code) now administrative responsibility and penalties are determined for following violations connected with transport of dangerous goods:

1. for carrying prohibited dangerous goods by road – penalties
    - Driver from - 50-200 Lats(Ls)
    - Forwarder - private individual- 250- 500 Ls
    - Legal entity-1000-5000 Ls
2. Leakage of dangerous goods
    - Driver - 50-250 Ls
3. transport of dangerous goods without transport documents
    - Driver - 25-50 Ls
4. Driver's not providing with required transport documents
    - Forwarder- private - 50- 150 Ls
    - Legal entity - 200-1000 Ls
5. Carrying dangerous goods without necessary vehicle equipment or without vehicle marking or transport hazard labels
    - Driver - 25-100 Ls
6. Transport of dangerous goods if the filling level of tank does not comply with the norms set in legislation
    - Driver - 100-200 Ls
    - Forwarder – private - 150-250 Ls

- Legal entity - 1000-5000 Ls

7. Non-compliance with requirements for packaging or labelling of dangerous cargo
   - Forwarder - 150-250 Ls or 1000-5000 Ls
8. Not appointing the dangerous goods safety adviser at an enterprise
   - Legal entity 1000-3000 Ls

At this moment amendments and corrections to the Administrative Violation Code are being prepared**.**

9.5 Lithuania

Size of penalties for each type of deficiency still is not settled.

9.6 Sweden

Test and inspection dates, and usage periods of IBCs or tank containers have not been complied with

Table 58 Penalty imposed when test and inspection dates of containers are not valid

Authority	**Penalty imposed**
Police	A report goes to the prosecutor, sanctions vary.
Swedish Rail Agency	Prohibitions.
The Coast Guard	Prohibitions.

Packaging does not conform to the applicable packing instruction

Table 59 Penalty imposed when packaging does not conform to applicable packaging instructions

Authority	**Penalty imposed**
Police	A report goes to the prosecutor, sanctions vary.
Swedish Rail Agency	Prohibitions.
The Coast Guard	Report.

information in transport documents on UN number, proper shipping name or packing group is missing or not relevant to the substance being carried

Table 60 Penalty imposed when information in transport documents on UN number, shipping name or packaging group is missing or information is not relevant to the substance being carried

Authority	Penalty imposed
Police	Driver: Must ensure that details are included – does not need to ensure that details are correct. 2500-4000 SEK fine Consignor: A report goes to the prosecutor, sanctions vary.
Swedish Rail Agency	Prohibitions
The Coast Guard	Prohibitions.

transport without placards or markings on the vehicle

Table 61 Penalty imposed when orange colored plates are missing from the vehicle

Authority	Penalty imposed
Police	Driver: 3000-4000 SEK fine Consignor: A report goes to the prosecutor, sanctions vary.
Swedish Rail Agency	Prohibitions.
The Coast Guard	Prohibitions.

Table 62 Penalty imposed when placards are missing from the vehicle

Authority	Penalty imposed
Police	Driver: 3000-4000 SEK fine Consignor: A report goes to the prosecutor, sanctions vary.
Swedish Rail Agency	Prohibitions
The Coast Guard	Prohibitions.

rules governing the securing and stowage of the load have not been complied with

Table 63 Penalty imposed when rules governing the securing and stowage of the load have not been taken into account

Authority	Penalty imposed
Police	Driver: 3000-4000 SEK fine Loader, packer etc: 3000- 4000 SEK fine
Swedish Rail Agency	Measures depend on the type of risk.
The Coast Guard	Prohibitions.

10 IT APPLICATIONS AND SYSTEMS

One of the tasks for Working Package 2 of DAGOB is initiate a survey of IT applications and systems used or needed in dangerous goods transport in the Baltic Sea Region. A question was therefore inserted in the questionnaire.

The IT applications and systems on the carriage of dangerous goods can be applicable to:

- -enforcement personnel,
- -control of dg flow and storage in terminals,
- -control of dg flow on road, rail and sea
- -consignors
- -transporters
- -the rescue services,

An IT-system should in most cases be compatible with other systems used by the authorities or private stakeholders. It is often the same authority that carries out inspections of the transport of dangerous and ordinary goods.

10.1 Systems for enforcement personnel

The systems are normally purchased for several purposes and not only for the inspection of transport of dangerous goods. The system used for roadside, rail yard or terminal checks must be compatible with other systems used.

10.2 Control of the transport of dangerous goods on road, rail and sea

For the purpose of Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system, several countries have established a system with the aim of enhancing the safety and efficiency of maritime traffic; improving the response of authorities to incidents, accidents or potentially dangerous situations at sea (including search and rescue operations); and contributing to a better prevention and detection of pollution by ships.

Some countries have developed systems to follow the flow of dg on rail. There are proposals to include requirements into RID on reporting the traffic of dg to the competent authority.

During 2006 the European Commission has started therir intrest at monitoring transports of dangerous goods on road. The purpose is the same as for Directive 2002/59/EC.

10.3 Systems for the consignors

Consignors use different IT-systems for managing the dangerous goods declarations and other documents needed for a safe cariage of dangerous goods.

10.4 Systems for the transporters

Transporters use IT –systems for keeping record of transportations and their positions. Often the systems are compatible with GPS.

10.5 Systems for the rescue services

Several systems are on the market. The countries often want the system to be in their own language and suit their own methods.

10.6 Answers from the questionnaire

Answers from the participating countries are given below from the survey of IT applications and systems used or needed in dangerous goods transport control in the Baltic Sea Region.

10.6.1 Estonia

Estonian Railway Inspectorate conducts its supervision and inspection tasks with mobile office (laptop, portative printer, technical equipment that produce inspection data to palm computers) and is able to conduct all necessary procedures (incl. producing documents on results) on the spot.

Not applicable yet in road and sea transport.

10.6.2 Finland

The Finnish Maritime Administration is the host of the PortNet system that is used nationwide for vessel traffic in Finland. Each and every ship calling at a Finnish port has to provide information regarding its timetable, route, cargo, any hazardous cargo and maritime fees. The best way to submit this information is the PortNet system. The user interface for the PortNet system is Internet-based. PortNet is a telematic system, where telecommunications and an information system are combined together. The main user groups for the system are the Customs, Port Authorities, Ship Agents, Stevedoring Companies, Maritime Administration, Vessel traffic operators, and the Finnish Border Guard. The link to the PortNet can be found on the site and requires a user-name and password log in to the system. However, National vessel time schedules are a database available for everyone. The PortNet website is available in Finnish, Swedish and English.

10.6.3 Germany

The personnel from Federal Authority of Goods Traffic (BAG) uses laptops which are connected to “TRANSEC-Check” program when they do the inspection of road vehicles that carry dangerous goods. This program displays the checklist with all related issues specific to the dangerous goods transport, like the amount, flashpoint and also all the things which is related to the material of the goods being transported. The detail of the report can be adjusted, whether it is going to be very short or very detailed. From this program the differences between the standard from checklist and the actual state can be informed. At the end with the help of this program the personnel will be able to detect the violation of the rules/ law related with the dangerous goods. It can provide the information with a short process time so the authorities do not waste many times to provide the important information.

Not only BAG, the Federal Railway Authority (EBA) also uses IT systems to do the inspection of dangerous goods. They use the Railways- Federal-Authority Information system-Dangerous Goods Inspection (EBIS-GGÜ) to help their work. It is a customized user specification designed databank basis program with the element which is going to be analysed from notebooks,

scanners and digital cameras. All the required data and documents (written, photos, fax, e-mail, etc) can be put in a digitized form, so some part of this data or documents can be further analysed for a more detail analysis. By all this systems, the personnel on the field can be connected so fast with the central so they can make a fast decision about the legality of the vehicles that carries the dangerous goods, whether the related vehicles has been permitted to go through or to be held because of some infringement of rules.

The Waterways Police of Hamburg, uses the GeGiS-System, Gefahrgut-Informationssystem (GEGIS) / Transport Emergency Card (Tremcard) Service) where GEGIS stands for Gefahrgut-Informationssytem, which can be translated to dangerous goods information system.

10.6.4 Latvia

The supervisory authorities don't use any IT systems in connection with supervisory/inspection work; only for statistical purposes and internal work.

10.6.5 Lithuania

State Road Transport Inspectorate use IT system "Control" but only for common checks (not for dangerous goods).

Other supervisory authorities don't use any IT systems in connection with supervisory/inspection work; only for statistical purposes and internal work.

10.6.6 Sweden

The supervisory authorities don't use any special IT system in connection with supervisory/inspection work; only for statistical purposes and internal work. Instead they use an inspection list in paper form which is nearly the same for inspection of all transport modes. This list is developed from the road side check directive 95/50 EC.

For the checking of classifications, flashpoints and other physical data for a substance the computerized system RIB is used. It's the same system that the rescue services use.

11 CONCLUSIONS

11.1 Structure of ministries and authorities

The number of ministries involved in the process of transporting dangerous goods varies from one to six. In addition to the ministries, there are several authorities, administrations, and competent authorities etc. that help the ministries perform their nation's duties.

Sweden has a system where the authorities are responsible for the day to day work and for the handling of the regulations.

It seems that small countries cannot afford to maintain a staff of subordinate administrations that frequently exist in large countries.

11.2 Number of people

A specific number of people is needed to handle detailed regulations on the transport of dangerous goods. This number is more or less independent of the size of a specific country. In fact, the countries that do not get the ADR-, RID- or IMDG-versions on their own language from international organisations like UNECE, OCTI or IMO must put more effort in the translation than others.

In the enforcement situation, the number of staff is relative to the size of the country and the flow of transport of dangerous goods. In some countries the checks of rail transport of dangerous goods is only performed by monitoring the management system i.e. no checks are carried out on the actual transport. In other countries regular checks are performed.

11.3 Implementation of international agreements

It seems that most of the agreements have been incorporated within national legislation or are currently in the process of being implemented in participating countries.

11.4 Size of the penalties

The size of the penalties for a certain defect seems to be dependant of risk categories.

11.5 Need for cooperation with other countries

Although the cooperation already in force it seems like there is a need for further cooperation especially in the field of checking of dangerous goods.

11.6 Training of personal

It seems that there is a need for the development of a harmonised training. Good examples from the countries could be collected and shared. A recommendation of training could be developed.

11.7 Good examples

This report seeks to draw attention to two outstanding presentations of the area of dangerous goods transport. The first is the German report “Lagebild Gefahrgut 2005” which is published by the Federal Ministry of Transport, Construction and Urban Affairs. This report contains the transport situation, the accident situation, the organisation of the enforcement authorities, the results of checks, and preventive measures etc.

The second good example is the strategy report “Transport of Dangerous Goods in Finland: Strategy 2006-2015” from the Finnish Ministry of Transport and Communications. This report is a comprehensive strategic plan that deals with foreseen challenges and trends and the main areas in which the Ministry will focus its efforts in the coming years. It also contains a vision statement for transport of dangerous goods including goals and actions.

APPENDIX QUESTIONNAIRE

DAGOB WP 2 Questionnaire

2006-03-31

PLEASE RETURN BY 31 May 2006:

To:	**Bo Zetterström**
By post:	Swedish Rescue Services Agency 651 80 Karlstad Sweden
By fax:	+46 54 135 620
By email:	bo.zetterstrom@srv.se

For queries concerning this questionnaire please feel free to contact Bo Zetterström by phone +46 54 135 332 or by above mentioned contact information.

Please answer in English.

The following questions relate to all classes of dangerous goods including Class 1 (explosives) and Class 7 (radioactive materials).

Mapping the legal structure

A For the road, rail and maritime transport of dangerous goods

1. Identify ministries and authorities etc responsible for:

- **the issue of regulations or equivalent, which governs the transport of dangerous goods,**
- **representing/monitoring the work of the EU,**
- **representing/monitoring the work of the UN committee of experts on the transport of dangerous goods,**
- **representing/monitoring the work of the ADR,**
- **representing/monitoring the work of the RID,**
- **representing/monitoring the work of the IMDG, IBC, IGC, and BC codes, etc, and**
- **representing/monitoring the work of the MoU.**

Answer:

2. Indicate the number of persons working with the regulations at the competent authorities as defined in ADR, RID and IMDG code.

Answer:

3. List national regulations and any supplementary guidance material that you publish to support the international regulations for the road, rail and maritime transport of dangerous goods listed below (including port/harbour areas):

- **provisions adopted by EU,**
- **provisions adopted by UNECE,**
- **provisions adopted by IMO (IMDG, IBC, ISM codes etc.),**
- **provisions adopted by OTIF,**
- **provisions adopted by MoU, and**
- **provisions adopted by any other relevant bi/multilateral agreement**

Please also include legislation/regulations for security.

Answer:

4. Describe the procedure for implementing the international regulations into national law.

Answer:

5. **Describe the cooperation with the industry in the rule making process.**

   Answer:

6. **Describe the cooperation between ministries and authorities responsible for the road, rail and maritime transport of dangerous goods. Please also include a description of the cooperation with the trade organisations.**

   Answer:

7. **Identify ministries and authorities responsible for the routing/transport restrictions of dangerous goods and how these restrictions are presented.**

   Answer:

8. **Identify ministries, authorities or notified/approved bodies responsible for the approval of packagings, tanks, receptacles etc, intended for the transport of dangerous goods and the system for that management.**

   Answer:

9. **Identify ministries and authorities responsible for the approval of vehicles, railway wagons and maritime vessels intended for the transport of dangerous goods.**

   Answer:

10. **Describe the aim/goal for the ministries' and authorities' work with the transport of dangerous goods.**

    Answer:

11. **Describe the relation between legislation on the transport of dangerous goods to legislation on physical planning.**

    Answer:

12. **Describe the liaison between the national competent authority for the supply and use of chemicals and national transport representatives.**

    Answer:

13. **Identify the competent authority for issuing ADR certificates for driver training.**

    Answer:

14. **Describe any cooperation with other countries and in what scenarios you see any need for cooperation with other countries.**

    Answer:

15. **Describe any cooperation between authorities on local level on the transport of dangerous goods.**

    Answer:

16. **Do you apply definitions for “transport” and “dangerous goods” other than those stated in international agreements?**

    Answer:

B For traffic safety in general

1. **Describe the legal structure between dangerous goods regulations and traffic safety regulations in general.**

   Answer:

Mapping the ministries and authorities

A For supervision/inspection of the transport of dangerous goods

1. **Identify ministries and authorities responsible for the enforcement of regulations for the road, rail and maritime transport of dangerous goods at local, regional, and national levels, covering both safety and security regulations.**

Describe responsibilities in port areas and terminals separately.

Answer:

2. **Describe the ministries' and authorities' objectives.**
   Answer:

3. **Is any authority/ministry responsible for the co-ordination/harmonisation of supervision/inspection of the different modes of transport or praxis between different regions of the country?**

   Answer:

4. **How many people are involved in the supervision and inspection work?**

   Answer:

5. **Describe any training and examination system for personnel involved in supervision and inspection.**

   Answer:

6. **For each mode of transport indicate the number of transport units inspected.**

   Answer:

7. **Indicate the number of infringements noted according to type and mode of transport.**

   Answer:

8. **Identify ministries and authorities responsible for setting the level of penalties.**

   Answer:

9. **Indicate type and size of penalties imposed for:**
   - **test and inspection dates, and usage periods of IBCs or tank containers have not been complied with,**

- **packaging does not conform to the applicable packing instruction,**
- **information in transport documents on UN number, proper shipping name or packing group is missing or not relevant to the substance being carried,**
- **transport without placards or markings on the vehicle, and**
- **the rules governing the securing and stowage of the load have not been complied with.**

Answer:

10. **Describe any cooperation between ministries and authorities responsible for the supervision of the road, rail and maritime transport of dangerous goods and with other supervision and inspection bodies, e.g. vehicle inspection, labour protection, traffic safety control.**

    Answer:

11. **Describe any cooperation with other countries and in what scenarios you see any need for cooperation with other countries.**

    Answer:

12. **Describe any IT or ITC systems used in connection with supervision/inspection.**

    Answer:

13. **Describe methods for determining where and when to carry out inspections.**

    Answer:

B For supervision/inspection of the traffic safety as such in general

1. **Describe the relationship between supervision/inspection of the traffic safety in general and the supervision/inspection of the transport of dangerous goods.**

   Answer:

DaGoB publication series

1:2006 Summary of Evaluation of EU Policy on the Transport of Dangerous Goods since 1994
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Editor: Bo Zetterström

More than 300,000,000 tons of dangerous goods are transported in the Baltic Sea Region (BSR) annually. In spite of formal implementation there are still substantial differences in operational practices between stakeholders and authorities involved in the dangerous goods (DG) transport. There is a vast need to improve the exchange of information between DG authorities and commercial actors, and to coordinate DG processes in the whole BSR.

This report is part of the Safe and Reliable Transport Chains of Dangerous Goods in the Baltic Sea Region –project. This project aims at improving the co-operations between public and private stakeholders related to DG transport in the BSR by connecting the stakeholders on different levels, providing up to date information on cargo flows, supply chain efficiency and risks related to DG transport.

The objective of this study is to provide information on the ministries, authorities and agencies involved in the legislative process of DG transport in the BSR; and present their objectives. Work Package 2 (WP2) of DaGoB is responsible for the survey of authorities who deals with DG transport and their roles and responsibilities. The Swedish Rescue Services Agency, in the role of WP2 Leader, sent out a questionnaire in March 2006. Partners in Estonia, Finland, Germany, Latvia, Lithuania and Sweden answered the questionnaire and this report presents the results. The survey does not draw any conclusions about what is good or bad; rather it provides examples how countries have solved their handling of dangerous goods matters.

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