

## **Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of the Interior**

### **Border Guard Act**

(578/2005; amendments up to 429/2024 included)

By decision of Parliament, the following is enacted:

## **Chapter 1**

### **General provisions**

#### **Section 1 (478/2010)**

##### **Scope of application**

This Act lays down provisions on the crossing and surveillance of the national border and on the duties and powers of the Finnish Border Guard and border guards.

Provisions on the arrangement of administration, education and training and research at the Finnish Border Guard, on public posts of the Border Guard and on the special rights and obligations of the public officials of the Border Guard are laid down in the Act on the Administration of the Finnish Border Guard (577/2005), hereinafter the Border Guard Administration Act. Provisions on the processing of personal data and on the right to obtain and disclose personal data when performing the duties of the Finnish Border Guard are laid down in this Act, the Act on the Processing of Personal Data by the Finnish Border Guard (639/2019), the Maritime Search and Rescue Act (1145/2001) and elsewhere in the law. Provisions on the duties of the Finnish Border Guard in crime prevention are laid down in the Act on Crime Prevention by the Finnish Border Guard (108/2018). Provisions on the cooperation between the police, Finnish Customs and the Finnish Border Guard are laid down in the Act on Cooperation between the Police, Customs and the Border Guard (687/2009). (642/2019)

Provisions on the internal border, external border, border crossing points, border control, border surveillance and border checks are laid down in Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), hereinafter the *Schengen Borders Code*. This Act lays

down provisions on the national duties and powers required by the said Regulation and on the decision-making procedures to be followed at the Finnish Border Guard. (425/2017)

## **Section 2 (478/2010)**

### **Definitions**

In this Act:

- 1) *automatic identification* means the identification of searched persons by technical means by comparing an image recording of a person to the image material available to the public authorities;
- 2) *administrative unit* means a unit of the Finnish Border Guard referred to in section 3, subsection 1 of the Border Guard Administration Act;
- 3) *border troops* means the troops referred to in section 2 of the Border Guard Administration Act;
- 4) *border strip* means the area stretching to the borderline specified in the agreements on the boundaries of national territories concluded between Finland and its neighbouring states, or a strip stretching to the borderline with a width of cleared areas along the border or felling corridors established for each border stretch in border protocols;
- 5) *maintaining order along the border* means the implementation of and the monitoring of compliance with provisions and regulations on the national border and border crossing points and provisions on international cooperation between border authorities;
- 6) *maintaining border security* means measures taken in Finland and abroad to prevent breaches of provisions on crossing the national or external border and threats to public order and security posed by cross-border passenger traffic, to combat cross-border crime and to ensure the safety of border crossings;
- 7) *border guard* means a public official of the Finnish Border Guard specified in the Border Guard Administration Act who has the special powers of border guards provided in this Act or elsewhere in the law;

8) *border guard authorities* means the authorities referred to in section 4 of the Border Guard Administration Act;

9) *border zone* means the area to be established at the external border of Finland to maintain order along the border and to maintain border security.

### **Section 3 (749/2014)**

#### **Duties of the Finnish Border Guard**

It is the duty of the Finnish Border Guard to maintain border security. To perform this duty, the Finnish Border Guard cooperates with other authorities and with communities and residents. The Finnish Border Guard is responsible for the cooperation with the European Border and Coast Guard Agency and engages in international cooperation pertaining to its duties. (619/2017)

The Finnish Border Guard performs, in cooperation with other authorities, surveillance duties separately provided by law, and actions to prevent, detect and investigate offences and to refer them for consideration of charges.

The Finnish Border Guard performs police and customs duties, search and rescue operations, provides prehospital emergency medical services and participates in military national defence. Provisions on the duties of the Finnish Border Guard in the field of search and rescue at sea are laid down in the Maritime Search and Rescue Act.

### **Section 4 (425/2017)**

#### **Regional targeting of the operations of the Finnish Border Guard**

The Finnish Border Guard operates wherever this is justifiable to maintain order along the border or to maintain border security, to carry out border control or to perform duties of military national defence laid down for the Border Guard, and in the sea area and in the exclusive economic zone referred to in the Act on the Exclusive Economic Zone of Finland (1058/2004). The Finnish Border Guard operates elsewhere only where this is necessary to complete its statutory duties, to provide executive assistance or to assist another Finnish authority.

The Finnish Border Guard participates in cooperation under Chapter 5 of Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (*Prüm cooperation*) and in cooperation under Council Decision

2008/617/JHA on the improvement of cooperation between the special intervention units of the Member States of the European Union in crisis situations (*Atlas cooperation*).

## **Chapter 2**

### **General principles complied with in the operations of the Finnish Border Guard**

#### **Section 5 (749/2014)**

##### **Performance of duties and their order of importance**

The Finnish Border Guard shall perform its duties with all due efficiency and expediency. Where circumstances so require, the duties shall be placed in order of importance.

#### **Section 6 (749/2014)**

##### **Principles of appropriateness, impartiality and conciliation**

Duties shall be performed appropriately and impartially, while promoting equal treatment and conciliation. Border security shall primarily be maintained by means of advice, requests and orders.

#### **Section 7 (749/2014)**

##### **Principle of proportionality**

Actions taken shall be justifiable in proportion to the importance, danger and urgency of the task, the objective sought, the behaviour, age, health and other specifics of the person at whom the action is directed, and in view of other factors affecting the overall assessment of the situation.

#### **Section 7a (749/2014)**

##### **Principle of minimum intervention**

No individual's rights may be infringed upon and no one may be caused more harm or inconvenience than is essential for the duty to be carried out.

#### **Section 7b (749/2014)**

##### **Principle of intended purpose**

The powers may be used only for the purposes provided by law.

## **Section 8 (749/2014)**

### **Stating the grounds for actions**

Border guards shall inform the person at whom an action is directed, or their representative, of the grounds for any action affecting their personal liberty as soon as possible, taking into consideration their condition and other prevailing circumstances.

Unless otherwise provided by law, the person at whom an action is directed other than one affecting their personal liberty, or their representative, also have the right to know the grounds for the action as soon as this is possible without jeopardising the performance of the action.

## **Section 8a (749/2014)**

### **Declaring border guard status and individual identification of border guards**

Border guards shall carry the badge referred to in section 24 of the Border Guard Administration Act while performing their official duties. Where necessary, border guards shall declare to the person at whom an action is directed that they are border guards and present their badge upon request, if such declaration or presentation is possible without jeopardising the performance of the action.

The Finnish Border Guard shall ensure that border guards who carried out official duties can be identified where necessary.

## **Section 9 (109/2018)**

### **Deferring actions and abandoning actions**

Border guards have the right to abandon actions if their completion could result in unreasonable consequences with a view to the outcome sought.

The person who has requested an action by the Finnish Border Guard and whose immediate rights are affected by the matter has the right to know the grounds for abandoning the action.

## **Section 10 (109/2018)**

### **General principles complied with in customs, police and criminal investigation duties**

In police duties, the principles laid down in the Police Act (872/2011) and in other acts on police duties shall be complied with. In customs duties, the principles laid down in the Customs Act (304/2016), the Act on Crime Prevention by Customs (623/2015) and in other acts on customs control shall be complied with. In criminal investigation duties, the principles laid down in the Criminal Investigation Act (805/2011), the Coercive Measures Act (806/2011), the Act on Crime Prevention by the Finnish Border Guard and in other acts on the duties of criminal investigation authorities shall be complied with.

## **Section 11 (749/2014)**

### **Respecting fundamental and human rights**

Border guards shall respect fundamental and human rights and, in exercising their powers, choose from all reasonable options the course of action that best serves to uphold these rights.

## **Chapter 3**

### **Provisions on border control (478/2010)**

## **Section 12 (749/2014)**

### **Border crossing points**

Provisions on ports, railway stations or other locations or areas operating as border crossing points, the opening hours of border crossing points and the division of border check duties between the Finnish Border Guard, police and Finnish Customs at the border crossing points are laid down by government decree.

Notification to the Commission of the list of border crossing points referred to in the second subparagraph of Article 5(1) and Article 39(1)(b) of the Schengen Borders Code is made by the Ministry of the Interior. (425/2017)

## **Section 13**

### **Border crossing permits**

The Finnish Border Guard grants permission to a person to cross the external border at places other than border crossing points and at times other than the official opening hours of border crossing points (*border crossing permit*). Border crossing permits are issued if there are serious

reasons for this and if the procedure does not endanger the maintenance of border security. The permits may include terms and conditions essential to maintain border security.

A border crossing permit may be withdrawn, or its terms and conditions amended if, after issuing the permit, the circumstances change in such a manner that the procedure may endanger the maintenance of border security.

No judicial review may be requested by way of appeal in respect of decisions to refuse an application for a border crossing permit, to withdraw a permit or to change the terms and conditions of a permit.

### **Section 14 (478/2010)**

*Section 14 was repealed by Act 478/2010.*

### **Section 15 (749/2014)**

#### **Temporary reintroduction of border control at internal borders**

Decisions on the temporary reintroduction of border control at internal borders referred to in Chapter II of Title III of the Schengen Borders Code are made by the Government. However, where immediate action is required because of a threat to public order, internal security or public health, the Ministry of the Interior decides on necessary actions until the matter is decided by the Government.

Further provisions on the prompt handling among the police, Finnish Customs and the Finnish Border Guard of matters concerning the reintroduction of border control at internal borders, and on the submission of notifications and information and on consultation are issued by government decree.

### **Section 15a (1245/2020)**

#### **Support from the European Border and Coast Guard Agency**

A government plenary session decides on the submission of the request referred to in Article 37(2) of Regulation (EU) 2019/1896 of the European Parliament and of the Council on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (hereinafter *European Border and Coast Guard Regulation*) to the European Border and Coast

Guard Agency for the deployment of a rapid border intervention. However, where an urgent request is essential because of a threat to public order, internal security or public health, the request may be submitted by the Minister of the Interior until the matter is decided by the government plenary session.

A government plenary session decides on the measures when Finland receives assistance in accordance with Article 42 of the European Border and Coast Guard Regulation in a situation at the external border requiring urgent action.

The provisions of subsection 1 on decision-making apply, unless otherwise provided in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities (418/2017). (1311/2022)

### **Section 15b (1245/2020)**

#### **Participation in the work of the European Border and Coast Guard standing corps and the European Border and Coast Guard Agency**

The Ministry of the Interior decides on the annual participation of the authorities of the Ministry of the Interior's branch of government in the work of the European Border and Coast Guard standing corps.

The Finnish Border Guard coordinates the implementation of European integrated border management in Finland and Finland's participation in the work of the European Border and Coast Guard Agency.

The Finnish Border Guard decides on its participation in the work of the European Border and Coast Guard Agency other than that referred to in subsection 1 as well as on the provision of and requests for technical or operational assistance referred to in the European Border and Coast Guard Regulation within its mandate.

The Headquarters of the Finnish Border Guard is the national contact point referred to in Article 13 of the European Border and Coast Guard Regulation and maintains the national coordination centre referred to in Article 21.



The provisions of subsection 3 on decision-making apply, unless otherwise provided in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities. (1311/2022)

### **Section 15c (425/2017)**

#### **Participation in an international mission**

The Finnish Border Guard decides on its participation in an international mission other than one referred to in section 15b. (619/2017)

The Chief of the Finnish Border Guard decides on the participation of the Border Guard in Prüm and Atlas cooperation.

The provisions of subsections 1 and 2 on decision-making apply, unless otherwise provided in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities. (1311/2022)

For technical or operational assistance provided by the Finnish Border Guard during international missions, a fee lower than the cost price referred to in the Act on Criteria for Charges Payable to the State (150/1992) may be charged that equates to the additional costs incurred by the Border Guard in providing the assistance.

### **Section 15d (1311/2022)**

#### **Requests for and provision of border security assistance**

The Finnish Border Guard is the responsible authority when Finland receives assistance in order to maintain border security (*border security assistance*) as part of the implementation of Article 42(7) of the Treaty on European Union or Article 222 of the Treaty on the Functioning of the European Union, or receives assistance from another state, in a situation where actions in accordance with the European Border and Coast Guard Regulation could not be applied.

The Finnish Border Guard may provide border security assistance to a European Union Member State as part of the implementation of Article 42(7) of the Treaty on European Union or Article 222 of the Treaty on the Functioning of the European Union, or to another state, in a situation where actions in accordance with the European Border and Coast Guard Regulation could not be applied.

The Ministry of the Interior decides on requests for border security assistance from another state and on the provision of border security assistance to another state, unless otherwise provided in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities. Provisions on decision-making concerning requests for or provision of border security assistance as part of the implementation of Article 42(7) of the Treaty on European Union or Article 222 of the Treaty on the Functioning of the European Union are laid down in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities.

## **Section 16 (698/2022)**

### **Temporary closure of border crossing points, restriction of cross-border traffic and centralisation of the submission of applications for international protection**

The Government may decide to close border crossing points or restrict cross-border traffic for a fixed period or until further notice, where such measures are deemed essential to prevent a serious threat to public order, national security or public health. Any immediate actions necessary in urgent situations are decided by the Ministry of the Interior until the matter is decided by the Government. The Ministry of the Interior shall present its decision to a government plenary session without delay.

The Government may decide to centralise the submission of applications for international protection at one or more border crossing points on Finland's national border, if this is essential to prevent a serious threat to public order, national security or public health, and where it involves:

- 1) an exceptionally high number of migrants in a short period of time; or
- 2) information or a justifiable suspicion that entry is taking place due to the influence of a foreign state or another actor.

If the Government has made a decision referred to in subsection 2, international protection may be applied for at Finland's national border only at the border crossing points where the submission of applications for international protection has been centralised. A derogation from this may be made in individual cases, taking into account the rights of children, people with disabilities and other persons in a particularly vulnerable position.

Border crossing points shall not be closed, cross-border traffic shall not be restricted or the submission of applications for international protection shall not be centralised more than is

deemed essential to prevent a serious threat to public order, national security or public health. Such decisions shall be repealed when they are no longer essential to prevent any of the said threats. The Ministry of the Interior shall provide information on the decision referred to in this section to a sufficient extent.

The measures referred to in this section shall not prevent the right of Finnish citizens from arriving in the country or the right of anyone from leaving the country, or violate the rights of those covered by European Union law on free movement or anyone's right to international protection.

Further provisions on the prompt handling among the police, Finnish Customs and the Finnish Border Guard of matters referred to in this section may be issued by government decree.

## **Chapter 4**

### **Provisions on duties and actions**

#### **Section 17 (478/2010)**

##### **Border control**

The Finnish Border Guard is the leading border control authority that coordinates the operations of other authorities participating in the border control of passenger traffic.

#### **Section 18 (1205/2022)**

##### **ETIAS National Unit**

The Finnish Border Guard is the ETIAS National Unit referred to in Article 8 of Regulation (EU) 2018/1240 of the European Parliament and of the Council establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226.

A judicial review of a decision taken by the ETIAS National Unit under Article 36, 37, 40 or 41 of the Regulation specified in subsection 1 may be requested by way of appeal. However, if a travel authorisation has been revoked in accordance with Article 41(8) of the said Regulation at the request of the applicant, the decision is not eligible for judicial review by appeal. Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019).

Provisions on the processing of personal data in the ETIAS National Unit are laid down in the Act on the Processing of Personal Data by the Finnish Border Guard.

*Section 18 added by Act 1205/2022 enters into force on a date to be specified by decree.*

### **Sections 18–19**

*Sections 18–19 were repealed by Act 478/2010.*

### **Section 20 (9/2019)**

#### **Maintaining public order and security at border crossing points, in premises of the Finnish Border Guard and in areas occupied by the Finnish Border Guard**

The Finnish Border Guard monitors the fitness to drive of drivers and the roadworthiness of vehicles and compliance with the provisions of the Road Traffic Act (267/1981) at border crossing points. The Finnish Border Guard also attends to other aspects of maintaining public order and security at border crossing points, in its premises and in areas occupied by it when the police are prevented from doing so.

The Finnish Border Guard shall, without delay, notify the police of any actions relating to the maintenance of public order and security referred to in subsection 1 which are more than of a minor nature.

Provisions on the monitoring of compliance with provisions on the possession of dangerous items and of items and substances that can be used to harm others, and on the use of intoxicating substances, are laid down in the Public Order Act (612/2003).

### **Section 21 (9/2019)**

#### **Police actions necessary to maintain public order and security**

In individual cases, at the request of a commanding police officer, the Finnish Border Guard may perform the urgent police actions necessary to maintain public order and security referred to in section 33 which the police are unable to perform without delay.

In matters at hand, where action cannot be delayed without a danger to health or property, border guards may also perform the actions referred to in subsection 1 even without the request

of a police officer. The police shall be notified of the actions without delay. At the request of a police officer, the actions shall be abandoned, or actions already started shall be stopped.

On joint patrols by border guards and police officers that are pre-planned and considered appropriate, border guards may perform essential police actions within the patrolling area when carrying out police-led duties related to the maintenance of public order and security.

## **Section 22**

### **Counter-terrorism and other special situations**

At the request of a commanding police officer, the Finnish Border Guard may make available to the police equipment, personnel and special expert services if, due to a specific threat, this is essential to prevent an offence to be committed with a terrorist intent, to apprehend a dangerous person, to disperse a crowd endangering public order and security through their gathering or unlawfully obstructing traffic, or to protect against offences and disturbances.

Provisions on the duties of the Finnish Border Guard in preventing maritime security threats are laid down in the Act on the Security of Certain Ships and Associated Port Facilities and on Monitoring Maritime Security (485/2004), hereinafter the *Maritime Security Act*. (478/2010)

Provisions on providing executive assistance are laid down in sections 77 and 77a–77i. (343/2022)

## **Section 23**

### **Security duties**

The Finnish Border Guard may, on behalf of the State, carry out transport requiring preparedness for special protective measures to ensure the security of the transport.

Where necessary, the Finnish Border Guard may designate border guards who have received special training specified by decree of the Ministry of the Interior (*security guard*) to protect the safety and security of heads of state and official guests, public officials of the Border Guard, and guests of the Border Guard or persons transported by it who need special protection, or to protect the integrity of special property. (749/2014)

## **Section 24 (316/2016)**

### **Customs duties**

Along with Finnish Customs, the Finnish Border Guard carries out customs control and related preliminary customs measures at the national border, and at border crossing points where Finnish Customs has not arranged customs control.

At the request of Finnish Customs, the Finnish Border Guard may also carry out customs control directed at the entry or exit of persons at border crossing points where customs control is otherwise carried out by Finnish Customs. At the request of a customs officer, border guards may participate in the performance of individual customs measures.

### **Section 24a (510/2015)**

#### **Monitoring of compliance with sanctions and other restrictions in the Finnish sea area**

With regard to vessels arriving in or departing from Finland, the Finnish Border Guard monitors the fulfilment of international obligations binding on Finland, implementation of decisions adopted under Article 29 of the Treaty on European Union, implementation of regulations adopted under Article 215 of the Treaty on the Functioning of the European Union, implementation of a decree issued under the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations and of the European Union (659/1967), or implementation of a decision to freeze funds made under the Act on the Freezing of Funds with a View to Combating Terrorism (325/2013).

### **Section 25**

#### **Duties of military national defence**

The Finnish Border Guard participates in national defence and, to this end, provides military training for its personnel, for conscripts ordered to serve at the Border Guard and for women in voluntary military service, and maintains and promotes defence readiness in cooperation with the Finnish Defence Forces.

Where necessary in the interests of defence readiness, the border troops or part of them may be attached to the Finnish Defence Forces by presidential decree.

Provisions on participation by the Finnish Border Guard in voluntary national defence training and other voluntary activities are laid down in the Act on Voluntary National Defence (556/2007). (557/2007)

## **Section 26**

### **Participating in search and rescue operations, transport of patients and prehospital emergency medical services (749/2014)**

Besides the provisions of the Maritime Search and Rescue Act, the Finnish Border Guard participates in other rescue operations and in the search for persons lost in wooded or open terrain or otherwise in need of immediate assistance there by making available equipment, personnel and expert services if this is deemed essential in view of the scale or special nature of the accident or emergency.

The Finnish Border Guard may perform urgent patient transport services if the authority or patient transport service provider responsible for the services is unable to perform them without endangering the rescue.

The Finnish Border Guard may participate in the prehospital emergency medical services referred to in the Health Care Act (1326/2010) as separately agreed. (749/2014)

## **Section 27 (749/2014)**

### **Investigating border incidents and conditions for entry and exit**

The provisions of chapter 2, section 4, subsections 1 and 2 of the Police Act on conducting a search of a person to be brought to a police investigation, the provisions of chapter 2, section 8, subsections 1 and 4 of the Police Act on cordoning off a place or an area and the provisions of chapter 6 of the Police Act on police investigation shall be observed in investigations by the Finnish Border Guard to establish whether aliens meet the conditions for entry into, stay in and exit and removal from the country. The same applies to the investigation of the border incidents referred to in the agreement concerning the régime of the Finnish-Soviet State Frontier and procedure for the settlement of frontier incidents (Finnish Treaty Series 32/1960). (503/2016)

The person being investigated is obliged to be at the investigation for a maximum of twelve hours at a time.

The provisions of chapter 2, section 4, subsection 2; chapter 6, section 3, subsection 2; and chapter 6, section 4, subsection 2 of the Police Act on commanding police officers apply to border guards of at least the rank of lieutenant at the Finnish Border Guard.

## **Chapter 5**

### **Provisions on powers**

#### **Section 28 (478/2010)**

##### **Powers applying to border control**

Besides the provisions in this Act and elsewhere in the law, border guards have the right, for the purpose of carrying out border control as referred to in the Schengen Borders Code, to take the following actions without any suspicion of an offence: (749/2014)

- 1) prevent the exit of persons or vehicles that cross or have crossed the external border or are suspected of having unlawfully crossed the external border or avoided a border check;
- 2) prevent exit from a border check until the completion of the check;
- 3) carry out the actions belonging to a minimum check specified in Article 8(2) of the Schengen Borders Code; (425/2017)
- 4) carry out on third-country nationals the actions belonging to a thorough check on entry and exit specified in Article 8(3) of the Schengen Borders Code, and the actions belonging to a thorough second line check; (425/2017)
- 5) carry out checks on persons enjoying the Union right of free movement in accordance with Directive 2004/38/EC of the European Parliament and of the Council on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC;
- 6) temporarily take possession of documents, goods and vehicles, check them and make searches on them to the extent required by the Schengen Borders Code, and indicate in travel documents information as provided by the Schengen Borders Code and the law;
- 7) ensure that third-country nationals who have been refused entry do not enter Finnish territory;
- 8) make the register inquiries and entries required by the Schengen Borders Code;



9) conduct non-intimate body searches to find an item, property, document, data or circumstance in compliance with the provisions of chapter 8, section 30, paragraph 1 and section 33 of the Coercive Measures Act; (749/2014)

10) take photographs of persons; (749/2014)

11) record information obtained in connection with carrying out border control in compliance with the provisions of the Act on the Processing of Personal Data by the Finnish Border Guard. (642/2019)

For the purpose of carrying out a border check, the person being checked shall, at the request of a border guard, stay with their luggage and vehicles at a place designated for them.

Decisions to prevent exit as referred to in subsection 1, paragraphs 1 and 2 and to temporarily take possession of goods and vehicles for the duration of a border check are made by the border guard acting as the superior of the border crossing point or by a border guard of at least the rank of lieutenant. In urgent cases, exit is prevented and goods and vehicles taken into possession by the border guard carrying out the border check, who shall refer the matter, without delay, to be decided by the border guard acting as the superior of the border crossing point or by a border guard of at least the rank of lieutenant. (749/2014)

Refraining from the intention to cross the border does not prevent the performance of a border check where this is necessary to establish identity and to ensure that the person is not in possession of any items or substances that they are not entitled to possess or carry across the border. (749/2014)

Border guards have the right to take actions that are deemed justifiable on the basis of a check and that are part of the statutory duties of the Finnish Border Guard.

### **Section 28a (642/2019)**

#### **Non-intimate body searches in border control**

Decisions on a non-intimate body search referred to in section 28, subsection 1, paragraph 9 are made by the border guard acting as the superior of the border crossing point or by a border guard of at least the rank of lieutenant. However, a border guard carrying out a border check may decide

on a non-intimate body search directed at a person's outer clothing or luggage, or a non-intimate body search performed by patting a person down or by using a technical device.

An entry of a non-intimate body search shall be made in the filing system of the Finnish Border Guard. In addition, a record describing the process in sufficient detail shall be prepared of non-intimate body searches authorised by the border guard acting as the superior of the border crossing point or by a border guard of at least the rank of lieutenant. The person searched shall be given a copy of the record on request.

## **Section 29 (429/2024)**

### **Technical surveillance**

*Technical surveillance* means continuous or repeated visual or audio monitoring of vehicles, vehicle drivers, pedestrians or the general public with the help of a technical device as well as automatic recording of sound or image.

The Finnish Border Guard has the right to conduct technical surveillance in the vicinity of the national border, in the sea area, on the coast, in airspace, at a border crossing point and in its immediate vicinity as well as in an area occupied by the Border Guard and in its immediate vicinity for the purpose of performing border control, maintaining border security and order along the border, performing a surveillance duty laid down for the Border Guard and protecting the operations of the Border Guard.

Technical surveillance shall not be targeted at places covered by the right to domestic privacy referred to in chapter 24, section 11 of the Criminal Code (39/1889) or at lavatories, dressing rooms or other similar places, staff facilities or offices assigned to the personal use of employees.

No separate notification is provided of technical surveillance in the border zone, in the sea area, from the coast to the sea and in airspace. Other technical surveillance shall be indicated with an appropriate sign.

## **Section 29a (429/2024)**

### **Surveillance of the electromagnetic spectrum**

*Surveillance of the electromagnetic spectrum* means the detection, identification, locating, recognising and monitoring of radio-frequency electromagnetic waves and radio equipment by means of technical devices other than radar using the properties of electromagnetic waves.

The Finnish Border Guard has the right to carry out surveillance of the electromagnetic spectrum in the vicinity of the national border, in the sea area, on the coast, in airspace, at a border crossing point and in its immediate vicinity as well as in an area occupied by the Border Guard and in its immediate vicinity for the purpose of building situation awareness that is necessary for border control, the maintenance of border security and order along the border or the protection of the operations of the Border Guard.

In addition, the Finnish Border Guard has the right to carry out surveillance of the electromagnetic spectrum to locate persons in obvious distress or imminent danger.

Decisions on surveillance of the electromagnetic spectrum are made by the Chief of the Border and Coast Guard Division of the Border Guard Headquarters. The decision shall be made in writing.

No separate notification is provided of surveillance of the electromagnetic spectrum.

### **Section 29b (429/2024)**

#### **Processing of electronic communications data in surveillance of the electromagnetic spectrum**

For the purpose of carrying out surveillance of the electromagnetic spectrum, the Finnish Border Guard also has the right to process traffic data of radio communications other than that intended for public reception as well as location data. Traffic data of radio communications may only be processed to the extent that it is essential for directing the surveillance of the electromagnetic spectrum or for separating or limiting the objects of surveillance. After processing, the traffic data shall be destroyed or rendered such that the data cannot be associated with an individual natural person.

Surveillance of the electromagnetic spectrum shall not be used for collecting information on the content of a radio message other than one intended for public reception.

### **Section 29c (429/2024)**

## **Processing and destruction of data obtained through surveillance of the electromagnetic spectrum**

The Act on the Processing of Personal Data by the Finnish Border Guard applies to the processing of data obtained through surveillance of the electromagnetic spectrum.

If it becomes evident that surveillance of the electromagnetic spectrum has been targeted at an area other than that referred to in section 29a or at information that shall not be used for carrying out surveillance of the electromagnetic spectrum, the recordings and the notes on the information obtained shall be destroyed without delay.

### **Section 29d (429/2024)**

#### **Equipment used for technical surveillance and surveillance of the electromagnetic spectrum**

In the border zone, and at border crossing points and in their immediate vicinity, the Finnish Border Guard may install technical equipment for the purpose of technical surveillance and surveillance of the electromagnetic spectrum without the permission of the owner or holder of the land or water area. Technical equipment may be temporarily installed elsewhere without the permission of the owner or holder of a land or water area for a maximum of six months at a time. Compensation corresponding to the fair price shall be paid to the owner or holder of the land or water area for any damage or inconvenience caused by the installation of technical equipment.

The Finnish Transport and Communications Agency inspects that the technical system used in surveillance of the electromagnetic spectrum, due to its properties, does not cause any harmful interference with the devices or services of a public communications network.

### **Section 30**

#### **Arrangements and traffic at border crossing points (749/2014)**

The Finnish Border Guard has the right to be provided by the owners or holders of traffic operating points serving as border crossing points, against compensation corresponding to the fair price, with the control facilities that are required for carrying out border checks.

Transport operators shall notify the Finnish Border Guard of the beginning of cross-border traffic no later than four months before beginning the operation. New routes or lines shall be reported no later than two months before beginning the operation. (749/2014)

### **Section 30a (749/2014)**

#### **Powers of a border guard to direct and restrict movement at border crossing points**

The border guard acting as the superior of the border crossing point and a border guard of at least the rank of lieutenant have the right to direct the movement of passengers and the staff of means of transport in order to facilitate the smooth flow of border traffic and border checks by showing the necessary routes from the means of transport or the external border to the place where border checks are performed, and by imposing temporal restrictions on movement.

### **Section 31 (749/2014)**

#### **Use of images and sound collected during technical surveillance at border crossing points**

The Finnish Border Guard has the right to use images and sound collected during technical surveillance at border crossing points for the automatic identification of persons to identify those to be summoned, apprehended, arrested, taken into custody, remanded, or to be placed under the surveillance of public authorities, based on warrants of apprehension issued by competent authorities.

### **Section 32 (9/2019)**

#### **Powers of a border guard to maintain public order and security at border crossing points, in premises of the Finnish Border Guard and in areas occupied by the Border Guard**

In addition to what is provided elsewhere by law, a border guard has the right, in a situation referred to in section 20, in order to maintain public order and security at border crossing points, in premises of the Finnish Border Guard and in areas occupied by the Border Guard:

1) to cordon off, close or clear a place or area in public use, or to direct, prohibit or restrict movement;

2) to cordon off or clear premises or an area covered by privacy relating to public premises referred to in chapter 24, section 3 of the Criminal Code or premises or an area covered by the right to domestic privacy referred to in chapter 24, section 11 of the Criminal Code if this is essential to avert an imminent danger to life or health and the persons in the area cannot be protected in any other way; the holder of the public premises or area covered by privacy relating to public premises shall be heard prior to taking the action, if this is possible in view of the urgency of the situation;

3) to gain entry to premises or another place covered by privacy relating to public premises or by the right to domestic privacy, or to premises or another place to which there is no public access, or to a vehicle, and, where necessary, to conduct a search therein if an act or event endangering life, health or personal liberty or causing substantial damage to property or the environment is imminent or taking place, provided that the action is essential to prevent a danger or damage or to search for and take possession of explosives, weapons or other dangerous substances or items;

4) to order a crowd to disperse or move if the gathering threatens public order and security or obstructs traffic or if members of the crowd are likely, on the basis of their threats or other behaviour, to commit an offence against life, health, liberty, the right to domestic privacy, or property; the actions shall, where possible, be restricted to persons whose conduct is causing the need to disperse or move the crowd;

5) to disperse the crowd referred to in paragraph 4 with force and to apprehend noncompliant persons if the order to disperse or move is not obeyed;

6) to apprehend a person to protect them from an imminent serious danger to life, physical integrity, safety or health if the person is unable to take care of themselves and the threat cannot be otherwise eliminated or the person otherwise looked after;

7) to remove, at the request of a holder of premises or another place covered by privacy relating to public premises or by the right to domestic privacy, or at the request of their representative, a person who unlawfully intrudes or enters by stealth or deception the premises or place, or hides there or neglects an order to leave;

8) to remove a person from premises or another place covered by privacy relating to public premises or by the right to domestic privacy who has permission to be there if they disturb the domestic privacy of others or privacy relating to public premises, or cause considerable

disturbance in other ways there and there are reasonable grounds to suspect that the disturbance will recur;

9) to apprehend a person causing disturbance referred to in paragraphs 7 and 8 if it is likely that removal would not prevent the disturbance from recurring;

10) in cases referred to in paragraphs 3 and 7–9, to enter a room, place of storage or another similar place targeted by an action using force where necessary; after the action has been taken, the targeted place shall be closed in a suitable manner;

11) to remove a person from a place if there are reasonable grounds to believe on the basis of their threats or other behaviour, or if it is likely on the basis of their previous behaviour, that they would commit an offence against life, health, liberty, the right to domestic privacy, or property, or would cause a considerable disturbance or pose an imminent danger to public order and security;

12) to apprehend a person referred to in paragraph 11 if their removal is likely to be an inadequate measure and the offence cannot otherwise be prevented or the disturbance or threat otherwise removed;

13) to protect a person or guard a place in order to prevent or interrupt an offence referred to in paragraph 11;

14) to capture and, as a last resort, to put down an animal causing a danger to human life or health or significant damage to property or posing a serious danger to traffic; an animal may also be put down if keeping it alive would clearly be cruel to it.

The cordoning off or clearing a place referred to in subsection 1, paragraph 2 and the entry to premises used for permanent residence referred to in paragraph 3 is decided by a border guard of at least the rank of captain or lieutenant, senior grade, if this is possible in view of the urgency of the situation.

A record shall be drawn up or a similar entry made in some other document of the actions taken under subsection 1, paragraphs 3 and 7–9.

### **Section 32a (9/2019)**

## **Use of on-site interception and technical observation to maintain public order and security at border crossing points, in premises of the Finnish Border Guard and in areas occupied by the Border Guard**

In addition to what is provided in section 32 and elsewhere by law, the Finnish Border Guard, in order to maintain public order and security at border crossing points, in its premises and in areas occupied by it, shall have the right in a situation referred to in section 20 to use, for a short period, on-site interception referred to in section 25, subsection 1 and technical observation referred to in section 27, subsection 1 of the Act on Crime Prevention by the Finnish Border Guard, notwithstanding subsections 2 of the said sections, if this is essential in order to carry out a Border Guard action safely and to avert an imminent danger to the life or health of the person carrying out the action, the person to be apprehended or the person to be protected.

A decision on the use of on-site interception and technical observation referred to in this section is made by a public official of the Finnish Border Guard with the power of arrest.

### **Section 33 (9/2019)**

#### **Powers of a border guard in police duties**

In the police duties necessary to maintain public order and security referred to in section 21, in preventing offences to be committed with a terrorist intent and handling special situations referred to in section 22, in Prüm and Atlas cooperation, and in the duties belonging to the Finnish Border Guard under the Maritime Security Act, a border guard has the powers referred to in chapters 2 and 3 of the Police Act and the right to engage in on-site interception referred to in chapter 5, section 17, subsection 5 and technical observation referred to in section 19, subsection 5, unless these are restricted by a commanding police officer or the police tactical leader.

The provisions of chapter 2, section 4, subsection 2; section 6, subsection 3; and section 8, subsection 2 of the Police Act on a commanding police officer apply to a border guard of at least the rank of captain or lieutenant, senior grade at the Finnish Border Guard. The decision on the use of the powers to engage in on-site interception referred to in chapter 5, section 17, subsection 5 and in technical observation referred to in section 19, subsection 5 of the Police Act in a situation referred to in subsection 1 is made by a public official of the Finnish Border Guard with the power of arrest.



## **Section 33a (9/2019)**

### **Procedure relating to on-site interception and technical observation**

When the Finnish Border Guard, in a situation referred to in section 32a, engages in on-site interception referred to in section 25, subsection 1 or in technical observation referred to in section 27, subsection 1 of the Act on Crime Prevention by the Finnish Border Guard for a short period in order to carry out an action safely and to avert an imminent danger to the life or health of the person carrying out the action, the person to be apprehended or the person to be protected, the provisions of chapter 3 of the said Act on the preconditions and procedures for the use of the said powers and on the processing of data obtained with the powers also apply.

When the Finnish Border Guard, in a situation referred to in section 33, engages in on-site interception referred to in chapter 5, section 17, subsection 5 or in technical observation referred to in chapter 5, section 19, subsection 5 of the Police Act in order to carry out an action safely and to avert an imminent danger to the life or health of the person carrying out the action, the person to be apprehended or the person to be protected, the provisions of the said chapter 5 on the preconditions and procedures for the use of the said powers and on the processing of data obtained with the powers also apply. The provisions of the Police Act on a public official with the power of arrest apply to a public official of the Finnish Border Guard with the power of arrest.

Provisions on oversight of on-site interception and technical observation at the Finnish Border Guard are laid down in section 62 of the Act on Crime Prevention by the Finnish Border Guard.

## **Section 34 (316/2016)**

### **Powers of a border guard in customs duties**

In the customs duties referred to in section 24, a border guard has the powers provided in chapter 3 and in section 29 of the Customs Act.

If the performance of a customs duty requires carrying out an intimate body search or a search other than of a person's luggage or outer clothing without conducting a criminal investigation, the provisions of section 18 of the Customs Act shall be observed. Decisions on such actions are made by a public official with the power of arrest or a border guard of at least the rank of major.

## **Section 34a (749/2014)**

## **Powers of a border guard in security duties**

A border guard who has received the special training referred to in section 23, subsection 2 may perform security duties provided in section 23 within the powers laid down in subsections 2 and 3 of this section, unless these powers are restricted by a commanding police officer or the police tactical leader. The Finnish Border Guard shall notify the police of the performance of security duties in advance.

Where it is deemed essential for the performance of security duties, a border guard has the right to cordon off, close or clear a place or area in public use, or to prohibit or restrict movement there.

A border guard has the right to remove a person from a place if there are reasonable grounds to believe on the basis of their threats or other behaviour, or it is likely based on their previous behaviour, that they would commit an offence against life, health, liberty or property. The person may be apprehended if their removal is likely to be an inadequate measure and the offence cannot otherwise be prevented or the disturbance or threat otherwise removed. The apprehended person shall be handed over to the police without delay.

## **Section 34b (510/2015)**

### **Powers in monitoring compliance with sanctions and other restrictions**

When performing a duty referred to in section 24a, the Finnish Border Guard has the right to prevent foreign vessels from entering Finland's internal waters. Similarly, the Finnish Border Guard may prevent foreign vessels which have departed from a Finnish port from leaving Finland's territorial waters, and vessels sailing under the Finnish flag from leaving the territorial waters or exclusive economic zone of Finland.

## **Section 34c (9/2019)**

### **Powers in duties of military national defence**

In a duty of military national defence referred to in section 25 that is entrusted to the Finnish Border Guard by the Finnish Defence Forces, the Border Guard has the right, where necessary, for the purpose of securing Finland's territory, the livelihoods of the people and the freedom of action of the country's leadership, and defending the lawful social order, to use, in addition to what is provided elsewhere by law, armed force with weaponry acquired for military purposes that is more

powerful than a public official's personal sidearms in the event of an armed attack or similar external threat facing Finland. The use of armed force with weaponry acquired for military purposes shall be compatible with the international obligations binding on Finland.

### **Section 34d (9/2019)**

#### **Powers of a conscript and a person in voluntary military service to support the operations of the Finnish Border Guard**

As provided in section 30 of the Border Guard Administration Act, a serving conscript and a person admitted to perform military service referred to in the Act on Voluntary Military Service for Women (194/1995) shall, when acting in support of the operations of the Finnish Border Guard, where this is essential for justifiable reasons relating to the maintenance of border security or due to a need arising from Finland's security environment, under the direct guidance and supervision of a border guard, temporarily have the right:

- 1) to establish identity and record personal identifying characteristics in compliance with the provisions of section 36, subsections 1 and 2 of this Act and section 131, subsections 1 and 2 of the Aliens Act (301/2004);
- 2) to stop a vehicle and control traffic in accordance with the provisions of section 38;
- 3) to conduct a security search relating to a measure taken by a border guard, referred to in section 65, in compliance with the provisions of section 65a;
- 4) to prevent the exit of a person apprehended or taken into custody by a border guard, or a person whose personal liberty has been affected by another measure taken by a border guard, by means of requests and orders, and to carry out transport relating to these duties;
- 5) to carry out a registration duty relating to an offence investigated by the Finnish Border Guard or to a statutory administrative duty of the Border Guard.

When exercising the powers referred to in subsection 1, a serving conscript and a person in voluntary military service do not have the right to obtain data contained in the filing systems of the Finnish Border Guard referred to in the Act on the Processing of Personal Data by the Finnish Border Guard or in other registers and information systems established for official purposes.

Provisions on the right of serving conscripts and persons in voluntary military service to essential use of force under the direction of a border guard are laid down in section 35, subsection 2 and on the right of self-defence in chapter 4, section 4 of the Criminal Code. Provisions on the right to use force in territorial surveillance are laid down in the Territorial Surveillance Act. Provisions on the right of soldiers and superior officers to use force are laid down in sections 23, 23b and 23c of the Act on Defence Forces (551/2007).

### **Section 34e (9/2019)**

#### **Decision-making on the powers of a conscript and a person in voluntary military service**

Decisions to assign serving conscripts or persons in voluntary military service to a duty requiring the powers referred to in section 34d, subsection 1 are made by the commander of the regional border guard authority whose operating area the matter concerns. The decision shall identify the actions to be taken and their regional and temporal extent. The actions may not be in excess of what is essential to maintain border security or due to a need arising from Finland's security environment.

Serving conscripts and persons in voluntary military service may only be assigned to a duty requiring the powers referred to in section 34d for which they have adequate training.

### **Section 34f (9/2019)**

#### **Obligations and liabilities of a conscript and a person in voluntary military service**

The provisions on criminal liability for acts in office apply to serving conscripts and persons in voluntary military service who exercise the powers referred to in section 34d, subsection 1. The provisions of sections 17 and 17a–17d of the Border Guard Administration Act apply to the obligation to remain silent and the right to remain silent. Provisions on liability for damages are laid down in sections 80 and 80a–80d and in the Damages Act (412/1974).

### **Section 34g (263/2024)**

#### **Cadets and border guard basic course students**

The provisions of sections 34d–34f also apply to cadets and border guard basic course students when they are assigned to a duty outside the studies referred to in section 26b, subsection 1 of the Border Guard Administration Act.

## **Section 35**

### **Use of force by a border guard**

Unless otherwise provided elsewhere by law, when performing official duties, a border guard has the right to use necessary force that can be considered justifiable to overcome resistance, remove a person from a place, apprehend a person, prevent the escape of a person who has been deprived of their liberty, remove obstacles or prevent an imminent threat of an offence or another dangerous act or event. When assessing the justifiability of the use of force by a border guard, the importance and urgency of the official duty, the danger of resistance, the resources available and other circumstances affecting the overall assessment of the situation shall be taken into account. Where it is essential to use force, it shall be used only to the extent and for the time necessary to perform a statutory official duty (*principle of the least intrusive means*).

In situations where it is essential to resort to the help of bystanders when using force in performing an extremely important and urgent task of the Finnish Border Guard, those who temporarily assist a border guard at the request of or with the consent of the border guard have the right, under the direction of the border guard, to use such force as is authorised by the border guard under their powers.

Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code (39/1889). Provisions on the right to use force in territorial surveillance duties are laid down in the Territorial Surveillance Act (755/2000). Provisions on the application by the Finnish Border Guard of the right of soldiers and superior officers to use force as referred to in section 23 of the Act on the Defence Forces (551/2007) are laid down in section 31 of the Border Guard Administration Act. (554/2007)

Border guards on duty also have the right of self-defence as provided in chapter 4, section 4 of the Criminal Code. In such self-defence, border guards are subject to liability for acts in office. When assessing the justifiability of self-defence, the requirements set for border guards based on their education and training and experience shall be taken into account. (749/2014)

## **Section 35a (1245/2020)**

### **The powers and the right to use force of a member of a team within the standing corps participating in Finland in operations coordinated by the European Border and Coast Guard Agency**

A member of a team within the standing corps that is deployed to Finland due to a request from Finland or under Article 42 of the European Border and Coast Guard Regulation has the same powers as a border guard under this Act to perform, in accordance with instructions provided by a competent Finnish public official, tasks under the Schengen Borders Code, with the exception of decisions to refuse entry under Article 14 of the said Code, as well as tasks under Regulation (EU) No 656/2014 of the European Parliament and of the Council establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union.

In addition, the member of the team within the standing corps referred to in subsection 1 has the right to use force provided in section 35, subsection 1 in the presence of a competent Finnish public official if their home Member State or the European Border and Coast Guard Agency has consented to it in accordance with Article 82(7) of the European Border and Coast Guard Regulation and if the right has not been restricted in the operational plan referred to in Article 38 of the said Regulation or in the instructions referred to in Article 43 issued by Finland.

## **Section 35b (749/2014)**

### **Preparing for and warning of the use of force**

If, in carrying out an official duty, there is reason to suspect that resistance referred to in section 35, subsection 1 will be met or an unlawful attack referred to in chapter 4, section 4, subsection 1 of the Criminal Code will occur, preparations for the use of force shall be made in a suitable and appropriate manner, taking into account the provisions of chapter 2 and section 35, subsection 1 of this Act.

The person at whom an official duty is directed shall be warned of the possibility that force may be used against them, if giving such a warning is possible and appropriate. The warning shall be given in a comprehensible manner that is suitable for the purpose.

## **Section 35c (749/2014)**

### **Use of a firearm**

A firearm may be used only when it is necessary to stop the actions of a person posing an imminent and serious danger to the life or health of another person and no less intrusive means to do this are available. When performing urgent and important duties, a firearm may also be used to remove items, animals or other similar obstacles. A firearm may not be used to disperse a crowd, unless gas cartridges or other similar projectiles are used in them in accordance with separately issued regulations for these.

Use of a firearm means the warning of the use of a firearm referred to in section 2 of the Firearms Act (1/1998), threatening with a firearm and firing a shot. Revealing a firearm and getting it ready to use do not constitute use of a firearm.

Decisions to threaten with a firearm and fire a shot are made by the Chief of the Finnish Border Guard, Deputy Chief of the Finnish Border Guard, Chief of the Border and Coast Guard Division of the Border Guard Headquarters, Commanders or Deputy Commanders of Border Guard Districts or Coast Guard Districts, Heads of Operational Border Offices or Operational Maritime Offices, or a border guard of at least the rank of captain or lieutenant, senior grade, if this is possible in view of the urgency of the situation.

## **Section 35d (749/2014)**

### **Physical restraint**

The freedom to move and freedom to act of those at whom an official duty is directed may be restricted by applying handcuffs, using plastic ties or in some other equivalent way if, in connection with performing the official duty, restriction is essential to prevent them from fleeing, to control violent behaviour or to avert imminent violence.

Restriction on freedom to move or act shall not continue for longer than is essential. Restriction shall not place those subject to restriction in any danger or cause unnecessary pain.

Provisions on physical restraint of apprehended persons held in custody by the Finnish Border Guard are laid down in chapter 11, section 2 of the Act on the Treatment of Persons in Police Custody (841/2006).

### **Section 35e (1311/2022)**

#### **The powers and the right to use force of a public official of another state providing border security assistance**

A public official of a Member State of the European Union and a public official of another state applying the Schengen Borders Code whose competence is based on the Schengen Borders Code have, when providing border security assistance referred to in section 15d, subsection 1 to the Finnish Border Guard in a task under its responsibility, the same powers as a border guard under this Act to perform, in accordance with orders and instructions of a competent Finnish public official, tasks under the Schengen Borders Code, with the exception of decisions to refuse entry under Article 14. The said public official has the right to use force provided in section 35, subsections 1 and 4 in the presence of a competent Finnish public official with the consent of the said public official's home state and if the right has not been restricted in the request for assistance issued by Finland. Provisions on excessive self-defence are laid down in chapter 4, section 4, subsection 2 and section 7 of the Criminal Code. Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code.

With the consent of their home state, the public official has the right to carry service weapons, ammunition, instruments of force and other equipment. Permissible service weapons, ammunition, instruments of force and other equipment shall be stated in the request for assistance issued by Finland.

### **Section 35f (1311/2022)**

#### **Other rights and obligations of a public official of another state providing border security assistance**

The Ministry of the Interior shall issue a fixed-term accreditation document to a public official of a European Union Member State or a public official of another state applying the Schengen Borders Code who participates, in Finland, in the provision of border security assistance referred to in section 15d, subsection 1, indicating the powers of the official. The accreditation document shall also include the name, nationality, official position and photograph of the public official. The public official shall carry the accreditation document with them and present it upon request. The accreditation document shall be returned to the Ministry of the Interior at the end of the provision of the assistance.



When performing tasks referred to in section 35e, the public official shall wear their own uniform, unless otherwise ordered by a competent Finnish public official.

The public official is treated as a Finnish public official in respect of offences committed by or targeted at them and damage caused by them. If the public official has caused the damage by serious neglect or intentionally, the home state may be requested to compensate the damages paid for the damage in full or in part. The public official is subject to the disciplinary legislation and legislation on public-service employment relationships of their home state.

Provisions on the right of the public official to consult the filing system of the Finnish Border Guard are laid down in the Act on the Processing of Personal Data by the Finnish Border Guard.

### **Section 35g (425/2017)**

#### **The powers and the right to use force of a border guard when providing border security assistance**

When providing border security assistance, a border guard has the powers provided in this Act to perform tasks under the Schengen Borders Code on request of the host European Union Member State or another state applying the Schengen Borders Code. The powers may, however, not exceed the powers conferred on them by the host state. (1311/2022)

In addition, the border guard has the right laid down in section 35, subsections 1 and 4 and in the provisions issued under this Act to use such force that is necessary and justifiable for the task and in line with the national legislation of the host European Union Member State, unless that host Member State restricts such use of force.

When providing assistance, the border guard has the right to wear their own uniform and carry service weapons, ammunition, instruments of force and other equipment, unless otherwise ordered by the host Member State.

### **Section 35h (425/2017)**

#### **Legal status of a border guard outside the territory of Finland**

The same provisions and regulations that apply to official duties carried out in Finland apply to official duties and rights of a border guard when performing tasks referred to in sections 15b–15d

outside the territory of Finland, unless the host state restricts the rights under European Union law or an international treaty.

The Act on Compensation for Accidents and Service-Related Illnesses in Crisis Management Duties (1522/2016) applies to a border guard participating in the tasks referred to in section 15d.

### **Section 35i (1245/2020)**

#### **Powers of a border guard in duties under the European Border and Coast Guard Regulation**

When performing a task referred to in the European Border and Coast Guard Regulation, the powers of a border guard are determined in accordance with the statutes on official duties carried out in Finland. The powers of the border guard may, however, not exceed those determined by virtue of Article 82(2) of the said Regulation.

### **Section 36 (875/2011)**

#### **Establishing identity**

To perform an individual statutory task of the Finnish Border Guard, a border guard has the right to obtain from anyone their name, personal identity code or, if this does not exist, date of birth and nationality, and information concerning the place where they can be reached.

If a person refuses to give the information referred to in subsection 1 or their identity cannot otherwise be established, the border guard has the right to establish identity on the basis of personal identifying characteristics. In this case, the provisions of chapter 8, section 33, subsections 2–4 of the Coercive Measures Act on conducting a search of a person shall be observed, as appropriate.

A border guard has the right to apprehend anyone who refuses to give the information referred to in subsection 1 or gives what is likely to be false information, provided that the apprehension is essential in order to establish the information. The person apprehended shall be released as soon as the necessary information has been obtained, but no later than 24 hours after being apprehended.

### **Section 37 (749/2014)**

## **Apprehending wanted persons**

A border guard has the right to apprehend anyone who, in accordance with a warrant issued by a competent authority, is to be apprehended, arrested, or remanded or taken into custody. The person apprehended shall be transferred to police custody without delay, unless they have to be released immediately.

Where requested by a border guard, a wanted person other than that referred to in subsection 1 is obliged to present themselves at a police station or other place where the measures specified in the warrant of apprehension can be taken. If they do not comply with the request, or if it is likely that they are attempting to avoid the measure specified in the apprehension warrant, the border guard has the right to apprehend them in order to take the measure specified in the warrant.

Unless otherwise provided by law on the duration of measures required in a warrant of apprehension, a wanted person is obliged to be present for the measures to be taken for a maximum of six hours after being apprehended.

## **Section 38 (9/2019)**

### **Stopping a vehicle and traffic control**

In addition to what is provided elsewhere by law, a border guard has the right to order vehicles to be stopped and moved, or to move vehicles, and to control traffic, where this is deemed necessary for carrying out border control, police duties, monitoring of aliens or security duties, for maintaining public order and security at border crossing points or in an area occupied by the Finnish Border Guard, or because of traffic accidents, or for carrying out monitoring related to the use of vehicles or supervision of hunting within the Border Guard's mandate, or for preventing or investigating offences.

## **Section 38a (539/2020)**

### **Interception of the path of unmanned aircraft**

In addition to what is provided elsewhere by law, a border guard has the right to intercept the path of an unmanned aircraft referred to in section 2, paragraph 21 of the Aviation Act (864/2014) if this is essential to maintain border security, to perform security duties or maritime search and rescue duties or to safeguard extremely important operations of the Finnish Border Guard.

In a situation referred to in subsection 1, a border guard has the right to target, for a short period, such necessary force and technical measures that can be deemed justifiable at an unmanned aircraft, its remote control devices and piloting and monitoring connections, and at other parts of the system needed to operate it (*overall system*). When assessing the justifiability of the use of force and technical measures, the importance and urgency of the official duty, the dangers involved in the operation of an unmanned aircraft, the resources available as well as other circumstances affecting the overall assessment of the situation shall be taken into account. If the use of force or technical measures is essential, they shall be used only to the extent and for the time absolutely necessary to perform the task referred to in subsection 1. The measures shall not cause more than minor interference to other radio communications or to devices or services of the public communications network.

A border guard has the right to handle radio communications, traffic data and location data relating to the remote piloting of an unmanned aircraft in order to intercept the path of an unmanned aircraft and to identify a part of the overall system of an unmanned aircraft and to determine its location. Any data obtained through radio communications, traffic data or location data that can be connected to a natural person shall be destroyed without delay unless otherwise provided by law.

### **Section 38b (9/2019)**

#### **Temporary suspension and restriction of water traffic**

The Ministry of the Interior may, for a maximum period of seven days at a time, prohibit water traffic or restrict it within a limited area of Finland's territorial waters and the Saimaa Canal if this is essential to maintain border security. In an urgent situation that immediately endangers border security, the decision may be made by the commander of the regional border guard authority whose operating area the matter concerns after hearing the other regional border guard authorities whose operating areas the matter concerns. The decision of the commander of the regional border guard authority shall, without delay, be notified to the Ministry of the Interior, which can decide to continue or terminate the suspension or restriction.

Before making the decision referred to in subsection 1, the Finnish Transport Agency and Finnish Customs shall be provided with an opportunity to be heard unless the immediate implementation of the decision is essential due to the urgency of the situation. The Finnish Transport Agency is

responsible for informing the parties concerned of the decision referred to in subsection 1 and it participates in the implementation of the decision.

The decision referred to in subsection 1 shall be immediately revoked or its extent limited when the suspension or restriction of water traffic is no longer essential to maintain border security.

### **Section 39 (554/2007)**

#### **Right to enter another's real property**

Where it is deemed essential for the performance of the duties of the Finnish Border Guard, public officials of the Finnish Border Guard, and conscripts and persons in voluntary military service deployed to support the operations of the Border Guard, have the right to enter the land and water areas of another by foot or skis, or by vehicles used by the Border Guard. However, they shall avoid entering yards and similar areas reserved for a special purpose, unless there is a compelling reason for entering such areas due to the Finnish Border Guard's duties.

Compensation corresponding to the fair price shall be paid to the owners or holders of land and water areas for any damage or inconvenience caused by entering their land or water area.

The provisions of section 14 of the Act on the Defence Forces on the right of the Finnish Defence Forces to make temporary use of real property not in permanent use by the Defence Forces apply to the Finnish Border Guard's right to make temporary use of real property not in permanent use by the Border Guard when such temporary use is essential for military exercises, maintaining border security or increasing defence readiness. The provisions of subsections 3 and 4 of the said section on service commands, garrison commanders and exercise leaders apply at the Finnish Border Guard to its Headquarters, administrative unit commanders and border guards of at least the rank of captain or lieutenant, senior grade. (9/2019)

### **Section 39a (698/2022)**

#### **Temporary obligation to hand over property and to provide services**

If the performance of an urgent individual task of the Finnish Border Guard relating to the maintenance of order along the border and border security, the surveillance and protection of territorial integrity or the maintenance and development of defence readiness absolutely requires

and it is not otherwise possible to control the situation, a border guard of at least the rank of captain or lieutenant, senior grade has the right to:

1) order a private individual, a private trader or a private corporation to provide the Border Guard, for a short period of a maximum of seven days at a time, with vehicles, machinery and other equipment, food supplies, communication and data connections and equipment, and other equipment and supplies, as well as fuel, lubricants and other substances necessary for the performance of the task;

2) order a private trader or a private corporation providing the necessary services to provide the Finnish Border Guard, against compensation corresponding to the fair price for a short period of a maximum of seven days at a time, with accommodation, transport, repair, maintenance, construction, ICT or other equivalent services necessary for the performance of the task.

The Finnish Border Guard pays full compensation for any property used and compensates for any damage caused to the used property. Property referred to in subsection 1, paragraph 1 which its owner or holder needs at the same time for the purpose of averting an accident or other serious incident shall not be ordered to be handed over, unless this is essential to save human lives.

## **Section 40 (749/2014)**

### **Authority of a border guard**

When exercising the powers laid down in this or any other act, a border guard has the right, in individual cases within their area of responsibility, to issue any necessary orders and prohibitions that are binding on everyone.

## **Chapter 6 (109/2018)**

*Chapter 6 was repealed by Act 109/2018.*

## **Chapter 7**

### **Provisions on the border zone**

## **Section 49**

### **Border zone**

Where it is deemed essential to maintain order along the border and to maintain border security, a border zone may be established at the external border. The border zone may extend to a maximum distance of three kilometres on land and four kilometres at sea from the Finnish national border referred to in international treaties binding on Finland (*borderline*).

Further provisions on the establishment, width and location of the border zone are issued by government decree. The border zone shall not be set to be wider than what is required for the performance of border control.

The owners or holders of land or water areas are obliged, in the border zone, to permit the marking of the rear boundary of the border zone and the maintenance of these markings in both land and water areas at the cost of the State. Compensation corresponding to the fair price shall be paid to the owners or holders of the land or water areas for any damage or inconvenience caused by the markings. (749/2014)

## **Section 50 (698/2022)**

### **Barriers**

The owners and holders of land or water areas are obliged, in the border zone, to permit the construction of a fence or other barrier at the expense of the State if this is essential to maintain border security.

Barriers shall not be built in areas covered by the right to domestic privacy referred to in chapter 24, section 11 of the Criminal Code. Barriers shall be constructed and placed in such a way that the rights of owners and holders of land or water areas and of the Sámi people are not restricted any more than is essential to achieve the objective of the barriers. The owners and holders of land or water areas shall be notified well in advance of the construction of a permanent barrier.

Compensation corresponding to the fair price shall be paid to the owners and holders of the land or water areas for any damage or inconvenience caused by a barrier built elsewhere than along the edge of a cleared area along the Finnish border.

## **Section 50a (698/2022)**

### **Cleared areas along the border, trails and roads in the border zone, and maintenance of barriers**

The owners and holders of land or water areas are obliged to permit the following at the expense of the State:

- 1) removal of trees and other vegetation hindering visibility from a cleared area along the Finnish border;
- 2) construction of a trail and a road no more than 10 metres wide in the border zone and at the rear boundary of the border zone that are necessary for the performance of an essential duty of the Finnish Border Guard and for the construction and maintenance of barriers;
- 3) removal of trees and other vegetation that hamper the construction and maintenance of barriers, a trail or a road, and the carrying out of essential earthmoving and hydraulic engineering works;
- 4) construction of the structures essential for a trail or road.

The right to remove trees and other vegetation, the right to carry out earthmoving and hydraulic engineering works and the right to construct trails and roads do not apply to yards and gardens. The owners and holders of the land or water areas shall be notified well in advance of the removal of trees and other vegetation, earthmoving and hydraulic engineering works and the construction of trails or roads.

Compensation corresponding to the fair price shall be paid to the owners and holders of land or water areas for any damage or inconvenience caused by the removal of trees and other vegetation, earthmoving and hydraulic engineering works and the construction of trails or roads.

## **Section 51**

### **Prohibitions related to the border zone**

Unless otherwise provided in this Act, the following activities are prohibited in the border zone:

- 1) building fences and similar structures closer than 50 metres to the borderline and thereby hindering patrol and other operations of the Finnish Border Guard that are necessary for the maintenance of border security;



2) moving between sunset and sunrise in parts of rivers and in narrow straits of lakes along which the borderline runs, and closer than 100 metres to the borderline on all rivers crossed by the borderline and on lakes and sea bays along which the borderline runs (*border waters*);

3) allowing reindeer and domestic animals to graze without supervision where there is no fence to prevent them from crossing the borderline.

## **Section 52**

### **Border zone permit**

Unless otherwise provided in this Act or elsewhere by law, the following activities are subject to authorisation in the border zone:

1) stay;

2) moving in border waters in daytime and moving in the border strip;

3) building structures closer than 50 metres to the borderline;

3a) constructing buildings, fences and similar structures hindering patrolling and other operations of the Finnish Border Guard necessary to maintain border security closer than 50 metres to a barrier referred to in section 50, a trail or road referred to in section 50a or fixed equipment for technical surveillance referred to in section 29, subsection 3 that is located in the border zone;  
(698/2022)

4) possessing firearms, ammunition, explosives and spring-operated weapons;

5) using the items and substances referred to in paragraph 4;

6) extracting soil and rock materials and exploring for minerals closer than 20 metres to the borderline.

A permit (*border zone permit*) is granted for reasons of residence, work, profession, livelihood, business or hobby, or for another acceptable reason, and if the exercise of the right granted in the permit is not likely to cause danger to the maintenance of order along the border or border security.

## **Section 53**

### **Period of validity and terms and conditions of border zone permits**

Border zone permits are granted to:

- 1) those residing in the border zone or holding residential buildings or real property there, and to family and other close persons, with a validity until further notice;
- 2) those working in the border zone or carrying out a profession, livelihood or business there, with a validity until further notice unless, for a special reason, the permit shall be granted for a fixed period;
- 3) persons other than those referred to in paragraphs 1 and 2, for a fixed period.

Terms and conditions concerning activity and movement in the border zone under section 52, subsection 1 that are essential for maintaining order along the border and border security may be included in a border zone permit. Permit terms and conditions may be changed if the preconditions for granting the permit change. (749/2014)

## **Section 54**

### **Expiry and withdrawal of border zone permits**

A border zone permit expires upon the death of the permit holder. A border zone permit shall be withdrawn if the permit holder so requests.

A border zone permit may be withdrawn if:

- 1) the permit holder commits an offence which endangers order along the border or the maintenance of border security;
- 2) the permit holder violates the permit terms and conditions or provisions on the border zone in a manner other than that referred to in paragraph 1;
- 3) the grounds for granting the permit no longer exist.

Where there is probable cause to suspect that the permit holder has committed an offence referred to in subsection 2, paragraph 1, or if the permit holder has committed a violation referred to in paragraph 2, the border zone permit may be withdrawn for a fixed period for the duration of a criminal investigation and possible judicial proceedings.

Where required by a need arising from Finland's security environment, the border zone permit of a person other than one referred to in section 53, subsection 1, paragraphs 1 and 2 may be withdrawn for a maximum of one month at a time if this is essential to maintain order along the border or border security. The decision on the withdrawal of the permit shall be revoked immediately when it is no longer essential. A decision referred to in this subsection on the withdrawal of a border zone permit may be effected as service by publication referred to in section 55 of the Administrative Procedure Act (434/2003). (9/2019)

## **Section 55**

### **Warning**

In cases referred to in section 54, subsection 2, instead of withdrawing the permit, a warning may be given to the permit holder if it would be unreasonable to withdraw the permit considering the circumstances.

## **Section 56**

### **Competent authorities**

Compliance with the provisions on the border zone is monitored by the Finnish Border Guard, police and Finnish Customs. (749/2014)

Border zone permits shall be carried at all times. They shall be presented to border guards, police officers or customs officers upon request. Where a permit holder cannot show proof of a valid permit, they may be obliged to show the proof to the supervisory authority within seven days of the issuing of the order (*order to show proof*).

Decisions on matters related to border zone permits and warnings are made by the regional border guard authority whose operating area the matter primarily concerns, after consulting other regional border guard authorities concerned by the matter. (749/2014)

## **Section 57 (9/2019)**

### **Border zone notifications**

Besides the provisions of section 52 on activities subject to authorisation, border guard authorities shall be notified of the following in advance (*border zone notification*):

- 1) using firearms, explosive substances or spring-operated weapons, and forest felling and forest clearing, closer than 500 metres to the borderline;
- 2) log floating, fishing, and moving in border waters with a vehicle.

Where required by a need arising from Finland's security environment, border guard authorities may require that a border zone notification concerning a stay in the border zone be submitted in advance, if the notification is essential to maintain order along the border or border security. The duty to notify may be imposed for a maximum of one month at a time. The duty to notify shall be withdrawn immediately when it is no longer essential. A decision referred to in this subsection on the duty to notify may be effected as service by publication referred to in section 55 of the Administrative Procedure Act.

Border zone notifications are submitted to the regional or local border guard authority whose operating area the notification concerns. The border guard authority issues further regulations applicable to the activities or stay referred to in the notification concerning the movement, aiming of weapons, the amount of explosive substances to be used at one time, the direction and methods for felling trees, and other actions to prevent unintentional border incidents, where this is essential to maintain order along the border or border security.

## **Section 58 (749/2014)**

### **Restrictions on the scope of application of provisions on the border zone**

By derogation from the statutory prohibitions concerning the border zone, moving in the border strip and border waters is permitted when carrying out the official duties of the Finnish Border Guard, police, Finnish Customs, Finnish Defence Forces and game and fisheries wardens of Metsähallitus, in rescue operations, and when crossing the national border legally.

When carrying out the official duties of the Finnish Border Guard, police, Finnish Customs, Finnish Defence Forces and game and fisheries wardens of Metsähallitus, in rescue operations and in connection with the legal crossing of the national border, border zone permits and border zone notifications are not required for essential stay in the border zone, for moving in border waters and in the cleared areas along the border, or for possessing and using firearms, ammunition, explosives and spring-operated weapons. .

## **Section 59**

### **Interrupting violations of border zone provisions**

Border guards, and police officers and customs officers performing border control duties in the border zone, have the right to:

- 1) prevent activities carried out without a required border zone permit or border zone notification;
- 2) remove unauthorised persons from the border zone;
- 3) take possession of firearms, ammunition, explosives and spring-operated weapons possessed without authorisation or used without an advance notification in the border zone.

Regional border guard authorities may order buildings, fences or other structures which have been built without authorisation or in violation of a prohibition to be taken down or removed, and forbid the use of the buildings and impose a conditional fine, enforced compliance or enforced suspension as specified in the Act on Conditional Fines (1113/1990).

Decisions referred to in this section may be enforced regardless of any request for a review unless otherwise ordered by the appellate authority.

## **Section 60 (698/2022)**

### **Oral decisions and requests for a review**

In urgent cases, a permit referred to in section 52, subsection 1, paragraphs 1, 2, 4 and 5 may be issued orally. No judicial review may be requested by way of appeal in respect of an oral decision to grant an application in full. Oral decisions in respect of which no request for a review may be made are issued in writing only on specific request. A judicial review of other decisions on a border zone permit may be requested by way of appeal.

A decision on the construction of a barrier referred to in section 50 and a decision on measures referred to in section 50a, subsection 1 may be enforced regardless of any request for a review.

Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act. (1205/2022)

## **Chapter 8**

### **Treatment of persons deprived of their liberty**

#### **Section 61 (843/2006)**

##### **Provisions applicable to treatment of persons deprived of their liberty**

At the Finnish Border Guard, the provisions of the Act on the Treatment of Persons in Police Custody apply to the treatment of persons deprived of their liberty, unless otherwise provided below. (749/2014)

The provisions concerning the police laid down in the Act referred to in subsection 1 apply to the Finnish Border Guard in respect of persons held in custody by the Border Guard. At the Finnish Border Guard, the provisions of the said Act concerning police officers or guards apply to border guards. The provisions of the same Act concerning supervisors of custody facilities or public officials with the power of arrest assigned by them apply to supervisors of custody facilities at the Finnish Border Guard.

By derogation from:

- 1) chapter 8, section 3 of the Act referred to in subsection 1, the rules and regulations of custody facilities administered by the Finnish Border Guard are confirmed and decisions on the monitoring and locking of the facilities are made by the competent administrative unit;
- 2) chapter 17, section 3, subsection 1 of the Act referred to in subsection 1, decisions on requests for an administrative review are made by the head of an administrative unit or by a border guard of at least the rank of captain or lieutenant, senior grade who has been assigned to this task in writing at the administrative unit; (1150/2010)

3) chapter 18, section 1 of the Act referred to in subsection 1, a public official with the power of arrest at the administrative unit concerned shall be assigned as the supervisor of the custody facilities.

The provisions of section 123 of the Aliens Act (301/2004) shall be observed in the treatment of aliens taken into custody, and the provisions of the Act on Treating Intoxicated Persons (461/1973) shall be observed in the treatment of intoxicated persons. Provisions on apprehension and enforcement of punishments related to military discipline are laid down in the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014). (749/2014)

## **Section 62**

### **Handing over apprehended or arrested persons**

A person apprehended or arrested by the Finnish Border Guard shall be handed over to the police without undue delay unless the person has to be released immediately or handed over to another criminal investigation authority, a detention unit for aliens, or prison service authorities. The handing over shall take place within 48 hours of the apprehension.

## **Section 63**

### **Transporting persons deprived of their liberty**

Border guards have the right to carry out the transport required for handing over persons deprived of their liberty to other authorities.

## **Section 64**

### **Custody facilities for persons deprived of their liberty**

Persons deprived of their liberty may be held at the Finnish Border Guard in appropriate facilities that have been approved for this purpose by the Border Guard Headquarters.

When approving custody facilities, the rights of persons deprived of their liberty guaranteed under the Acts referred to in section 61 shall be taken into account. (843/2006)

The custody facilities of the Finnish Border Guard shall be guarded 24 hours a day.

## **Chapter 9**

### **Specific provisions concerning the security of the functions, premises and areas of the Finnish Border Guard**

#### **Section 65 (749/2014)**

##### **Security search**

When apprehending, arresting or remanding a person, taking a person into custody or carrying out another action affecting personal liberty, a border guard has the right to search the clothing of the person, anything else they have on them and their belongings to ensure that the person is not carrying any items or substances that they could use to endanger their custody arrangements or to cause danger to themselves or others. When performing an official duty, a border guard may also in other cases search a person to find such items or substances if this is, on justifiable grounds, necessary to ensure the occupational safety of the border guard and completion of the official duty.

In connection with an action affecting personal liberty, a person and their belongings may also be searched to find a document necessary for their identification.

Where necessary, any dangerous items or substances referred to in subsection 1 shall be removed from the person being searched. Any items or substances the possession of which is otherwise prohibited under an act or under provisions or regulations issued under an act shall also be removed.

#### **Section 65a (749/2014)**

##### **Conducting a security search**

A security search is conducted by patting a person down, using a trained dog, using a metal detector or other equivalent technical device, or by some other comparable means.

A search shall not interfere with the physical integrity of the person being searched any more than is essential to perform the duty. When conducting a search, the level of discretion required by the circumstances shall be observed.

#### **Section 66 (749/2014)**



## **Taking possession of dangerous items and substances**

In addition to what is provided in this or in another act, border guards have the right, in connection with their statutory duties, to take temporary possession of firearms, explosives and other dangerous items, any parts belonging or connected to them, and other dangerous substances from a person who due to their age, state of intoxication, state of mind or other circumstances may, on reasonable grounds, be suspected of posing an imminent danger to public order and security.

Instead of taking possession of the whole item, a part belonging or connected to it may be taken into possession, if its removal can prevent the threat referred to in subsection 1.

Provisions on taking possession of firearms, firearm components, cartridges and specially dangerous projectiles are laid down in the Firearms Act.

### **Section 66a (749/2014)**

#### **Handling of property taken into possession**

Dangerous items and substances taken into possession by the Finnish Border Guard under section 65, subsection 3 or section 66, subsection 1 shall be returned to their holder without delay and within 14 days at the latest, unless action referred to in subsection 3 or in chapter 7 of the Coercive Measures Act is taken prior to that. If an item or substance cannot be returned to its holder without posing a danger, it shall be handed over to the police for actions laid down in chapter 2, section 15 of the Police Act, in the Firearms Act or in another act.

Any part belonging or connected to an item that has been taken into possession by the Finnish Border Guard under section 66, subsection 2 shall always be returned, unless the whole item in question is taken into possession by the Finnish Border Guard under section 66, subsection 1 before this.

A public official of the Finnish Border Guard referred to in chapter 2, section 9, subsection 1, paragraph 3 of the Coercive Measures Act may order an item or substance of little value to be destroyed.

The owner or holder shall be given an opportunity to be heard prior to the destruction of property, unless the property is of little value. A record shall be drawn up or an equivalent entry made in some other document on the taking into possession and destruction of property.

## **Section 67 (749/2014)**

### **Security check in the premises or areas of the Finnish Border Guard**

Security checks aimed at ensuring security and order and protecting property may be organised in the command headquarters and other important premises of the Finnish Border Guard and in areas occupied by it.

Decisions to conduct a security check are made by the head of the administrative unit of the Finnish Border Guard occupying the premises or area.

Vehicles and persons entering the premises of the Finnish Border Guard and areas occupied by it, vehicles and persons already there, and the belongings of the persons may be subjected to a security check. A decision on the extent of a security check is made by the head of the administrative unit.

A security check may be conducted by a border guard, another member of the Finnish Border Guard personnel trained for the task or a police-approved person trained for the task (*security inspector*).

A security check shall be conducted in such a manner that it does not cause any unnecessary inconvenience to the person being checked or any damage to property.

## **Section 68 (749/2014)**

### **Conducting a security check**

Security inspectors have the right, using a metal detector or another similar technical device or a trained animal, to check vehicles and persons entering the premises of the Finnish Border Guard or areas occupied by it, vehicles and persons already there, and the belongings of the persons to ensure that the vehicles or persons are not carrying any items or substances that could endanger security or order or that could be used to damage property. Security inspectors also have the right to check the vehicles and the belongings of the persons by some other means.

Where, on the basis of a security check or otherwise, there are reasonable grounds to suspect that a person being checked is carrying an item or substance referred to in subsection 1, the person may be searched to find the item or substance. The security inspector conducting such a search shall be of the same gender as the person being searched.

### **Section 69 (749/2014)**

#### **Taking possession of items found in a security check**

Security inspectors have the right to remove from persons such items or substances found in a security check or otherwise that are referred to in section 68, subsection 1 or the possession of which is otherwise prohibited under an act or under provisions or regulations issued under an act.

Provided that there is no impediment to this under the law, any items and substances removed shall be returned to the person on whom the security check was conducted when the person leaves the premises of the Finnish Border Guard.

### **Section 70 (749/2014)**

#### **Use of force in a security check**

A person refusing to undergo a security check and a vehicle in their possession may be removed by a security inspector from the premises of the Finnish Border Guard or areas occupied by it.

When removing a person or a vehicle from the premises of the Finnish Border Guard or areas occupied by it, a security inspector may use force that can be deemed justifiable in view of the person's behaviour and other circumstances. However, unless otherwise provided elsewhere by law, any other person than a border guard shall not use force to remove a person from the premises of the Finnish Border Guard or areas occupied by it.

Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code.

### **Section 70a (749/2014)**

#### **Right of Commanders of Districts and the Air Patrol Squadron and the Director of the Border and Coast Guard Academy to conduct checks and searches**

Commanders of Border Guard Districts, Coast Guard Districts and the Air Patrol Squadron, and the Director of the Border and Coast Guard Academy have the right to subject those employed by the Finnish Border Guard who are not subject to the provisions of chapter 45 of the Criminal Code to the searches and checks referred to in section 25, subsection 1 of the Act on Military Discipline and Combating Crime in the Defence Forces, if there is reason to suspect that the provisions of the subsection in question have been violated. At the Finnish Border Guard, the provisions concerning property of the Finnish Defence Forces laid down in the said subsection apply to the property of the Border Guard or the property of the Finnish Defence Forces that is in the possession of the Border Guard.

When property of the Finnish Border Guard or property of the Finnish Defence Forces that is in the possession of the Border Guard is possessed without authorisation or unlawfully, the provisions of section 25, subsection 2 of the Act on Military Discipline and Combating Crime in the Defence Forces apply to the property. The same applies to narcotics and alcoholic beverages possessed without authorisation or unlawfully.

### **Section 71 (9/2019)**

#### **Restrictions on movement concerning the premises, areas and exercises of the Finnish Border Guard**

Where this is essential in order to protect persons from danger or to protect extremely important operations of the Finnish Border Guard, a restriction or prohibition on movement in premises or areas occupied by the Border Guard may be issued by decree of the Ministry of the Interior. A temporary restriction or prohibition on movement concerning a part of a military exercise area, a part of an exercise area relating to border security or real property taken into use by the Finnish Border Guard under section 39, subsection 3 may, for the duration of the exercise or the use of the real property, be issued by a border guard of at least the rank of captain or lieutenant, senior grade.

A person violating the restriction or prohibition on movement may be removed from the premises or area referred to in the restriction or prohibition. Where removal is not likely to be a sufficient action and a violation of the restriction or prohibition cannot be prevented in any other manner, the person may be apprehended. The apprehended person may be kept in custody for as long as it is probable that they will violate the restriction or prohibition, but for no longer than 24 hours from being apprehended.

## **Chapter 10**

### **Penal provisions**

#### **Section 72 (147/2014)**

##### **Border zone violation**

A person who intentionally

- 1) fails to comply with the terms and conditions of a border zone permit referred to in section 53, subsection 2,
- 2) fails to comply with the obligation to carry proof of a valid border zone permit at all times or with an order to show proof of a valid border zone permit as provided in section 56, subsection 2, or
- 3) fails to comply with the duty to notify laid down in section 57

shall be sentenced for a *border zone violation* to a fine.

#### **Section 73**

##### **Violation of a restriction concerning movement in premises or areas of the Finnish Border Guard**

A person who intentionally or through gross negligence violates a restriction or prohibition on movement concerning premises or areas occupied by the Finnish Border Guard shall be sentenced for a *violation of a restriction concerning movement in premises or areas of the Finnish Border Guard* to a fine, unless a more severe punishment for the act is provided elsewhere by law.

#### **Section 73a (749/2014)**

##### **Unauthorised use of the Finnish Border Guard emblem and uniform and of an emblem showing border guard status**

A person who intentionally or through gross negligence without authorisation uses the emblem of the Finnish Border Guard, as such or adapted for use in an insignia or a visual presentation, or an

insignia that is deceptively similar to the Finnish Border Guard emblem, shall be sentenced for *unauthorised use of the Finnish Border Guard emblem* to a fine.

A person who intentionally or through gross negligence violates the prohibition laid down in section 23, subsection 1 of the Border Guard Administration Act shall be sentenced for *unauthorised use of the Finnish Border Guard uniform* to a fine, unless a more severe punishment for the act is provided elsewhere by law.

A person who intentionally or through gross negligence violates the prohibition laid down in section 23, subsection 2 of the Border Guard Administration Act shall be sentenced for *unauthorised use of an emblem showing border guard status* to a fine, unless a more severe punishment for the act is provided elsewhere by law.

## **Section 74**

### **Other penal provisions**

Provisions on the punishment for insubordination to a border guard are laid down in chapter 16, section 4a of the Criminal Code. Provisions on the punishment for a state border offence are laid down in chapter 17, sections 7 and 7a of the Criminal Code, provisions on the punishment for a territorial violation are laid down in section 7b of the said chapter, and provisions on the punishment for facilitation of illegal entry are laid down in sections 8 and 8a of the said chapter. Provisions on the punishment for a violation of privacy relating to public premises are laid down in chapter 24, section 3 of the Criminal Code.

## **Chapter 11**

### **Miscellaneous provisions**

## **Section 75**

### **Aviation by the Finnish Border Guard**

To perform its duties, the Finnish Border Guard may engage in such aviation that is conducted solely for state purposes as referred to in section 5 of the Aviation Act (1194/2009). In aviation by the Finnish Border Guard, the Aviation Act shall be complied with, unless otherwise provided elsewhere by law or, with regard to state aircraft used for equivalent purposes, in international treaties binding on Finland. (1195/2009)

Where this is essential for the performance of an aviation duty of the Finnish Border Guard, an aircraft used by the Border Guard may land on and take off from a place other than an aerodrome referred to in the Aviation Act. The insurance obligation laid down in the Aviation Act does not apply to aircraft used by the Finnish Border Guard for state purposes.

Decisions on landing on and taking off from a place other than an aerodrome referred to in the Aviation Act and on applying the exceptional procedure referred to in section 5, subsection 2 of the Aviation Act to aviation by the Finnish Border Guard are made by the Chief of the Finnish Border Guard. Where the exceptional procedure may compromise flight safety, aviation authorities shall be heard before implementing the procedure and making the exception. (1195/2009)

## **Section 76**

### **Navigation by the Finnish Border Guard**

To perform its duties, the Finnish Border Guard may, for state purposes, engage in navigation other than merchant shipping. Provisions on the application of the Maritime Act (674/1994) to such navigation are laid down in chapter 1, section 9 of the said Act.

In respect of rescue duties performed by the Finnish Border Guard, the Border Guard has the right to waive the right to a salvage reward provided in the Maritime Act in respect of both the State and such public officials of the Finnish Border Guard, conscripts and persons performing voluntary military service who participated in the rescue work on behalf of the State. Where the right to a salvage reward is not waived, the provisions laid down by government decree apply to the grounds for the apportionment of salvage rewards in such cases.

## **Section 77 (1311/2022)**

### **Executive assistance and support provided by the Finnish Border Guard**

In addition to what is provided elsewhere by law, the Finnish Border Guard may, on request, provide executive assistance to state authorities to fulfil a statutory supervisory obligation. Provisions on assistance provided by the Finnish Border Guard to the police and Finnish Customs are laid down in the Act on Cooperation between the Police, Customs and the Border Guard.

The Finnish Border Guard is obliged to provide rescue authorities, the police, Finnish Customs and the Finnish Defence Forces with such executive assistance that requires the use of equipment,

personnel resources or expert services of the Border Guard that are not available to these authorities at a given moment. The Finnish Border Guard may provide support to another Finnish authority outside the territory of Finland in a task within the mandate of the authority, taking into account the objectives and principles of the Charter of the United Nations (Finnish Treaty Series 1/1956) and other rules of international law, if the support of the Border Guard is necessary because of the powers, special expertise or special equipment of the Border Guard. A precondition for the provision of executive assistance and support is that it does not endanger the performance of other important statutory duties of the Finnish Border Guard.

Decisions to provide executive assistance are made by the head of an administrative unit or by a border guard of at least the rank of lieutenant who has been assigned to this task in writing at the administrative unit. Decisions to provide support outside the territory of Finland are made by the Chief of the Finnish Border Guard. In case of support of particular significance to internal security, to be provided outside the territory of Finland, the matter is decided by the Ministry of the Interior. Provisions on decision-making concerning the provision of and requests for international assistance are also laid down in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities.

### **Section 77a (343/2022)**

#### **Critical executive assistance provided to the police**

The police have the right to receive from the Finnish Border Guard such executive assistance that includes more powerful weaponry suitable for the performance of police duties than the weaponry approved for the performance of border security duties at the Border Guard (*critical executive assistance*). A precondition is that the provision of critical executive assistance does not endanger the performance of other important statutory duties of the Finnish Border Guard.

A further precondition is that there are reasonable grounds to believe, based on observations made or specific information otherwise obtained concerning the situation, event or occasion, that critical executive assistance is essential in order to prevent or interrupt the commission of the following offences that seriously endanger the life or health of a large number of people:

1) a terrorist offence referred to in chapter 34a, section 1, subsection 1, paragraph 2, 3 or 5–8 or subsection 2 of the Criminal Code; or



2) an offence referred to in chapter 21, section 1 or 2, chapter 25, section 4 or chapter 34, section 1, 3, 5, 6 or 11 of the Criminal Code that is comparable in effect to an offence referred to in paragraph 1.

In order to prevent or interrupt terrorist acts defined in European Union law or in an international treaty binding on Finland, the police have the right to receive support having equivalent content as the executive assistance referred to in subsection 1 when operating in the sea area or in the exclusive economic zone of a Member State of the European Union, at the request of the Member State, in a task that is within the mandate of the police and is based on European Union law or an international treaty binding on Finland. The use of force shall be in accordance with the national legislation of the host Member State of the European Union and with the request submitted by that Member State. The provisions of this section and sections 77c–77g on executive assistance apply to support, unless otherwise provided in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities. (1311/2022)

### **Section 77b (343/2022)**

#### **Critical executive assistance to protect the visit of a person enjoying special international protection**

In addition to what is provided in section 77a, critical executive assistance may be provided to protect heads of state or government, ministers and high-ranking representatives of intergovernmental international organisations and the European Union during a state visit or another official visit to Finland and to ensure the safety and security of the visit. A precondition is that the person is, on justifiable grounds, assessed to be at risk of an offence seriously endangering their life or health referred to in section 77a, subsection 2 during the visit, based on their position or the international status of the state or organisation represented by the person or for another equivalent reason, and that executive assistance is essential to prevent or interrupt the offence.

### **Section 77c (343/2022)**

#### **Decision-making on critical executive assistance**

The Ministry of the Interior requests critical executive assistance from the Finnish Border Guard. The Government makes a decision on critical executive assistance in a plenary session under the conditions laid down in section 77a or 77b.

If it is not possible to convene a government plenary session quickly enough, the Ministry of the Interior may make a decision on critical executive assistance immediately.

By derogation from the provisions of subsections 1 and 2, the Ministry of the Interior makes a decision, under the conditions laid down in section 77a or 77b, on such critical executive assistance that includes weaponry referred to in section 77a, subsection 1, the effects of which can be limited to a precisely identified target without posing a manifest danger to bystanders. Further provisions on the weaponry referred to in this subsection are issued by government decree.

If it is evident that, due to the unforeseen nature of the situation, there is no time to consider a request for executive assistance in the manner referred to in subsection 3 without posing an imminent and serious danger to the life or health of people, the Border Guard Headquarters may, at the request of the National Police Board of Finland, decide on critical executive assistance referred to in subsection 3. The National Police Board of Finland shall notify the Ministry of the Interior of the request for executive assistance without delay, and the Border Guard Headquarters shall notify the Ministry of the Interior of the decision on executive assistance without delay.

The Ministry of the Interior shall, without delay, present a matter concerning critical executive assistance referred to in subsections 2–4 to the Government, which may decide on the continuation or discontinuation of critical executive assistance in a plenary session.

The Ministry of the Interior shall, without delay, notify the President of the Republic of any decision to provide critical executive assistance that it has made under subsections 1–3 and 5 and that the Border Guard Headquarters has made under subsection 4.

A decision to provide critical executive assistance shall remain in force at most for as long as the preconditions for providing critical executive assistance exist.

### **Section 77d (343/2022)**

#### **Executive assistance unit in connection with critical executive assistance**

The Finnish Border Guard determines the strength and equipment of an executive assistance unit necessary for the performance of a critical executive assistance task.

An executive assistance unit is led, in accordance with the instructions provided by a police officer in charge of the situation, by a border guard serving in a military post of the Finnish Border Guard who has been assigned as the leader of the unit.

The Finnish Border Guard has the right to use the weaponry referred to in section 77a, subsection 1 under the lead and direction of the police when providing critical executive assistance to the police. The said weaponry may only be used by border guards serving in a military post of the Finnish Border Guard.

### **Section 77e (343/2022)**

#### **Leadership in a critical executive assistance task**

The police are responsible for coordinating the activities of the police and the Finnish Border Guard and for the general command of the situation that is necessary for the safe performance of a critical executive assistance task.

In particular, the police shall ensure that the leader of the executive assistance unit has sufficient information on the executive assistance task, the operating environment, the nature and seriousness of the task and any occupational safety risks.

In a critical executive assistance task, the police officer in charge of the situation shall have sufficient knowledge of the weaponry referred to in section 77a, subsection 1 used in executive assistance and its operating mechanisms.

The police shall monitor whether the preconditions for providing critical executive assistance continue to exist. Once the preconditions cease to exist, the police shall order the implementation of executive assistance to be discontinued.

### **Section 77f (343/2022)**

#### **Decision-making on the use of force in a critical executive assistance situation**

In a critical executive assistance task, the police direct the use of weaponry referred to in section 77a, subsection 1 and decide on the use of weaponry in accordance with the provisions of the Police Act and subsections 2 and 3. A decision on the use of force that is part of critical executive assistance in an executive assistance situation is made by a commanding police officer.

In a critical executive assistance situation, the force used shall be reasonable and proportionate to the importance and urgency of the task, the danger of resistance, the resources available, and other circumstances affecting the overall assessment of the situation. To the extent possible, those at whom an official duty is directed shall be warned of the possibility that force may be used against them.

In a critical executive assistance situation, weaponry referred to in section 77a, subsection 1 may only be used if this is essential to avert an imminent and serious danger that threatens the life or health of people and this cannot be done by using lesser means. In particular, the rights and safety of bystanders shall be taken into consideration when assessing the justifiability of the use of force.

Provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code and provisions on excessive self-defence are laid down in chapter 4, section 4, subsection 2 and section 7 of the Criminal Code.

### **Section 77g (343/2022)**

#### **Costs of critical executive assistance**

The Finnish Border Guard shall bear the costs incurred from the provision of critical executive assistance.

If critical executive assistance requires a great amount of resources or is prolonged in such a way that it entails significant costs to the Finnish Border Guard, the Border Guard is, however, entitled to receive compensation for the direct costs incurred to the Border Guard from the party requesting critical executive assistance. The Finnish Border Guard decides on whether activities become subject to a fee and on the charging of the fee after negotiating with the party requesting critical executive assistance.

### **Section 77h (343/2022)**

#### **Preparing for a critical executive assistance task**

To prepare for an individual critical executive assistance task referred to in section 77a, the National Police Board of Finland may request that the Finnish Border Guard in advance deploy equipment and personnel in order to achieve the level of preparedness that is necessary for the

appropriate performance of the executive assistance task, if it can be assumed that the performance of the task requires weaponry referred to in subsection 1 of the said section. A threat assessment carried out of the situation, the appropriateness of the use of resources and the overall assessment of the situation shall be taken into account in the preparations.

A decision on preparations referred to in subsection 1 shall be made by the Border Guard Headquarters. The Ministry of the Interior shall be notified of any request for and decision on preparations without delay. The Ministry of the Interior may decide to suspend preparations.

### **Section 77i (343/2022)**

#### **Executive assistance to the police for the purpose of removing an obstacle**

In addition to what is provided elsewhere by law, a police unit may request from the Finnish Border Guard such executive assistance that is necessary to remove an obstacle and that includes the use of weaponry referred to in section 77c, subsection 3. The head of an administrative unit decides on the provision of executive assistance for the purpose of removing an obstacle.

Notwithstanding the provisions of section 77f, subsection 3, weaponry referred to in section 77c, subsection 3 may be used to remove an item or other equivalent obstacle if the use of force and the removal of the obstacle do not pose a danger to the life or health of anyone and it is necessary for the performance of an urgent and important executive assistance task.

### **Section 78**

#### **Executive assistance provided by other authorities to the Finnish Border Guard**

Public authorities shall provide any necessary executive assistance for the performance of the Finnish Border Guard's duties that the authorities are competent to provide. Provisions on executive assistance to be provided to the Finnish Border Guard are also laid down in the Act on Cooperation between the Police, Customs and the Border Guard. (626/2006)

Decisions to request executive assistance are made by the head of an administrative unit or by a border guard of at least the rank of lieutenant who has been assigned to this task in writing at the administrative unit. (109/2018)

### **Section 79 (9/2019)**

## **Executive assistance provided to the Finnish Border Guard by the Finnish Defence Forces**

The Finnish Border Guard has the right to obtain from the Finnish Defence Forces such equipment, personnel and special expertise as executive assistance that is necessary to perform a task relating to the maintenance of border security in Finland and a statutory duty laid down for the Finnish Border Guard in the Maritime Security Act, if the provision of executive assistance can take place without endangering the performance of other statutory duties of the Finnish Defence Forces.

In an extremely important and urgent task and under the direction of a border guard, a person providing the executive assistance referred to in this section has the right to use such force necessary for the performance of the task that is authorised by the border guard under their powers and that can be deemed justifiable in the situation. Provisions on the right of self-defence are laid down in chapter 4, section 4 of the Criminal Code.

Executive assistance is requested by the Border Guard Headquarters or, in urgent cases, by the administrative unit needing the executive assistance. Decisions to provide executive assistance are made by the Defence Command or the Navy, Air Force or Army Command Headquarters. In urgent cases, the provision of executive assistance may be decided on by the garrison commander, the commanding officer of the brigade or the head of a military institution.

### **Section 79a (1311/2022)**

#### **Support provided by the Finnish Defence Forces to the Finnish Border Guard when providing international assistance**

The Finnish Defence Forces may provide the Finnish Border Guard with support equivalent to executive assistance in the territory of another state in situations referred to in sections 15b and 15d. The support does not include military force or border guard powers. Provisions on the right of bystanders to use essential force under the direction of a border guard are laid down in section 35, subsection 2 and provisions on the right of self-defence are laid down in chapter 4, section 4 of the Criminal Code. Provisions on excessive self-defence are laid down in chapter 4, section 4, subsection 2 and section 7 of the Criminal Code and provisions on excessive use of force are laid down in chapter 4, section 6, subsection 3 and section 7 of the Criminal Code.

Provisions on requesting support from the Finnish Defence Forces are laid down in section 79, subsection 3. In the case of support relating to border security assistance under section 15d or support with special financial significance, the decision to request support is, however, made by the Ministry of the Interior. The decision on the provision of support is made in compliance with the procedure provided in section 12, subsection 3 of the Act on the Defence Forces. In addition, provisions on decision-making concerning the provision of and requests for international assistance are laid down in the Act on Decision-Making on International Assistance, Cooperation or Other International Activities.

### **Section 79b (9/2019)**

#### **Costs of executive assistance provided by the Finnish Defence Forces**

Where executive assistance is essential due to the nature and urgency of the task, the Finnish Defence Forces shall bear the costs of the assistance it provides to the Finnish Border Guard.

Where the executive assistance requires a great amount of resources and is prolonged in such a way that it substantially hinders the basic functions of the Finnish Defence Forces or the unit providing the assistance, or entails significant costs, the Finnish Defence Forces is entitled to receive compensation for the direct costs incurred.

After negotiating and agreeing with the requesting unit of the Finnish Border Guard that the activity becomes subject to a fee, the Finnish Defence Forces shall decide on the charging of the fee.

### **Section 80 (749/2014)**

#### **State liability for damages**

Damages for personal injury and property damage that are caused to third parties as a result of coercive measures taken by the Finnish Border Guard are paid from state funds.

The provisions of this chapter do not restrict the right to damages of the party suffering damage under the Damages Act (412/1974) or another act.

### **Section 80a (749/2014)**

#### **Contribution of the party suffering damage**

The damages referred to in section 80 may be adjusted or denied if the party suffering damage had substantially contributed to the damage by their own actions or omission.

### **Section 80b (749/2014)**

#### **Liability of public officials and employees**

Provisions on the liability for damages of a public official or an employee who has caused damage and provisions on their liability to reimburse the State for the damages it has paid in accordance with this Act are laid down in chapters 4 and 6 of the Damages Act.

### **Section 80c (749/2014)**

#### **Investigating damage**

Public officials of the Finnish Border Guard shall without delay notify their superiors of any personal injury or property damage caused in the performance of official duties, unless the injury or damage is deemed to be minor.

If necessary or if the party suffering damage referred to in subsection 1 or the person performing the official duty so requests, an investigation concerning the occurrence of the damage shall be conducted. In the investigation, matters such as the circumstances in which the official duty was performed, the chain of command and responsibilities during the official duty, the extent of the damage, and the impact on the occurrence of the damage of the actions or omission of the party suffering damage shall be established. The investigation is conducted by the police, unless the matter is to be tried as a military court case.

A person receiving an injury in connection with the performance of an official duty shall be given treatment without delay and assistance from a physician shall be arranged, if necessary. A person stating that they have received an injury as a result of a border guard's actions shall be given an opportunity to have a medical examination as soon as possible or, if this is not immediately possible, shall be examined by a disinterested party. The costs of treatment and assistance from a physician are paid in advance from state funds.

### **Section 80d (749/2014)**

#### **Payment of damages**



Decisions on the payment of damages referred to in this chapter are made by the administrative unit within whose area of jurisdiction the official duty or the major part of it was carried out. The provisions of the Border Guard Administration Act or another act, or a regulation issued under an act, apply to referring a matter concerning damages to another administrative unit for consideration.

Damages shall be claimed in writing within six months of the date on which the official duty was performed or the party entitled to damages was informed of the damage. For special reasons, damages may be claimed at a later date.

No request may be made for a review of a decision on damages made by an administrative unit.

Damages for a personal injury are paid as provided in the Act on State Procedure for Settling Claims for Damages (978/2014). (982/2014)

## **Section 81**

### **Fees charged for services of the Finnish Border Guard**

Executive assistance provided by the Finnish Border Guard to other authorities may be subject to a fee lower than the cost price referred to in the Act on Criteria for Charges Payable to the State (150/1992) or a fee may not be charged at all, if the task referred to in the request for executive assistance is part of the Border Guard's duties, the assistance is provided in connection with the performance of the Border Guard's duties, or provisions to this effect are laid down elsewhere by law.

Notwithstanding the provisions of the Act on Criteria for Charges Payable to the State, the Finnish Border Guard has the right to waive a fee for patient transport services referred to in section 26, subsection 2 in an individual case where charging a fee would be manifestly unreasonable.

The Finnish Border Guard may charge a public official serving at the Border Guard rent lower than the fair price if there are special reasons for this resulting from the obligation to transfer to another position to be complied with at the Border Guard or from the organisation of the Border Guard's duties.

## **Section 82 (109/2018)**

*Section 82 was repealed by Act 109/2018.*

## **Section 83 (1311/2022)**

*Section 83 was repealed by Act 1311/2022.*

## **Section 84 (343/2022)**

### **Further provisions**

Further provisions on the following are issued by government decree:

- 1) apprehension of persons referred to in section 36, subsection 3, section 37, and section 71, subsection 2; taking possession of property referred to in sections 28, 59, 66, 66a and 69; and the record to be drawn up or another entry to be made of a measure relating to a non-intimate body search referred to in section 28a;
- 2) equipping border guards with instruments of force and protective equipment and, where necessary, other equipment of border guards;
- 3) where necessary, the consideration of matters concerning permits or notifications provided in this Act and the procedure to be followed in applying for permits and submitting notifications.

Further provisions on the following are issued by decree of the Ministry of the Interior:

- 1) the procedure for storing property taken into possession;
- 2) the procedure for stopping vehicles and using force;
- 3) catching, storing and putting down animals;
- 4) where necessary, the prohibitory notices and other signs that may be used to mark the premises, areas and exercises of the Finnish Border Guard referred to in section 71 and the border zone referred to in chapter 7;
- 5) where necessary, technical procedures for security checks related to the premises or areas of the Finnish Border Guard, and the practical arrangements of security checks.

## **Chapter 12**

## **Transitional provisions and entry into force**

### **Section 85**

#### **Entry into force**

This Act enters into force on 1 September 2005.

This Act repeals the Border Guard Act (320/1999) and the Border Zone Act (403/1947), as amended.

Measures necessary for the implementation of this Act may be undertaken before its entry into force.

### **Section 86**

#### **Transitional provision concerning the border zone**

The provisions of this Act on border zone permits also apply to border zone permits granted before the entry into force of this Act.

Owners of fences and equivalent structures built closer than 50 metres to the borderline which hinder patrolling and other operations of the Finnish Border Guard necessary to maintain border security are entitled to compensation corresponding to the fair price when the fence or equivalent structure is ordered to be taken down and the order has been enforced.