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Frontier Guard Act
(320/1999; amendments up to 487/2004 included)

Chapter 1
General provisions

Section 1
Standing and composition

The Frontier Guard is part of Finland's internal security system and is also an element in its external security system. Supreme command and control of the Frontier Guard are exercised by the Ministry of the Interior, unless otherwise provided in this Act in respect of matters of military command. (229/2000)

The internal organization of the Frontier Guard is a military organization.

There shall be a Chief of the Frontier Guard, Frontier Guard Headquarters, Frontier Guard districts, Coast Guard districts, and other units. The Frontier Guard Headquarters is also a department of the ministry referred to in subsection 1.

Section 2
Definitions

For the purposes of this Act:

- 1) *Frontier Guard control area* means the area covered by the municipalities along the national land border, the area covered by the municipalities of Kesälahti and Punkaharju and by the City of Nurmes, the area outside the built-up areas of coastal municipalities, the area covered by the Province of Åland, the area covered by Finland's territorial waters and fishing zone, and also areas covered by border crossing points legally placed under Frontier Guard control and areas covered by Coast Guard stations in coastal municipalities;
- 2) *border crossing point* means an airport, port, Coast Guard station, Frontier Guard station or a stretch of the national land or sea border or other place on the border separately laid down by law, or stipulated or agreed on by international treaty, through which personal entry into and departure from Finland is permitted in general or under separately granted permit or under international treaties referred to in the Passport Act (642/1986) and Aliens Act (378/1991);
- 3) *border check* means action taken to question and check persons entering or leaving the country, their travel documents, their vehicle and documents demonstrating their right to possess the vehicle, goods and substances in their possession and documents demonstrating their right to said possession, which is carried out solely because of the persons' intention to cross the border, irrespective of other reasons, and which:
 - a) establishes and verifies the preconditions for entry or departure of persons entering or leaving;
 - b) aims to identify and verify persons attempting to enter or leave the country who are banned from entry or travel, or persons who are to be summoned, apprehended, arrested,

taken into custody or placed in detention under a warrant of apprehension issued by a competent authority; and

c) aims to prevent and disclose any crimes to which persons entering or leaving the country are party and which involve a national border infringement, the organization of illegal entry, trafficking in human beings, possession of forged travel documents or illegal possession of intoxicants or illegally acquired means of payment or an illegally acquired vehicle or other property, or possession of firearms, ammunition or other dangerous objects or substances;

4) *border surveillance* means Frontier Guard activities for the purpose of maintaining order on Finland's borders in accordance with treaties made with a foreign state or international body, and aiming to prevent, discontinue and uncover:

a) any crossing of the Finnish border at a place other than a lawful entry or departure point or contrary to a prohibition under law, or an attempt at such an act, or any other infringement of the legal provisions on border crossing;

b) any contact with a foreign state at a border that constitutes high treason or lese majesty;

c) any crimes against Finnish borders, and border signs and installations forming part of them;

d) any acts by persons living in a foreign state or by a foreign state aimed at Finland or Finnish territory that violate Finland's territorial integrity;

5) *technical monitoring* means viewing or listening using a technical device, aimed at persons not specified in advance and at passenger and goods traffic, and the automatic recording of voice or image;

6) *surveillance* means continuous or repeated gathering of information on certain persons or their activities;

7) *border troops* means Frontier Guard officials and persons performing compulsory or voluntary military service in the Frontier Guard under the Military Service Act (452/1950) who may form part of the Frontier Guard attached to the Defence Forces when defence preparedness is intensified in accordance with plans on defence preparations; and

8) *Frontier guardsman* means a Frontier Guard official who serves in a Frontier Guard function after receiving Frontier Guard training as laid down in more detail by decree.

Section 3

Direct command of the Frontier Guard, and Frontier Guard authorities

Direct command and control of the Frontier Guard rests with the Chief of the Frontier Guard. The Chief of the Frontier Guard is entitled to deal with administrative matters presented to him or her concerning the Frontier Guard and its purview, unless these are assigned by law to some other authority. The Chief of the Frontier Guard may reserve the right to deal with a matter assigned by law to some other frontier guard authority. (229/2000)

The Chief of the Frontier Guard and the Frontier Guard Headquarters are national Frontier Guard authorities. The Frontier Guard districts and Coast Guard districts and their commanders are regional Frontier Guard authorities. The other Frontier Guard units are local Frontier Guard authorities, or then fall outside the regional breakdown because of their functions.

Frontier Guard officials are Frontier Guard authorities acting as individual authorities.

Functions of the Frontier Guard and general principles of their performance

Section 4

Border guard functions

The Frontier Guard sees to border surveillance on Finland's national borders and makes border checks on persons entering and leaving the country at border crossing points placed under Frontier Guard supervision by decree.

In order to carry out border surveillance, and in connection with it, the Frontier Guard watches over the frontier zone in its control area and supervises compliance with the legal provisions on Finland's territorial integrity and those on firearms and ammunition, off-road, road and water traffic, fishing, hunting, prevention of water pollution by vessels and protection of the sea, as laid down separately by law.

In order to carry out border checks, and in connection with them, the Frontier Guard watches over traffic entering and leaving the country at the border crossing points referred to in subsection 1, and compliance with the legal provisions concerning possession of firearms, ammunition and other dangerous objects, and intoxicants, radioactive substances, and explosives and other dangerous substances.

Section 5

Customs functions

Jointly with the Customs, the Frontier Guard carries out customs control and related preliminary customs measures at sea, on the sea coast and at land borders, and at the border crossing points referred to in section 4(1) if the Customs has not arranged for customs control there.

The Frontier Guard may, if requested by a Customs authority, carry out customs control on persons entering and leaving the country, also at a border crossing point referred to in section 4(1) where the Customs otherwise deals with customs control.

Section 6

Search and rescue functions

The Frontier Guard takes part in search and rescue operations in its control area by providing the equipment, personnel resources and expert services needed for search and rescue operations if the scale or special nature of the incident makes this necessary. Participation in search and rescue may not endanger performance of the Frontier Guard's border guard functions and the country's military defence.

The Frontier Guard may perform functions in its control area that are needed to find and assist persons who have got lost in open country or are otherwise in need of immediate assistance there. The responsibility for leading searches for missing persons rests with the police. Separate provisions are laid down on Frontier Guard functions as part of the maritime search and rescue service.

The Frontier Guard may, using its vessels, aircraft and other special vehicles, provide urgent ambulance transport in its control area that the authorities or ambulance service enterprises otherwise handling ambulance transport are unable to perform because they lack the vessels, aircraft or other special vehicles.

In its control area, the Frontier Guard may provide the kind of special transport that the State is required to provide in order to ensure someone's personal safety when no other State authority can provide such transport.

Section 7
National military defence functions

The Frontier Guard contributes to national defence and to this end provides military training for its personnel and for conscripts allocated to the Frontier Guard and women performing voluntary military service, and maintains and promotes defence capability in cooperation with the Defence Forces.

If necessary in the interests of defence capability, the frontier troops or parts thereof may be attached by presidential decree to the Defence Forces. (229/2000)

Section 8
Other functions

Provisions on other Frontier Guard functions are laid down by act.

Provisions on Frontier Guard or Frontier Guard authorities' functions in providing air traffic safety inspections and other such tasks or services that are not appointed by law to be solely the function of State authorities, and in processing permits for aerial photography, movement in the frontier zone and the entry or departure of persons, other than via a border crossing point, are laid down by decree.

Section 9
Police functions

At the request of the police, the Frontier Guard may, in individual cases, perform in its control area urgent police duties involved in maintaining public order and security referred to in the Police Act (493/1995) if the police are not immediately able to do so.

If an individual official function that rests with the police calls for use of the kind of Frontier Guard equipment, personnel resources or special expertise that is not otherwise available to the police, the Frontier Guard shall take part in the said official function in its control area as police assistance.

Section 9 a (487/2004)

Functions and specific powers of the Frontier Guard to enhance ship and port facility security

Provisions on the functions of the Frontier Guard to enhance ship and port facility security are laid down in the Ship and Port Facility Security Act (485/2004), hereinafter 'Maritime Security Act'.

Notwithstanding the provisions of this Act on the Frontier Guard control area, the Frontier Guard is competent to perform functions related to ship or port facility security as referred to in the Maritime Security Act.

In situations referred to in the Maritime Security Act which pose a security threat referred to in the said Act, the Frontier Guard has the powers provided for the police under Chapter 2 of the Police Act in order to combat a threat to the security of a ship at sea and the passengers onboard, unless a commanding police officer restricts these powers.

Section 10

Performance of functions and general principles to be observed

The Frontier Guard shall perform its functions with all due efficiency and expediency. Measures taken while performing Frontier Guard functions shall be justifiable proportionately to the importance and urgency of the function, and other factors affecting overall assessment of the situation. If circumstances so require, functions shall be placed in order of importance.

In performing its functions, the Frontier Guard shall act in an appropriate and objective manner, and promote equal treatment and a conciliatory spirit. No-one's rights may be interfered with more than is necessary for carrying out the function and no-one may be caused any greater harm or losses.

Section 11

Stating the grounds for action

Frontier guardsmen shall inform the persons concerned or their representative of the grounds for any action affecting their personal freedom, unless this is impossible because of the persons' condition or prevailing circumstances.

Unless otherwise provided in this or another Act, the persons concerned or their representative are entitled to know the grounds for action affecting their rights as soon as this is possible without jeopardizing performance of the action.

Section 12

Refraining from action

Frontier guardsmen are entitled to refrain from taking action if carrying out the action could lead to unreasonable consequences compared with the outcome sought.

Any person requesting Frontier Guard action whose immediate rights are affected by the matter is entitled to know the grounds for refraining from action.

Refraining from action referred to in subsection 1 may also include waiving the filing of a report on a minor infringement.

Section 13

General principles to be followed in customs and police functions

In the customs functions provided for the Frontier Guard in section 5, the principles laid down in the Customs Act (1466/1994) and other law on customs control are complied with.

In the police functions provided for the Frontier Guard in section 9, the principles laid down in the Police Act and other law on police functions are complied with.

Chapter 3 Provisions on powers

Section 14

Right of access to others' property and right concerning control facilities

In the Frontier Guard control area, Frontier Guard authorities are entitled to travel over any land or water of another party by foot, skis and other similar equipment, and using a Frontier Guard vehicle, if this is essential to carry out the functions laid down in sections 4, 6 and 9.

Compensation at the going rate is paid to the owner or holder of the area for any losses or harm caused by the Frontier Guard movement referred to in subsection 1.

Against compensation at the going rate, the Frontier Guard is entitled to be granted the use of control facilities needed for border surveillance and border checks by the owner or holder of a traffic location acting as a border crossing point.

Section 15

Traffic control, closure and isolation of a border crossing point, and removal of a person creating a nuisance from a border crossing point

At a border crossing point subject under law to Frontier Guard control, frontier guardsmen are entitled to control off-road, road and waterborne traffic, and to move a vehicle or order it to be moved, if this is essential in order to perform some border surveillance or border check action.

Frontier guardsmen are entitled to close, isolate or empty a border crossing point subject under law to Frontier Guard control, or to restrict movement there, if this is necessary in order to perform some border surveillance or border check action, maintain or restore order at the border crossing point or protect the safety or privacy of a person or endangered property.

Frontier guardsmen are entitled to remove from a border crossing point subject under law to Frontier Guard control any person whose behaviour is causing considerable nuisance or immediate danger to public order and safety.

Section 16

Stopping a vehicle, and checking a vehicle entering or leaving the country

In the Frontier Guard control area, frontier guardsmen are entitled to order a vehicle to stop if this is necessary in order to perform some border surveillance or border check action.

At a border crossing point subject to Frontier Guard control, frontier guardsmen are entitled to inspect a vehicle entering or leaving the country in order to perform some border surveillance or border check action.

If special cause exists, a vehicle entering or leaving the country can be inspected outside the border crossing point in an area between the crossing point and the border.

Section 17
Establishing identity

In the Frontier Guard control area, and in order to perform a border surveillance or border check action, frontier guardsmen are entitled to obtain from all persons information on their name, personal identity code, or, if this does not exist, date of birth and nationality, and the place where they can be reached.

Frontier guardsmen are entitled to apprehend a person who refuses to provide the information referred to in subsection 1 or gives what is likely to be false information on said matters. Persons so apprehended shall be released as soon as the necessary information has been obtained, and at the latest within 24 hours of being apprehended.

Section 18
Apprehending a wanted person

In the Frontier Guard control area, frontier guardsmen are entitled to apprehend a wanted person who in accordance with a public notice issued by a competent authority is to be apprehended, arrested, placed in detention or taken into custody.

Section 19
Security checks

In the Frontier Guard control area, when apprehending, arresting, placing in detention or taking into custody, frontier guardsmen are entitled to frisk persons if this is essential to establish that they are not carrying any objects or substances that they could use to jeopardize the search or detention, or to cause danger to themselves or others.

In situations referred to in subsection 1, persons can also be frisked to find a document necessary for their identification.

If necessary, dangerous objects or substances referred to in subsection 1 shall be removed from the person concerned. They shall be returned when the person is released, unless this is not possible under law.

Section 20
Taking possession of dangerous objects and substances

In addition to what is provided under this or another Act, frontier guardsmen are entitled, at a border crossing point referred to in subsection 4, to temporarily take possession of any arms, explosives, other dangerous objects and related or component parts, and other dangerous substances from any person whose age, state of intoxication, mental state or other circumstances can justifiably be thought to pose an immediate danger to public order and safety.

The property taken into possession shall be returned to the person concerned without delay and at the latest within 14 days.

If some object or substance cannot be so returned without posing a danger, it shall be handed over to the police either for return to the person concerned or for action as laid down in section 24 of the Police Act.

Section 21

Frisking as part of border checks

At a border crossing point referred to in section 4, frontier guardsmen are entitled, as part of a border check, and without pre-trial investigation, to frisk persons entering or leaving the country in order to establish and ensure that they are not carrying in their clothing or otherwise on them or with them any forged travel documents, or are not in illegal possession of intoxicants or radioactive substances or criminally obtained means of payment or other criminally obtained property, or firearms, ammunition or other dangerous objects or substances for possession of which they do not have the proper permit.

If, to keep traffic running smoothly or for some other special reason, it is necessary to carry out a border check in a moving vessel, train or other means of transport such as an aircraft being used for public transport which is entering or leaving the country, the border check and any frisk forming part of it can be carried out in a means of transport leaving the country in the area between its departure point in Finland and the national land or territorial water border, or, in the case of a means of transport entering the country, in the area between the territorial water border or border crossing point or national land border and the vehicle's arrival point in Finland, even if the vehicle's arrival or departure point is outside the Frontier Guard control area. In addition, if special cause exists, the border check and frisk forming part of it on persons entering or leaving the country in a means of transport other than one used for public transport can be made in the area between the border crossing point and national land border or the border crossing point and territorial water border.

Action in carrying out frisks shall be performed discreetly and so that no unnecessary harm or losses are caused to the persons concerned or to property that they are wearing or carrying.

Section 22

Powers of frontier guardsmen in customs functions

For the performance of customs action forming part of customs control referred to in section 5, frontier guardsmen have the same powers as are provided for other competent authorities referred to in section 14 of the Customs Act.

If performance of a customs function referred to in section 5 requires a bodily search or check other than on the person's luggage or outer clothing without pre-trial investigation, the provisions of section 15 of the Customs Act shall be observed in performance of the action. However, an officer with the rank of at least major shall decide on the action.

Section 23

Powers of frontier guardsmen in police functions

In police functions referred to in section 9, frontier guardsmen have the police powers provided for police officers in Chapter 2 of the Police Act, unless indicated otherwise by the police officer requesting the action, under section 27(3) and section 46 of the Police Act.

Section 24

Use of forcible means

In the Frontier Guard control area, frontier guardsmen acting in an official capacity are entitled to use necessary forms of force that can be considered justifiable to overcome opposition, remove a person from the scene, carry out an apprehension, prevent the escape of a person who has lost his or her liberty, eliminate an obstacle or avert immediate threat of a crime or other dangerous act or event.

When judging the justifiability of the forcible means referred to in subsection 1, the importance and urgency of the official function, the danger posed by the opposition, the available resources and other factors affecting overall assessment of the situation shall be taken into consideration.

Persons temporarily assisting frontier guardsmen at their request or with their consent in a situation in which it is vital to enlist the forcible aid of a bystander in performing an extremely important and urgent Frontier Guard function are entitled, under Frontier Guard guidance, to exercise any essential forcible means authorized by frontier guardsmen acting within their powers.

Provisions on the excessive use of forcible means are laid down in Chapter 4, sections 6(3) and 7, of the Penal Code (39/1889). (518/2003)

Subsection 4, as added by the Act on Amending Sections 24 and 51 of the Frontier Guard Act (518/2003), comes into force on 1 January 2004.

Section 25 *Recording action*

In the case of all actions concerning apprehension of persons referred to in sections 17 and 18 above, taking possession of property referred to in sections 19 and 20, and a bodily search referred to in section 22(2), an official record shall be kept or an entry made in some other document as provided in more detail by decree.

Chapter 4 **Provisions concerning acquisition of information, personal data files and surrender of information**

Section 26 *Technical monitoring*

In its control area close to the national land border, along the sea coast and at sea, at border crossing points referred to in section 4(1), and in all areas administered by the Frontier Guard, the Frontier Guard is entitled to carry out technical monitoring of buildings other than those used as permanent housing, or buildings or areas other than domestic premises, as part of border surveillance and in order to safeguard border checks, prevent the crimes referred to in section 2, paragraph 3, subparagraph c) and paragraph 4, identify a crime suspect and guard special control points.

No separate notification need be made concerning technical monitoring at a border crossing point, national land border, at sea, or from the coast out to sea. Suitable notification shall be made in other cases of technical monitoring.

Section 27

Surveillance

In the control area of the Frontier Guard, in order to prevent or discontinue a national border infringement, a crime related to the arrangement of illegal entry into the country or one referred to in section 2, paragraph 3, subparagraph c) or paragraph 4, frontier guardsmen are entitled to keep persons under surveillance in places other than domestic premises if the persons' behaviour or other circumstances give justifiable cause to suspect that they would commit said crime.

For a purpose referred to in subsection 1, surveillance can also apply to persons outside domestic premises who can with justifiable cause be suspected of contributing to an offence referred to in section 2, paragraph 3, subparagraph c), or paragraph 4, for which the maximum punishment provided is more severe than six months' imprisonment.

In addition to what is provided in subsections 1 and 2, in the territory of a foreign state outside the Frontier Guard control area, frontier guardsmen are also entitled to keep persons other than those in domestic premises under surveillance in order to prevent or discontinue a crime, as agreed concerning right of surveillance in international treaties binding on Finland.

Section 28

Processing material

Information obtained during surveillance shall be examined without delay. This shall be done by an officer with the rank of at least major. Information solely concerning third parties shall be destroyed after being examined if it is not needed for the investigation of a crime.

Information referred to in subsection 1 above which is not added to Frontier Guard personal data files or pre-trial investigation material shall be destroyed at the latest within one year after being declared almost certainly unnecessary for the purpose for which it was obtained.

Section 29

Right of access to information held by authorities

In addition to what is provided in the Police Personal Data File Act (509/1995), the Customs Act, the Act on a Data System for Road Traffic (819/1989), the Act on the Register of Aliens (1270/1997) and the Act on the Performance of Police Functions by the Defence Forces (1251/1995) concerning the right of the Frontier Guard to information from the data files referred to in said Acts, the Frontier Guard is entitled, notwithstanding confidentiality provisions, to obtain free of charge any information necessary for border surveillance and border checks, and for supervising compliance with the provisions of section 4(2) and (3):

- 1) from the population information system, on the matters referred to in section 4(1) and (3), and section 5(1) of the Population Information Act (507/1993); and
- 2) from the labour authorities, on applications and decisions concerning work permits.

Notwithstanding confidentiality provisions, the Frontier Guard is entitled to obtain information from the judicial administration's information systems for pre-trial investigations by the Frontier Guard concerning criminal matters which are or have been subject to consideration of charges, and decisions by prosecutors to the effect that the matter does not involve a crime or evidence of a crime, and concerning summary penal

judgements given, criminal cases currently in process in the courts, and valid rulings by the courts.

Notwithstanding confidentiality provisions, the Frontier Guard is entitled to obtain free of charge, for border surveillance and the functions referred to in section 4(2) and (3), and sections 6 and 7, information concerning vehicles, traffic, the operative readiness of authorities and alarm procedures from the aviation, fishing, maritime, and fire and rescue authorities and from the police, Defence Forces, Customs and environmental authorities.

The Frontier Guard may also be provided with the information referred to in this section using a technical interface.

Section 30

Obtaining information from private persons

For the purposes of border surveillance and border checks, the Frontier Guard is entitled to obtain free of charge from the owners or holders of incoming vessels, aircraft or other means of transport, or from their representative, lists of crew and passengers and a list of all other persons on board, or other corresponding information on the people on board the vessel entering the country.

The Frontier Guard is entitled to obtain from the owners or holders of vessels or aircraft, or from their representative, lists of crew and passengers and a list of all other persons on board, or other corresponding information, if performance of a search or rescue operation assigned to the Frontier Guard by law calls for said information.

The Frontier Guard may also be provided with the information referred to in this section using a technical interface.

Section 31

Personal data files

The legislation on the protection of personal data applies to the compilation and deposit of personal information in personal data files kept for Frontier Guard functions and to use and surrender of the data deposited in them, unless otherwise provided in this Act. In addition, international treaties binding on Finland are complied with.

The personal data files referred to in subsection 1 above are the border control data file, the criminal information data file and data files set up under section 34.

Section 32

Border control data file

The border control data file, which is kept by Frontier Guard Headquarters, is a permanent national personal data file maintained by means of automatic data processing. Data needed to control aliens' entry into and departure from the country, data on border checks and refusals of entry concerning aliens by Frontier Guard officials, and data on the implementation of entry refusal or deportation decisions, may be compiled and entered in the file.

In so far as is necessary to carry out a control function or a function concerning implementation of a decision referred to in subsection 1, the following information on aliens may be entered in the border control data file:

- 1) as identification data, the case number, the person's name, sex, date, place and country of birth, personal identity code, photograph, data on citizenship and nationality, marital status and family circumstances, address and other contact data;
- 2) information on the pleasure craft or other means of transport used by the person to enter or leave the country, the route taken, any permission granted to enter or leave the country other than by an open border crossing point, and information on any action taken by a frontier guardsman to guide a person entering the country to a customs point for customs clearance; and
- 3) information on any visa issued by a frontier guardsman and any frisk conducted as part of a border check, and any action taken to ensure the alien's own safety or the occupational safety of frontier guardsmen, any asylum application submitted to a frontier guardsman, any decision by a frontier guardsman concerning refusal of entry and implementation of an entry refusal or deportation decision, if the decision was put into effect by the Frontier Guard. (240/2001)

Information about any person in Finland hosting an alien who will be responsible for his or her living and return travel costs while in the country because the alien has insufficient funds, and about aliens referred to in visa exemption treaties whose stay in the country exceeds the period specified in the treaty concerned may also be compiled and deposited in the border control data file.

Section 33

Criminal information data file

The criminal information data file, which is kept by the Frontier Guard Headquarters, is a permanent national personal data file kept by means of automatic data processing. Information needed to prevent, uncover and investigate a crime referred to in section 2, paragraph 3, subparagraph c) and paragraph 4, and a punishable act or omission or customs offence related to infringement of the provisions referred to in section 4(2) and (3), and information on notifications concerning such crimes and on executive assistance given to a Finnish or foreign authority may be collected and deposited in the criminal information data file.

Information on the surname and forename, profession or trade, nationality and date of birth, personal identity code, and address and other contact data of a person involved as an informant, a witness or an injured party or a person involved in some capacity other than a suspect, can be deposited in the criminal information data file.

As identification data on the identity of a suspect, the person's name, sex, date, place and country of birth, personal identity code, nationality and citizenship, and, in the case of an alien, travel document data and data on the suspected crime, any vehicle used in connection with it, any coercive measures used under the Coercive Measures Act and any summary penal order issued or fixed fine imposed, and data on crime suspects affecting their own safety and the work safety of frontier guardsmen may be deposited in the criminal information data file. In addition, identification data on a suspect body, foundation or other legal person may be deposited in the data file.

Section 34

Personal data files intended for the use of a working group or of one or more Frontier Guard units

A unit which also acts as data file keeper decides on the establishment of a personal data file intended for the use of a Frontier Guard unit or a working group set up by such a unit.

The establishment of a personal data file intended for the use of several administrative units is decided by the Frontier Guard Headquarters, which also acts as the data file keeper.

Section 35

Information not related to an individual assignment

Information needed in order to perform functions referred to in section 4 obtained in connection with the performance of a single Frontier Guard assignment, but not connected with the said single assignment, may be compiled and deposited only in the data file referred to in section 33.

Section 36

Information of a sensitive nature

Notwithstanding the provisions on personal data protection, personal data intended to describe a criminal action, punishment or other consequence of a crime may be compiled and deposited in a personal data file referred to in this Act when this is necessary for the purposes of the data file.

Section 37

Limitations on right of scrutiny

In addition to what is provided in the provisions on personal data protection concerning limitation of the right of scrutiny of persons registered, such persons have no right of scrutiny concerning the criminal information data file.

The Data Protection Ombudsman can, at the request of a registered person, scrutinize the information concerning said person in the criminal information data file to ensure that it complies with the law.

Section 38

Implementation of right of scrutiny

The provisions on personal data protection apply to implementation of the right of scrutiny unless otherwise provided in subsection 2.

On exercising right of scrutiny, registered persons shall present the relevant request in person at a Frontier Guard unit and prove their identity.

Section 39

Removing data from a Frontier Guard personal data file

Data on individuals are removed from the criminal information data file no later than 10 years after entry of the last information or, if the period of limitation of prosecution for a crime is over 10 years, then no later than one year from the date on which this period expires, or not later than one year from when the data file keeper is informed of the prosecutor's decision that no crime was committed or no evidence of a crime presented, or no later than one year from the date on which the data file keeper is informed that the charge has been dropped.

Data in the border control data file and in a personal data file referred to in section 34 are removed when the information is found to be unnecessary for the purposes of the data file. The need for the information deposited in the border control data file and the data files referred to in section 34 shall be checked at least once a year.

All data concerning any given person are removed from the data file no later than one year after the registered person's death.

Section 40

Surrender of information to Frontier Guard authorities

The data file keeper is entitled to surrender information from personal data files referred to in section 34 to a Frontier Guard authority not acting as the data file keeper if this is necessary in order to perform a function laid down for the Frontier Guard by law.

However, data from the data files referred to in subsection 1 above, for a purpose other than that of the data file, and data referred to in section 35 may only be surrendered when this is necessary:

- 1) to ensure the security of the State;
- 2) to avert some immediate danger to life or health or major damage to property; or
- 3) to avert or investigate a crime for which imprisonment may be the consequence.

Data may be surrendered using a technical interface.

Section 41

Surrender of information to other than Frontier Guard authorities

A data file keeper is entitled to surrender information from the personal data files referred to in sections 32-34 which is needed:

- 1) by the police, for the control of persons entering and leaving the country and the related border checks, to supervise compliance with the provisions concerning aliens, and to prevent and uncover crimes and conduct pre-trial investigation, and to safeguard the security of the State;
- 2) by the Directorate of Immigration, to process matters related to aliens, citizenship, refugee status and asylum;
- 3) by a foreign affairs administration authority, to process a matter related to a passport, visa, residence permit or work permit;
- 4) by a Customs authority, to control foreign traffic, prevent, discontinue and investigate customs crimes, and for the control of persons entering and leaving the country and the related border checks;
- 5) by vehicle administration authorities, to process matters related to vehicle registration and registered vehicles;
- 6) by the aviation authority, for control of air traffic;
- 7) by the maritime authority, for control of maritime traffic;
- 8) by fire and rescue authorities, for action related to search and rescue services;
- 9) by Defence Forces authorities, to control Finnish territory and safeguard its territorial integrity, and for a function laid down in section 1 of the Act on the Performance of Police Functions by the Defence Forces;
- 10) by the social welfare authorities, to process a matter related to an asylum-seeker;
- 11) by the labour authorities, to process a matter related to supervision of an alien's work permit or type of work; and
- 12) by the environmental authorities, for functions related to prevention of water pollution by vessels and control of protection of the seas.

However, data from the data files referred to in subsection 1 above, for a purpose other than that of the data file, and data referred to in section 35, may only be surrendered when this is necessary:

- 1) to ensure the security of the State;
- 2) to avert some immediate danger to life or health or major damage to property; or
- 3) to avert or investigate a crime for which imprisonment may be the consequence.

Data may be surrendered using a technical interface.

Section 42

Surrender of information to a party outside Finland

A data file keeper is entitled to surrender data in the personal data files referred to in sections 32-34 which are needed:

- 1) by authorities performing border surveillance, border checks and action replacing border checks for the performance of said border surveillance, border checks and action replacing border checks in a Nordic country or Member State of the European Union that meets certain preconditions laid down in the Convention on the Protection of Individuals with Regard to Automatic Processing of Personal Data (Finnish Treaty Series 36/1992);
- 2) by authorities performing border surveillance, border checks or action replacing border checks for the performance of said border surveillance, border checks and action to replace them in a Member State of the European Union;
- 3) by authorities performing border surveillance and border checks, for the performance of said border surveillance and border checks in a state other than those referred to in paragraph 1 or 2 which complies with certain preconditions laid down in the Convention on the Protection of Individuals with Regard to Automatic Data Processing of Personal Data;
- 4) by the authorities referred to in the treaty on the order to be observed on the border between Finland and the Soviet Union and the order for dealing with incidents (Finnish Treaty Series 32/1960), for functions referred to in said treaty;
- 5) by the authorities performing border surveillance and border checks under the agreement between Finland and Estonia on the readmission of persons entering the country and residing there without authorization (Finnish Treaty Series 70/1996), the agreement between Finland and Latvia on the readmission of persons entering the country and residing there without authorization (Finnish Treaty Series 16/1997) and the agreement between Finland and Lithuania on the readmission of persons entering the country and residing there without authorization (Finnish Treaty Series 58/1997), for functions referred to in the said treaties; and
- 6) by the National Bureau of Investigation, for passing on to a European police authority under the Convention on the Establishment of a European Police Office (Finnish Treaty Series 79/1998).

However, data from the data files referred to in subsection 1 above, for a purpose other than that of the data file, and data referred to in section 35, may only be surrendered when this is necessary:

- 1) to ensure the security of the State;
- 2) to avert some immediate danger to life or health or major damage to property; or
- 3) to avert or investigate a crime for which the sentence in Finland may be imprisonment.

Data may be surrendered using a technical interface.

Chapter 5

Pre-trial investigation of crimes and other processing of criminal cases, other than the investigation of a criminal case and handling of persons deprived of their liberty

Section 43

Processing criminal cases

The Frontier Guard may carry out pre-trial investigation of a crime if the investigation concerns a crime referred to in section 2, paragraph 3, subparagraph c) or section 2, paragraph 4, or a punishable act or omission related to infringement of the provisions referred to in section 4(2) or (3), or a customs crime.

If pre-trial investigation of a criminal case referred to in subsection 1 calls for extensive pre-trial investigation measures or requires a person to attend separately held questioning, the Frontier Guard shall see to measures needed to initiate pre-trial investigation of the crime and safeguard its performance, and to transfer the pre-trial investigation to the police or other pre-trial investigation authority.

Provisions on the investigation of a crime to be dealt with as a matter for military court proceedings are laid down in the Military Discipline Act (331/1983).

Section 44

Pre-trial investigation of criminal cases

What is provided in the Pre-trial Investigations Act(449/1987) concerning a pre-trial investigation authority applies to the Frontier Guard in pre-trial investigation that it carries out.

In pre-trial investigation conducted by the Frontier Guard, frontier guardsmen have the same right to undertake investigative action and to exercise coercive measures as police officers in pre-trial investigation conducted by the police in accordance with the Pre-trial Investigations Act and the Coercive Measures Act (450/1987). However, neither interception of telecommunications nor monitoring of telecommunications may be used in pre-trial investigation conducted by the Frontier Guard.

A pre-trial investigation conducted by the Frontier Guard is headed by a Frontier Guard official referred to in Chapter 1, section 6, paragraph 4, of the Coercive Measures Act. If special cause exists, the investigation can be headed by an officer or non-commissioned officer with the rank of at least senior lieutenant.

Section 45

Relinquishing pre-trial investigation and exceptions to submission for consideration of charges

If a pre-trial investigation to be conducted by the Frontier Guard is relinquished under section 2(2) of the Pre-trial Investigations Act, frontier guardsmen may nonetheless issue a person guilty of a crime referred to in the said provision with an admonition.

If a pre-trial investigation conducted by the Frontier Guard concerns the infringement of provisions on territorial integrity, and if the person suspected of the crime is a foreign member of the crew of a vessel or aircraft belonging to a foreign state, or some other foreign civilian or member of the military who has been refused entry to or has otherwise

left Finland, the head of the investigation is entitled to decide not to place the matter before a prosecutor, notwithstanding what is provided in section 43 of the Pre-trial Investigations Act.

Provisions on submission for consideration of charges in the case of a matter for military court procedure are laid down in the Military Court Procedure Act (326/1983).

Section 46

Issuing a summary penal order and specifying a fixed fine

If a criminal case being investigated by the Frontier Guard can be processed using summary penal procedure, frontier guardsmen assigned to the duty in the order laid down by decree can issue a summary penal order in connection with the pre-trial investigation, as provided in sections 3-7 of the Summary Penal Proceedings Act (692/1993).

If, in a criminal case being investigated by the Frontier Guard, a fixed fine referred to in the Fixed Fine Act (66/1983) can be ordered as a penalty, frontier guardsmen referred to in subsection 1 are entitled to order a fixed fine.

The provisions of the Fixed Fine Act concerning the functions of head of a police district in fixed fine matters apply to the functions of a Frontier or Coast Guard district commander in a fixed fine matter being dealt with by the Frontier Guard.

Section 47

Investigation of border incidents and entry requirements for aliens entering the country

The Frontier Guard may conduct an investigation into a border incident referred to in the treaty mentioned in section 42(1)(4), or to investigate a matter concerning the entry requirements of a person entering the country referred to in the Aliens Act, the grounds for refusal of entry, or a visa-related matter, or the identity, entry into the country and travel route of an asylum-seeker. In conducting such investigations, the procedure laid down for conducting pre-trial investigations shall be followed, as appropriate.

If the investigation of a border incident involves investigating a matter related to some person's rights or obligations, the provisions on parties to pre-trial investigation apply to said person's standing. The same applies to the standing during the investigation of an alien entering the country. Persons concerned and their legal representative or aid shall speak truthfully when clarifying the matter under investigation and replying to questions put to them. Said persons are under obligation to attend the investigation for a maximum of 12 hours at a time.

In order to conduct investigations referred to in this section in the Frontier Guard control area, frontier guardsmen are entitled to gain access to the area in which the incident under investigation took place, and to examine objects and documents that may be important for conduct of the investigation.

Section 47a

Handling of an alien refused entry (229/2000)

If implementation of a decision on refusal of entry to an alien requires the transportation of said alien from a border crossing point referred to in section 4, or from some other place within the Frontier Guard's control area, to a border crossing point by a route that

passes through an area that does not belong to the Frontier Guard's control area, frontier guardsmen will for the purposes of the transportation have the same authority outside the Frontier Guard's control area as within it.

Section 48

Handling of persons deprived of their liberty

The provisions of section 19 of the Detention Act (615/1974) concerning the handling of persons arrested under suspicion of a crime or otherwise deprived of their liberty under the law also apply to the handling of a person apprehended or arrested by a frontier guardsman under section 17(2), section 18, or section 43. The rights of an apprehended person may only be restricted in so far as is necessary for the purposes of apprehension.

A person apprehended or arrested by a frontier guardsman under the provisions of section 18 or section 44(2) shall be handed over to the police without delay.

For the purposes of any transportation needed for handing over to the police persons apprehended or arrested or otherwise deprived of their liberty under the law, frontier guardsmen will have the same authority outside the Frontier Guard's control area as within it. If the police are unable to take immediately into their custody a person referred to in subsection 1 or 2 because of their other official duties, or for some other reason, said person may be held temporarily in border crossing facilities administered by the Frontier Guard or at the Frontier Guard unit closest to the place of apprehension, though only for up to 24 hours after being apprehended. (229/2000)

Section 48a

Matters of military command (229/2000)

The President of the Republic decides on any major changes in the defence capability of the Frontier Guard and any other matters of military command concerning the Frontier Guard and relating to its military defence functions that have wide-ranging implications or involve important questions of principle. The President also decides as a matter of military command on the promotion of personnel serving in the Frontier Guard to the military rank of officer, special officer or warrant officer.

The President may decide to take for decision a matter of military command that would normally be the responsibility of the Chief of the Frontier Guard or some other military commander. The Chief of the Frontier Guard shall inform the President and the Minister of the Interior of any important matters of military command that come under the authority of military commanders.

The Chief of the Frontier Guard decides on matters of military command that are not reserved for decision by the President, unless they have been prescribed or assigned for decision by some other military commander. Military commanders may take for decision any matters of military command that would normally be the responsibility of a subordinate.

Division of authority in matters of military command between the Chief of the Frontier Guard and his or her subordinates and the procedure for handling matters of military command within the Frontier Guard are provided by presidential decree.

Section 48b

Decision-making by the President of the Republic in matters of military command in the Frontier Guard
(229/2000)

The President of the Republic decides on matters of military command in the Frontier Guard independently of the Government on presentation by the Minister of the Interior. Decisions are confirmed by the Minister of the Interior. The Prime Minister has the right to be present and to give his or her views on the matter being presented.

The President may decide on his or her own initiative or on presentation by the Minister of the Interior to transfer a matter of military command for decision by the President at a meeting of the Government. In such cases, the President will decide the matter on presentation by the Minister of the Interior without a solution being proposed by the Government.

Chapter 6

Miscellaneous provisions

Section 49

Official posts and appointment to military posts

Within the Frontier Guard, there may be the military posts of officer, warrant officer, special officer, coast guard and frontier guard, and also civilian posts.

The Chief of the Frontier Guard, the Deputy Chief of the Frontier Guard and officers of the rank of Major General and Rear Admiral are appointed by the President of the Republic. The President decides such appointments at meetings of the Government and on the basis of proposals by the Government. (229/2000)

Other Frontier Guard officers are appointed by the President on presentation by the Minister of the Interior according to the procedure provided in section 48b(1). (229/2000)

Other appointments to posts in the Frontier Guard are provided by government decree. (229/2000)

Section 50

Transfer and assignment of an official

A Frontier Guard official is required to move to another Frontier Guard post or duties when this is necessary in order to fill some open post or duties required by the detailed composition of the Frontier Guard, or otherwise in the interests of proper organization of the service.

If transfers to another post or duties mean that officials have to change their place of posting, at least three months' notice of the decision shall be given to the persons concerned.

A decision on transfer to another post or duties which means a change in place of posting can be appealed against as provided in the Administrative Judicial Procedure Act (586/1996). The decision on transfer shall, however, be complied with despite filing an

appeal unless the appellate authority decides otherwise. Decisions on transfers to other posts or duties or on the assignment of officials to duties cannot be appealed against.

Section 50a

The authority responsible for assignment to duties

(229/2000)

Officers referred to in section 49(2) are assigned to their duties by the President of the Republic at meetings of the Government and on the basis of proposals by the Government.

The provisions on assignment to duties in respect of officers other than those referred to in subsection 1 and other officials serving in military posts in the Frontier Guard are laid down by government decree.

The provisions on the authority to assign officials serving in civilian posts in the Frontier Guard to their duties are laid down by government decree.

Section 51

Application of provisions on military offences

Persons serving in military posts in the Frontier Guard are subject to the provisions on military personnel laid down in Chapter 45 of the Penal Code, with the exception of section 26 a. (518/2003)

In time of war, those in the Frontier Guard subject to the provisions of Chapter 45 of the Penal Code also include persons serving in duties similar to those referred to in section 28(2) of the said Chapter to whom the provisions of section 26 a of the said Chapter do not, however, apply. (518/2003)

Further provisions on the pre-trial investigation of military offences and on superiors with disciplinary jurisdiction in the Frontier Guard referred to in section 12 of the Military Discipline Act, on issue of the statement referred to in section 31, and on implementation referred to in section 46 in matters of military discipline dealt with by the Frontier Guard are laid down by decree.

Section 52

Notification of data on health restrictions in the patient records of persons serving in or applying for military posts

If a physician finds, in a service eligibility examination, a health check for service acceptance or some other health check, that a person serving in a military post in the Frontier Guard or being accepted for such a post is affected by health restrictions that affect the person's service eligibility category, service safety or performance of official duties, the physician shall, notwithstanding what is provided regarding the confidentiality of data in patient records in the Act on the Status and Rights of Patients (785/1992) and the Act on Health Care Professionals (559/1994), without delay provide the relevant Frontier Guard authority with a report on the conclusions to be drawn from the examination or check. The Frontier Guard authority referred to here is the head of the Frontier Guard unit employing or likely to employ the official who is the subject of the report, as laid down in more detail by decree.

If the person examined so wishes, the physician shall notify him or her of the content of the report.

The Frontier Guard authorities referred to in subsection 1 above may not, without the written consent of the person concerned, reveal to a third party any confidential information on the person's state of health that they have obtained by virtue of their position or function.

Section 53

Officials' duty to notify or take other action

Frontier Guard officials are required to inform their superiors of any important factor concerning Frontier Guard functions that they have become aware of, and if necessary undertake essential action to prevent a serious crime that falls within the purview of the Frontier Guard from taking place, or to embark on search or assistance, also during their free time.

Section 54

Officials' and other persons' obligation to observe secrecy and prohibition on use of information

Frontier Guard officials and persons holding positions of trust may not reveal any confidential documentary content or information to be viewed as confidential when entered in a document, or any other factor of which they become aware when working in the Frontier Guard on which the law prescribes an obligation to observe secrecy. Likewise, information covered by an obligation to observe secrecy may not be revealed even after operations in the Frontier Guard or performance of a function for the Frontier Guard have ended.

The provisions of subsection 1 also apply to anyone working in the Frontier Guard under the Military Service Act or the Act on Women's Voluntary Military Service (194/1995), as a trainee or otherwise, or commissioned by the Frontier Guard, or in the service of a party carrying out a commission, or who has obtained confidential information under the law or a permit issued under it, unless the law or a permit issued under it so allows. Neither the persons concerned nor their representative or aid may reveal to third parties any confidential information on another person.

Persons referred to in subsections 1 and 2 above may not use confidential information for their own advantage or to the advantage or disadvantage of others. The persons concerned, or their representative or aid, can, however, use information that they have acquired while handling a matter concerning which there is a right to the information.

Section 55

Officials' right to remain silent

Frontier Guard officials are not required, when being heard as a witness or otherwise, to reveal the identity of any person who has provided them with confidential information during their service relationship, or any confidential tactical or technical methods.

However, if extremely weighty cause exists, a court may order the information referred to in subsection 1 to be revealed if a public prosecutor is prosecuting for an offence carrying a possible sentence of six or more years in prison. Even then, the court cannot order the

identity of persons who provided information to be revealed if this would manifestly pose a serious danger to their safety or that of their immediate family.

Section 56

Conscripts and persons doing voluntary military service

Conscripts can be assigned for training in the Frontier Guard. The same applies to persons accepted for military service referred to in the Act on Women's Voluntary Military Service. The provisions on the service of conscripts and women accepted for voluntary military service in the Defence Forces are observed in such service as appropriate.

If necessary, conscripts and persons accepted for voluntary military service referred to in subsection 1 above can be used as support for Frontier Guard operations.

Section 57

Executive assistance given by the Frontier Guard

The Frontier Guard shall provide other State authorities with executive assistance as provided separately elsewhere in the law. The Frontier Guard may also, on request, give executive assistance to some other authority in its control area that is required by law to perform a control function.

The precondition for provision of executive assistance referred to in subsection 1 above is that the authority requesting such assistance is prevented from performing its official functions and is unable to get executive assistance from the police in correcting the situation, or is unable otherwise to gain access to the kind of special transport or control equipment or other special equipment that it needs for its functions, which only the Frontier Guard can provide.

In addition to what is provided in subsections 1 and 2 above, the Frontier Guard shall provide executive assistance outside its control area:

- 1) to rescue authorities, by providing equipment, personnel resources and special expertise needed in rescue operations, if the scale or special nature of the incident make this necessary; and
- 2) to the police, if some individual official police function calls for use of Frontier Guard equipment, personnel resources or special expertise that would not otherwise be available to the police. The provisions of section 46 of the Police Act apply to the powers of frontier guardsmen providing the police with executive assistance.

If special cause exists, the Frontier Guard may provide other executive assistance outside its control area, as provided by decree.

Section 58

Executive assistance to the Frontier Guard

Authorities shall provide any executive assistance necessary for performance of a Frontier Guard function that is within their powers. Decisions on requesting executive assistance shall be made by an officer of at least the rank of major.

Section 59

Authority of persons assisting frontier guardsmen

A person assisting frontier guardsmen with the performance of an official function, at their request or with their consent, is then entitled to exercise those powers falling within the authority of the frontier guardsmen as indicated by them. However, the provisions of section 24(3) apply to the right to use forcible means.

Section 60

Seafaring by the Frontier Guard

To carry out the functions provided for it in law, the Frontier Guard engages in seafaring to meet the State's needs, complying with the legislation on seafaring as laid down in Chapter 1, section 9 of the Maritime Code(674/1994).

Notwithstanding the provisions of Chapter 16 of the Maritime Code, the Frontier Guard is entitled to waive the rescue fee for maritime search and rescue work by Frontier Guard vessels in respect of officials, conscripts and persons performing voluntary military service with the Frontier Guard and on its vessels.

Provisions on the principles to be complied with in sharing out the rescue fee when a Frontier Guard vessel performs a rescue if the rescue fee is not waived are laid down by decree.

Section 61

Aviation in the Frontier Guard

In order to perform the functions laid down for the Frontier Guard in this Act and elsewhere in the law, the Frontier Guard engages in the kind of aviation solely for State purposes referred to in section 4(1) of the Aviation Act (281/1995). Notwithstanding the provisions of the Aviation Act, the Frontier Guard's aircraft, as State property, need not be insured, the State then answering for any losses that would otherwise be compensated out of insurance referred to in sections 68 and 69 of the Aviation Act. The provisions above regarding the State's liability for compensation also apply to other than Frontier Guard aircraft if these are being used by the Frontier Guard when a loss occurs.

Section 4 of the Aviation Act lays down provisions on compliance with regulations issued by the Finnish Civil Aviation Administration on aviation and the rules of flying in the aviation operations of the Frontier Guard. For the purpose laid down in section 4(3) of the Aviation Act, the Frontier Guard may, in its aviation operations, diverge from the rules of flying and other regulations, as stipulated by the Chief of the Frontier Guard regarding the exceptional procedure. An exceptional procedure shall be planned and implemented so as not to endanger air safety. Before issuing orders, the Frontier Guard shall agree on the exceptional procedure with the Finnish Civil Aviation Administration.

If it is essential for performance of the function referred to in subsection 2 that an aircraft being used by the Frontier Guard should exceptionally land or take off from an airfield other than one referred to in section 39 of the Aviation Act, the Frontier Guard is entitled to do so as long as air safety is not jeopardized, notwithstanding the provisions of the Aviation Act.

Section 62

Fees charged for Frontier Guard actions

A fee lower than the at-cost price referred to in the Act on the Charge Criteria of the State(150/1992) can be charged for executive assistance by the Frontier Guard to some

other authority, or no fee need be charged at all, if the executive assistance is given in connection with a Frontier Guard function.

If the arrangement of Frontier Guard functions so requires, and notwithstanding the provisions of the Act on the Charge Criteria of the State, housing administered by the Frontier Guard can be leased to Frontier Guard officials against a remuneration lower than the commercially priced rental level, in an order decided by the ministry referred to in section 1(1) above.

Notwithstanding the provisions of the Act on the Charge Criteria of the State, the Frontier Guard is entitled to waive the fee for ambulance transport referred to in section 6(3) if charging a fee would be unreasonable in an individual case.

Section 63

Personal injury and material damage

Frontier Guard officials shall without delay notify their superiors about any personal injury or material damage caused in the performance of an official function, unless the injury or damage is minor. When necessary or if requested by the party suffering the injury or damage or the person performing the official function, an investigation of the occurrence shall be made. Such investigation is made by the police, unless the case concerned must be treated as a matter for military court proceedings.

In connection with the measure referred to above in subsection 1, a party receiving injuries shall be given treatment without delay and assistance by a physician arranged if necessary. If a party states that the injuries were received because of the action by a frontier guardsman, said party shall be given an opportunity to have a medical examination as soon as possible or, if this is not immediately possible, be examined by an impartial person.

The costs of measures referred to in subsection 2 shall be paid in advance from State funds.

Section 64

Compensation for harm and losses

The Frontier Guard Headquarters grants and pays out compensation for harm and losses referred to in sections 14 and 63. (229/2000)

Compensation shall be applied for in writing from the Frontier Guard Headquarters, if possible within six months of the aggrieved party being informed of the occurrence of the harm or losses.

Section 65

International operations

In order to perform a function referred to in section 4, frontier guardsmen are entitled to continue a pursuit begun to apprehend a person caught in a criminal act in the Frontier Guard control area beyond the Finnish land border into the territory of a foreign state, as agreed concerning the right to continue pursuit in the territory of a foreign state in an international treaty binding on Finland.

During pursuit in the territory of a foreign state, a frontier guardsman has whatever powers are agreed upon in the treaty referred to in subsection 1. The same provisions and

regulations as apply in an official function in Finland apply as appropriate to the official obligations and official standing of a frontier guardsman as regards pursuit inside the territory of a foreign state and surveillance referred to in section 27(3).

In matters not covered by legislation and not requiring the consent of Parliament or action by the President of the Republic, the ministry referred to in section 1(1) above can make cooperation agreements of a conventional kind that fall within the scope of Frontier Guard functions with the authorities responsible for border surveillance and border checks in states bordering on Finland's borders and with other Baltic coastal states.

Section 65a
Procedure for the reintroduction of checks on internal borders
(240/2001)

The reintroduction of checks on internal borders referred to in Article 2(2) of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders signed at Schengen on 19 June 1990 will be decided by the Government. However, if necessary for reasons of urgency, the decision can be taken by the Ministry of the Interior. The decision shall then be forwarded without delay for confirmation by the Government.

The Frontier Guard is responsible for notifying European Union institutions and other European Union Member States in the event of the reintroduction of checks on internal borders. Notification shall be sent without delay.

Further provisions are issued by government decree concerning the handling of the reintroduction of checks on internal borders between the Police, Customs and Frontier Guard.

Section 66
Penal provision

Whosoever deliberately

- 1) refuses to provide the personal information referred to in section 17(1) at the request of a frontier guardsman;
- 2) fails to comply with a clearly given sign or order referred to in section 15(1) or section 16(1) given by a frontier guardsman in order to control traffic or halt a vehicle; or
- 3) fails to comply with a command or prohibition referred to in section 15(2) issued by a frontier guardsman in order to isolate or clear a place or area, shall be sentenced to a fine or to up to three months' imprisonment for *recalcitrance towards a frontier guardsman*, unless more severe punishment is provided for the act elsewhere in the law.

Section 67
Further provisions
(229/2000)

Provisions will be laid down by presidential decree concerning:

- 1) military and service ranks and the grounds for promotion to military ranks and the granting of service ranks; and
- 2) the Frontier Guard uniform, insignia, Cross of Merit and Medal of Merit.

Provisions will be laid down by government decree concerning:

- 1) the more detailed composition of the Frontier Guard and the functions of the Frontier Guard Headquarters, Frontier Guard districts, Coast Guard districts and other Frontier Guard units;
- 2) the badge of office of a frontier guardsman and any other equipment, including any necessary forcible means equipment and protective equipment;
- 3) the right to provide Frontier Guard officials with free medical care;
- 4) the arrangements for training in the Frontier Guard, student selection procedures, subjects studied, examination requirements, assessment procedures and the interruption of studies pursued by Frontier Guard officials; and
- 5) coordination of the duties of the Police, Customs and Frontier Guard, their mutual cooperation and the procedure for rendering executive assistance.

The Ministry of the Interior may issue further provisions by decree concerning the procedures for dealing with apprehended persons or persons otherwise deprived of their liberty, the holding of property taken into possession, the halting of a vehicle and the use of forcible measures, and also on the procedure for the rendering of executive assistance by the Frontier Guard.

Section 68
Entry into force

This Act comes into force on 21 March 1999.

This Act repeals the Frontier Guard Act of 10 January 1975 (5/1975), as amended.

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

Entry into force and application of amendments:

(229/2000) This Act comes into force on 1 March 2000. Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.

(240/2001) This Act comes into force on 25 March 2001.

(518/2003) This Act comes into force on 1 January 2004.

(487/2004) Provisions on the Act's entry into force are laid down by government decree. (The Act on Amending the Frontier Guard Act (487/2004) comes into force on 1 July 2004 under the Government Decree on the Entry into Force of the Act on Amending the Frontier Guard Act (491/2004)). Measures necessary for the implementation of this Act may be undertaken before the Act's entry into force.