

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of Defence, Finland

Act on the Defence Forces

(551/2007; amendments up to 591/2019 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Scope of application

This Act lays down provisions on the duties, powers, organisation, administration, military command decision-making system and personnel of the Defence Forces.

Section 2 (427/2017)

The duties of the Defence Forces

The duties of the Defence Forces are:

1) the military defence of Finland, including the following:

a) undertaking surveillance of Finland's land and sea areas and airspace, and securing the nation's territorial integrity;

b) securing the livelihoods and basic rights of the Finnish people and the functioning of government, and defending the lawful social order;

c) providing military training, guiding voluntary national defence training, and promoting the will to defend the nation;

2) providing support for other authorities, including the following:

a) executive assistance to maintain public order and security, the prevention and interruption of terrorist acts, and other protection of society at large;

b) assistance in rescue operations by contributing equipment, personnel and expert services;

3) based on Article 222 of the Treaty on the Functioning of the European Union or Article 42(7) of the Treaty on European Union, providing assistance, participating in territorial surveillance cooperation, providing international assistance or participating in other types of international activities;

4) participating in international military crisis management and military tasks in international crisis management.

Separate provisions on any other duties of the Defence Forces are issued by law.

Chapter 2

Powers

Finland's military defence

Section 3

Territorial surveillance

The Defence Forces undertake surveillance of Finland's land and sea areas and airspace and secure the nation's territorial integrity as laid down in the Territorial Surveillance Act (755/2000).

Section 4

Securing the livelihoods of the Finnish people and the functioning of government, and defending the lawful social order

The Defence Forces defend the territory of Finland, the livelihoods of the Finnish people and the functioning of government, and also defend the lawful social order using military force, if necessary, in the event of an armed attack or similar external threat facing Finland. The military means used must comply with the international obligations binding upon Finland. 'Using military force' means any use of arms from a soldier's personal weapon upwards.

Section 4a (427/2017)

Requesting international assistance

Unless otherwise provided in the Act on the Making of Decisions Concerning the Provision of and Request for International Assistance (418/2017), after consulting the Ministry for Foreign Affairs, the Ministry of Defence can request assistance falling within the mandate of the Defence Forces from another state, the European Union or an international organisation, taking into account the purposes and principles of the Charter of the United Nations (Finnish Treaty Series 1/1956) and other rules of international law.

Section 4b (427/2004)

Powers and use of force when receiving international assistance

Troops as well as individual soldiers who, at Finland's request, provide assistance to Finland have the powers to carry out tasks and use force that is considered essential for the task in accordance with the provisions governing the powers of the Defence Forces and the military authorities. These powers are defined by regulations attached to the decision on assistance. Force may only be used to the extent necessary and for the duration necessary to carry out the task, and in acceptable proportion to the operation's goal.

The decision on assistance shall define the task, powers, the military resources involved in the assistance, the possible use of force and other requirements for providing assistance.

Section 5 (509/2013)

Military training

The Defence Forces provide military training as laid down in the Conscription Act (1438/2007) and the Act on Voluntary National Defence (556/2007). Separate provisions are issued on military training at the National Defence University.

Section 6

National defence on a voluntary basis

The Defence Forces guide, support and monitor voluntary national defence as laid down in the Act on Voluntary National Defence.

Section 7 (262/2017)

Military discipline

Provisions on enforcement of punishments and military discipline are laid down in the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014).

Section 8 (262/2017)

Crime prevention

Crime prevention in the Defence Forces is laid down in the Act on Military Discipline and Combating Crime in the Defence Forces.

Section 8a (591/2017)

Military intelligence

Provisions on conducting military intelligence in the Defence Forces are laid down in the Act on Military Intelligence (590/2019).

Section 9

Healthcare

As laid down in the Act on Arranging Health Care in the Defence Forces (322/1987), the Defence Forces provide healthcare for personnel whose healthcare is their responsibility.

Assisting other authorities

Section 10

Executive assistance to the police and the Border Guard

The Defence Forces provide executive assistance to the police to maintain public order and security and to prevent and interrupt terrorist acts, as laid down in the Act on Executive Assistance to the Police by the Defence Forces (781/1980). As laid down in the Act on Executive Assistance to

the Police by the Defence Forces, the Defence Forces are authorised under police leadership to use military force when assisting the police to prevent or interrupt a terrorist act.

The Defence Forces provide executive assistance to the Border Guard as laid down in the Border Guard Act (578/2005).

Section 11 (1684/2009)

Executive assistance to protect society at large

The Defence Forces may provide executive assistance to safeguard society at large as provided in the Act on Oil Pollution Response (1673/2009) or in some other Act.

Participation in providing international assistance and other international activities

Section 12 (427/2015)

Provision of international assistance and other international activities

The Defence Forces may provide assistance, falling within the mandate of the Defence Forces, to another state, the European Union or an international organisation, and take part in other international activities, taking into account the purposes and principles of the Charter of the United Nations and other rules of international law.

At the request of a competent ministry or authority, the Defence Forces may also take part in providing international assistance to support another Finnish authority.

Unless otherwise provided in the Act on the Making of Decisions Concerning the Provision of and Request for International Assistance, the decision on the participation of the Defence Forces in an operation referred to in subsections 1 and 2 is taken by the Ministry of Defence, after consulting the Ministry for Foreign Affairs.

Subject to the authority of the Chief of Defence of the Defence Forces, the Defence Forces may not be ordered to take measures referred to in subsection 1 or 2 without applying the decision-making procedure laid down in the Act on Decision-making on the Provision of and Request for International Assistance or in subsection 3.

Section 12a (427/2017)

Powers and use of force in providing international assistance and in other international activities

When performing a duty, the personnel referred to in section 12, subsection 1 participating in the provision of assistance and other international activities have the right, under international law and determined by those requesting international assistance, to use the necessary force for carrying out their duties. Force may only be used to the extent and for the duration necessary to carry out the duty, in an acceptable proportion to the goal of the operation and in accordance with the rules of engagement confirmed for the operation. Provisions on the excessive use of force are laid down in chapter 4, sections 6(3) and 7 of the Criminal Code of Finland (39/1889).

The personnel providing assistance as referred to in section 12, subsection 2 have the powers to carry out the duties and to use force pursuant to the request made by and the powers shown by another Finnish authority.

Section 12b (427/2004)

The personnel providing international assistance and participating in other international activities

The personnel primarily used for the duties specified in section 12 above are personnel in the Defence Forces who are committed to participating in international activities. While carrying out the duties, these personnel are in an employment relationship or public service relationship with the Defence Forces. What is laid down in section 41, subsection 2 on the deadline for providing information will not apply to the duties referred to in section 12. The Act on Compensation for Accidents and Service-Related Illnesses in Crisis Management Duties will apply to personnel participating in these duties (1522/2016).

Conscripts can be used for providing international assistance and other international activities as laid down in the Conscription Act. If a reservist is employed at the Defence Forces for the duration of the task, his or her existing employment or public-service employment relationship must not be terminated because of the task. A reservist is entitled to return to his or her earlier employment or public-service employment relationship when the employment relationship with the Defence Forces terminates. The employer can decide at their discretion whether to grant a reservist a leave of absence or release from duties to take up the tasks referred to in section 12.

Section 12c (427/2006)

Status of Forces Agreements (SOFA)

The Government may provide by decree that, for the purpose of bringing into force Finland's international obligations, the following agreements apply to receiving and providing international assistance and to other international activities:

1) the Agreement among the States Parties to the North Atlantic Treaty and the Other States Participating in the Partnership for Peace with regard to the status of their forces and the first additional protocol (Finnish Treaty Series 64/1997 and 65/1997) and the second additional protocol (Finnish Treaty Series 72-74/2005).

2) the agreement between the Member States of the European Union concerning the status of military and civilian staff seconded to the institutions of the European Union, of the headquarters and forces which may be made available to the European Union in the context of the preparation and execution of the tasks referred to in Article 17(2) of the Treaty on European Union, including exercises, and of the military and civilian staff of the Member States put at the disposal of the European Union to act in this context (EU SOFA) (Finnish Treaty Series 24/2006).

3) Agreement between the Member States of the European Union concerning claims introduced by each Member State against any other Member State for damage to any property owned, used or operated by it or injury or death suffered by any military or civilian staff of its services, in the context of an EU crisis management operation (Finnish Treaty Series 25/2006).

Participation in military crisis management and military tasks in international crisis management (577/2015)

Section 13 (577/2017)

Military crisis management and military tasks in other international crisis management activities

The Defence Forces participate in international military crisis management and other military tasks in international crisis management activities as laid down in the Act on Military Crisis Management (211/2006).

Using real property and limitations on real property

Section 14 (509/2013)

Temporary right to use real property

The Defence Forces are entitled to make temporary use of real property other than what they permanently occupy if this is necessary for the purpose of military exercises or for enhancing defence readiness. However, in doing so the Defence Forces must not cause unnecessary inconvenience or damage to such property.

Notwithstanding the above, the Defence Forces are not allowed to use dwellings, adjoining yards or gardens, agricultural land where the crops have not been harvested, or agriculture or forestry test fields.

Use of the real property as referred to in subsection 1 is agreed on between the Defence Forces and the owner or occupier of the property orally or in writing. If no agreement is reached, the Defence Forces' service command, regional administrative authority, garrison commander or the exercise leader may decide on the use of the real property.

If the Defence Forces need to have access to an extensive area with a large number of real property or the real property have a large number of owners or occupiers, the Defence Forces' service command, regional administrative authority, garrison commander or the exercise leader may decide on the use of the real property. A notification of the decision may be submitted by public notice as stated in the Administrative Procedure Act (434/2003).

The owner or occupier of the real property thus used will be compensated at fair value for any damage caused in using the property. An administrative review of the compensation decision, as well as the decision on temporary use of the said real property, may be requested as laid down in the Administrative Procedure Act. The decision on the request for an administrative review may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act (586/1996). The decision of the administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal. Irrespective of any request for a review, the party entitled to such compensation must be paid any undisputed amount of compensation without delay. The decision on the use of real property may be observed regardless of the request for a review, unless the reviewing authority prohibits its enforcement. A dispute on the use of real property is processed as a matter of administrative litigation in an Administrative Court, as provided in the Administrative Judicial Procedure Act. (932/2015)

Section 15

Prohibitions and restrictions on movement

If military reasons dictate or the protection of outsiders from harm so demands, the Defence Forces' service commands, the regional administrative authority, a garrison commander or the exercise leader may prohibit unauthorised persons from accessing an area or property being used by the Defence Forces or may restrict movement there. Provisions on the punishment for insubordination to a border guard are laid down in the Criminal Code (39/1889). (509/2013)

The leader of a military exercise may impose a prohibition or restriction referred to in subsection 1 on an area or facility, used by the Defence Forces on a temporary basis for an exercise, that is used for storing materiel, force posture or an activity which may cause danger to outsiders.

Permission to access or visit such an area or property will be granted if the applicant has a justified reason for accessing or visiting an area being used by the Defence Forces; these include work-related duties, having a home in the area, or similar reasons. However, permission to visit will not be granted if there are reasonable grounds to suspect that the applicant would endanger the Defence Forces' activities or the safety of persons in the area. A person who has received permission to access or visit an area or property used by the Defence Forces may not photograph or record in any other way sites of importance to national defence, such as command posts, radar or signal stations, and weapons systems. The permit may include regulations necessary to take account of the work of the Defence Forces and the safety of the applicant as to where and when to access the area, and about photography and other means of recording.

The permit may be revoked if:

- 1) the permit holder violates the permit regulations;
- 2) the permit holder has given misleading information about his or her reason for accessing the area; or
- 3) the permit holder no longer meets the requirements for the granting of a permit.

A permit to access or visit is granted by the authority referred to in subsections 1 and 2. As provided in the Administrative Judicial Procedures Act, an administrative review of the decision

made by the approving authority may be requested as provided in subsections 3 and 4. The decision on a request for an administrative review may be appealed against to an Administrative Court as provided in the Administrative Judicial Procedure Act. The decision of the administrative court may be appealed against only if the Supreme Administrative Court grants leave to appeal. The decision concerning the revocation of the permit must be complied with, however, irrespective of any request for a review, unless the reviewing authority prohibits enforcement of the decision. (932/2015)

Further provisions on the permit to access or visit are issued by decree of the Ministry of Defence.

Where the area referred to above in subsection 1 is an area on land, it must be marked. Further provisions on prohibition notices and any other signs referred to herein may be issued by decree of the Ministry of Defence.

Further provisions on defining the sites that require special protection because of national defence considerations, on controlling access and maintaining secrecy, are issued by government decree. (197/2017)

Section 15a (1089/2018)

Interfering with the path of model aircraft and unmanned aircraft

The Defence Forces have the right to take temporary possession of model aircraft referred to in section 2, subsection 1, paragraph 21 of the Aviation Act (864/2014) and of unmanned aircraft referred to in paragraph 22 by employing technical equipment or use of force, to prevent them from being operated, or to otherwise interfere with their path, if such a device enters the airspace above an area the Defence Forces permanently occupy, or which is used in the way referred to in section 14 of this act, without permission, or if such a device enters restricted aviation areas that are located above such an area referred to in section 11 of the Aviation Act without permission.

When carrying out tasks included in their administrative branch, the Defence Forces have the right to take temporary possession of model aircraft and unmanned aircraft by employing technical equipment or use of force to prevent them from being operated, or to otherwise interfere with their path, outside the areas referred to in subsection 1 if, based on their path or other factors, it is probable that national defence or the Defence Forces' vital work is at risk or, if intervention is

necessary to ensure the security of the personnel employed by the Defence Forces or to safeguard security duties referred to in section 18a.

Using force or technical equipment must be proportionate to the importance and urgency of the official duty, the desired goal, any disruption caused to communications and to any other factors influencing the overall evaluation of the situation. Force and technical equipment shall be used only to the extent and for the time required to perform the set task. An official shall have an adequate level of competence and training for the task when exercising his or her powers. The measures taken shall not cause more than minor interference to radio communications or to the equipment of the public communications network or services.

Section 15b (1089/2004)

Decision to interfere with the path of a model aircraft or unmanned aircraft

The Defence Command and the relevant service commands, the regional administrative authority, a garrison commander or the exercise leader may decide to interfere with the path of a model aircraft or an unmanned aircraft for a fixed period of time. The decision must contain sufficient information on the machinery, equipment and the area to which the decision will be applied. The official who is directing and supervising the implementation must be designated in the decision.

The Finnish Transport and Communications Agency shall be informed of the decision, if the powers exercised by that decision could interfere with radio communications or the public communications network or its services.

Section 15c (1089/2006)

Cooperation with the police on interfering with the path of a model aircraft or unmanned aircraft

The Defence Forces shall inform in advance the commanding police officer or the police field commander of the decision on the basis of which powers referred to in section 15 a can be used in a public place. Where appropriate, interfering with the path of a model aircraft or unmanned aircraft is carried out by the police or under the general direction of the police.

The Defence Forces shall agree with the police on the use of force in a public place.

Section 15d (1089/2006)

Gathering data to identify model aircraft and unmanned aircraft

The Defence Forces have the right to handle radio communications, traffic data and location data in order to interfere with the path of a model aircraft or unmanned aircraft, to identify a device or a part of a device, and to determine its location.

Identification data gathered by means of radio communications, traffic data and location data which can be associated with a natural person must be disposed of without delay, unless otherwise prescribed by law.

Section 15e (1089/1993)

Handling of a model aircraft or unmanned aircraft taken into possession

A model aircraft or unmanned aircraft taken into possession by the Defence Forces shall be handed over to its owner without undue delay, if the owner is known.

The Defence Forces shall, however, hand over the model aircraft or unmanned aircraft without delay to a competent authority that has legitimate grounds for handling it.

Section 15f (1089/1991)

Protocol

A protocol shall be drawn up without undue delay on interfering with the path of a model aircraft or unmanned aircraft, preventing its use or taking it into possession, and on deleting relevant data.

Section 16 (335/2017)

Processing of personal data

The processing of personal data in the Defence Forces is governed by the Act on the Processing of Personal Data in the Defence Forces (332/2019).

Section 17 (335/2017)

Right of access to information

The Border Guard has the right, notwithstanding the obligation of secrecy, to obtain free of charge from a public authority and a body assigned to perform a public function any information and documents necessary to carry out an official duty unless disclosing such information or documents to the Defence Forces or using such information as evidence is prohibited or restricted by law.

Maintaining public order and safety

Section 18

Maintaining public order and safety in areas permanently used by the Defence Forces

The maintaining of public order and safety in areas permanently used by the Defence Forces are provided for in more detail by the commander of each garrison or brigade-level (equivalent) unit. The training provided to an official who is a guard officer or a duty officer is laid down by decree of the Ministry of Defence.

Section 18a (197/2017)

Security duties of the Defence Forces

As necessary, the Defence Forces can designate one or more of their public officials with special training (*i.e. a security guard*) to protect, in public places, the security of the Defence Forces' personnel, the representatives of a foreign state's military command, or the representatives of an international organisation who require special protection, or to protect the integrity of the Defence Forces' special property transportations.

When carrying out personal protection tasks in a public place, a security guard can use the powers laid down in section 22a to protect a person who requires special protection unless the police are given the task, or to protect the integrity of the Defence Forces' special property transportations as laid down in section 22a. The commanding police officer or the police field commander must be notified without delay when these powers are exercised.

Security duties must be transferred to the police or other competent authority as soon as possible after the powers referred to in subsection 2 are exercised.

Further provisions on the security guard's use of instruments of force and protective equipment are issued by government decree.

Further provisions on the security guard's special training, practising the use of force, the right to carry instruments of force and oversight of the use of force, and on the required qualifications for the leader of a security duty are issued by Ministry of Defence decree.

Section 18b (197/2004)

Principles to be followed in security duties

Security duties shall be performed appropriately and impartially, while promoting equal treatment and conciliation. Efforts shall be made to carry out security duties primarily through advice, requests and orders.

Actions taken shall be justifiable in proportion to the importance, danger and urgency of the duty; 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.

The measures taken by a security guard shall not infringe anyone's rights or cause anyone harm or inconvenience more than is necessary to carry out the duty.

Security guards may exercise their powers only for the purposes provided by law.

Section 18c (197/2006)

Cooperation with the police in connection with security duties

The Defence Forces shall inform the commanding police officer or the police field commander about a security duty in advance.

Where appropriate, security duties are carried out in cooperation with the police and under the general direction of the police. The leader of the security duty and the police authority in question agree on matters relating to the task at hand.

The Defence Forces agree with the police on the use of firearms, warnings about the use of a firearm, and threatening the use of firearms in public places.

Section 18d (197/2007)

Security guard's badge, declaring a security guard's status and identifying individual security guards

Security guards have a badge specified by Ministry of Defence decree.

While on official duty, security guards shall display the official badge. If necessary, a police officer shall declare to the person targeted by the action that he or she is a police officer and, on request, present his or her badge if such a declaration or presentation is possible without jeopardising the completion of the action.

The Defence Forces shall ensure that security guards carrying out official duties can be identified, when necessary.

Section 19

Establishing identity, removing a person and right of apprehension

An official who is a guard officer or a duty officer has the right to remove a person from areas permanently used by the Defence Forces and from areas referred to in section 15 if it is apparent that the person in question does not have the right to stay in the area and the official referred to above has prompted him or her to leave. An official also has the right to remove a person who has entered an area lawfully if he or she is disturbing others or endangers the safety of themselves or that of other people. In addition, to perform the duties the official has the right to obtain the name, personal identity code or, if this does not exist, the date of birth, nationality, and passport data of the person staying or moving in the area.

The general right of apprehension shall be carried out as provided in chapter 2, section 2 of the Coercive Measures Act (806/2011). An apprehended person, unless covered by chapter 45 of the Penal Code, must immediately be turned over to the police. This also applies to an apprehended person covered by chapter 45 of the Penal Code if that person has committed a crime other than that referred to in section 2 of the Military Court Procedure Act (326/1983). If the apprehended person cannot be handed over to the police no later than 6 hours after being apprehended, he or she must be released without delay. (840/2011)

Additionally, a person referred to in chapter 2 of the Criminal Code may also be apprehended if:

1) on the basis of the person's threats or general behaviour, it can be concluded that he or she would be likely to commit an offence, or

2) he or she is not known and refuses to provide the necessary information to the superior, security patrol or military person who is a guard officer or a duty officer requesting the information, or provides what is likely to be false information to establish his or her identity.

(262/2014)

Section 20

Security searches

When removing or apprehending a person, an official who is a guard officer or a duty officer has the right to perform a security search to ensure that the apprehended person does not have items or substances that pose a danger to themselves or to others. The official mentioned above has the right to remove such items or substances found during the search. Provided that there is no legal impediment to doing so, items and substances taken into possession must be returned to the persons when they leave or are released.

Section 21

Security checks

An official who is a guard officer or a duty officer has the right to use a metal detector, another corresponding technical device or a trained dog to check persons who enter the Defence Forces premises, vehicles or military areas or who stay there, or check their vehicle and belongings to ensure that the person or persons are not carrying an object or substance that could pose a risk to safety and security or the possession of which is prohibited under an act or by virtue of a provision or regulation issued under the act. A security check can be performed on persons leaving the Defence Forces premises, vehicles or military areas and, if necessary, on their vehicle and belongings if the check is of high importance for maintaining security and order and if there are reasonable grounds to suspect that security orders issued by the Defence Forces have been violated.

An official who is a guard officer or a duty officer has the right to use a metal detector, another corresponding technical device or a trained dog to check the Defence Forces premises, vehicles or military areas to ensure that they do not contain an object or substance that could pose a risk to

safety and security or the possession of which is prohibited under an act or by virtue of a provision or regulation issued under the act.

The commander of a garrison or brigade-level (equivalent) unit makes the decision on performing a security check. The security check shall be carried out in such a manner that it does not cause any unnecessary inconvenience to the persons inspected or any damage to property.

Any item of property found in such cases referred to in subsections 1 and 2 may be taken into possession. Minutes shall be written concerning taking the property into possession. Provided that there is no legal impediment to doing so, all confiscated possessions must be returned to the person in question when he or she leaves the Defence Forces premises.

Section 22

Use of force to maintain order and security

If a person to be removed, apprehended or subjected to a safety inspection attempts to resist the official who is a guard officer or a duty officer, in order to avoid ejection, apprehension or being subjected to a safety inspection, a public official is entitled to use any use of force necessary to eject or apprehend the person or to conduct a safety inspection, provided that such measures can be deemed defensible in view of the person's behaviour and other circumstances.

If a person refuses to submit to the security inspection referred to in section 21, they may be removed from or refused access to a Defence Forces facility, vehicle or area. In order to remove such a person from a Defence Forces facility, vehicle or area, any use of force may be used that may be considered defensible in view of the person's behaviour and other circumstances.

The provisions of chapter 4, section 6, subsection 3 and section 7 of the Criminal Code apply to the excessive use of force.

Section 22a (197/2017)

Powers in a personal protection task

Security officers have the right to exercise the powers referred to in this section when performing a personal protection duty, unless a commanding police officer or the police field commander restricts them.

In order to combat an attack on the life, physical integrity, freedom, wealth or domestic peace of a person who has already been or is immediately expected to be the subject of a personal protection duty, security officers have the right to use force that can be deemed justifiable when viewed as a whole, taking into consideration the safety of the target, the nature of the official duty and the danger of resistance. Force shall be used only to the extent and for the time necessary to perform a statutory official duty.

Section 22b (197/2004)

Powers to protect the integrity of the Defence Forces' special property transportations

Security officers have the right, in the immediate vicinity of the Defence Forces' special property transportation, to cordon off, close or clear a place or area in public use, or to prohibit or restrict movement there, if this is necessary to protect the integrity of special property, unless these powers are restricted by a commanding police officer or the police field commander.

To protect the integrity of the Defence Forces' special property transportations, security officers have the right to remove a person from a place if there are reasonable grounds to believe on the basis of the person's threats or other behaviour, or it is likely on the basis of the person's previous behaviour, that he or she would commit an offence against the Defence Forces' special property. The powers referred to in this subsection may be restricted by a commanding police officer or the police field commander.

A person may be apprehended if his or her removal is likely to be an inadequate measure and the offence cannot otherwise be prevented or the disturbance or danger otherwise removed. A commanding police officer or the police field commander shall be immediately informed of the apprehension and the apprehended person shall be handed over to the police without delay.

The Act on the Treatment of Persons Contained by the Police (841/2006) applies to the treatment of persons apprehended under subsection 3.

Section 23 (197/2017)

Use of force by soldiers, superior officers and security guards

A soldier as referred to in chapter 45 section 27 of the Penal Code who is on guard duty or is a duty officer and a security officer performing a security duty is entitled, when met with resistance, to employ the necessary use of force to overcome that resistance to such an extent as can be considered defensible in view of the safety of the site or area being guarded, the nature of the soldier's post or assignment, and the danger posed by the resistance. Under the aforementioned conditions, soldiers on guard duty or security officers are entitled to employ the use of force when a person, despite being ordered to halt, approaches the site or area being guarded to which access is prohibited. Force shall be used only to the extent and for the time necessary to perform a statutory official duty.

When performing official duties, soldiers and security officers shall also have the right of self-defence as provided in chapter 4, section 4 of the Penal Code. In such self-defence, soldiers and security guards are subject to liability for acts in office. The requirements set for police officers on the basis of training and experience shall be taken into consideration when assessing the justifiability of self-defence.

In combat, in peril at sea or in a similar situation which is particularly dangerous to a combat unit or its operations, a superior officer is entitled to employ such use of force as is necessary to restore obedience and discipline against a subordinate soldier who, despite the orders of the superior officer, runs away, violently resists the superior officer or disregards an order issued by the superior officer to prevent danger, even when the order is repeated. In assessing the defensibility of such a use of force, the danger caused by the subordinate's negligence or action and the circumstances must be taken into account.

If a prisoner of war attempts to escape, the person responsible for preventing such an escape is entitled to employ the use of force provided for in chapter 18 section 6 of the Act on Imprisonment (767/2005).

The provisions of chapter 4, section 6, subsection 3 and section 7 of the Criminal Code apply to the excessive use of force.

Section 23a (262/2014)

The right of the commander of a brigade-level (equivalent) unit to conduct inspections and searches

A person employed by the Defence Forces who is not subject to chapter 45 of the Criminal Code may be subjected to a search and inspection 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 referred to in that paragraph have been violated.

The provisions of section 25 subsection 2 of the Act on Military Discipline and Combating Crime in the Defence Forces apply to unauthorised or unlawful possession of the property of the Defence Forces or narcotics or alcoholic beverages.

Section 23b (197/2017)

Preparing to use force and warning of its use

If, in carrying out an official duty, there is reason to suspect that resistance referred to in section 23, subsection 1 will be met or an unlawful attack referred to in chapter 4, section 4, subsection 1 of the Penal Code will occur, preparation for the use of force shall be made in a suitable and appropriate manner taking into account section 23.

Persons who are targeted by official duties shall be warned of the possibility that force may be used against them if such a warning is possible and appropriate. The warning shall be given in a way that is understood and suitable for the purpose.

Section 23c (197/2017)

Use of firearms by soldiers, superior officers and security officers

A soldier on guard duty or who is a duty officer as referred to in chapter 45, section 27 of the Criminal Code may use a firearm only when it is necessary to stop the actions of a person posing an immediate and serious danger to the life or health of another person and no less severe means to achieve this are available.

Security officers may use a firearm when performing a personal protection task in the immediate vicinity of the targeted person in order to safeguard his or her life or physical integrity and to protect the integrity of the Defence Forces' special property transportations in a public place that is cordoned off, closed or emptied as referred to in section 22b subsection 1 when it is necessary to stop the actions of a person posing an immediate and serious danger to the life or health of another person and no less severe means to achieve this are available.

In addition to the provisions referred to in subsection 1 or 2 of this section, firearms may also be used for removing an object, animal or other similar obstacle when carrying out an urgent and important duty. Firearms may not be used to disperse a crowd unless gas cartridges or other similar projectiles are used in the firearm in accordance with separately issued regulations for these.

Use of a firearm means firing a firearm referred to in section 2 of the Firearms Act, warning of the use of a firearm and threatening with a firearm. Revealing a firearm, and preparing it for use, do not constitute use of a firearm.

The decision to threaten with a firearm and to fire a firearm in a public place is made by the leader of the security duty if this is possible in view of the urgency of the situation.

Chapter 3

The Defence Forces' organisation and administration

Section 24 (509/2013)

Command and administrative units of the Defence Forces

Provisions on the high command in the Defence Forces are laid down in the Constitution of Finland. In administrative matters, the Defence Forces are subordinate to the Ministry of Defence. The President decides on military command matters and military appointments as provided in this Act.

The Defence Forces include the Chief of Defence, Defence Command Finland, the Army, Navy and Air Force, military institutions, garrisons, brigade-level units (equivalent) and other administrative units and territorial forces.

Section 25

Chief of Defence of the Defence Forces

Direct operational command and supervision of the Defence Forces lies with the Chief of Defence.

The Chief of Defence handles and decides, on presentation, by the Chief of Defence Command or a public official authorised by the same, on the administrative matters falling within the mandate

of the Chief of Defence. In individual cases, the Chief of Defence may reserve decision-making authority for himself in an administrative matter prescribed for processing by the Defence Command or in a matter concerning assignment to duty prescribed for decision by another Defence Forces authority.

The Chief of Defence submits proposals to the Ministry of Defence concerning Defence Forces appointments and assignments to duty which are decided by the President of the Republic in a Government session at the Government's recommendation.

If the Chief of Defence is unavailable, the Chief of Staff of the Defence Command acts as his/her deputy. If necessary, further provisions on the duties of the Chief of Defence are issued by government decree.

Section 26

Defence Command Finland

The Defence Command is a central government agency and the supreme headquarters of the Defence Forces. Subject to the powers of the Chief of Defence of the Defence Forces, the Defence Command directs and supervises the performance of the tasks laid down for the Defence Forces. Led by the Chief of Defence Command Finland,

the Defence Command handles and decides matters that have not been delegated by law to some other official within the Defence Forces. Decisions on administrative matters are made, on presentation, by the Chief of Defence Command, unless otherwise provided or ordered by law. Decisions on issues other than those of importance for the Defence Forces may be referred to public officials working at the Defence Command. Provisions concerning grounds for transfer of the discretionary power are issued by government decree. Further orders may be issued by the rules of procedure of the Defence Command.

Further provisions on the composition and tasks of the Defence Command are issued by government decree.

Section 27 (509/2013)

Services

The Army is led by the Army Command and comprises regional offices, military institutions and brigade-level units. It is directed by the Commander of the Finnish Army. Matters handled in the Army Command are decided, on presentation, by the Commander of the Army, unless otherwise provided or ordered by law. However, decisions of importance for the Army are made by the Commander of the Army. Further orders on the handling and decision-making of matters at the Army Command are issued by the rules of procedure signed by the Commander of the Army.

The Navy includes the Navy Command, military institutions and brigade-level (equivalent) units. It is directed by the Commander of the Finnish Navy. Matters handled in the Navy Command are decided, on presentation, by the Commander of the Finnish Navy, unless otherwise provided or ordered by law. However, decisions of importance for the Navy are made by the Commander of the Navy. Further orders on the handling and decision-making of matters at the Navy Command are issued by the rules of procedure that is signed by the Commander of the Navy. The Navy Command monitors and controls military maritime transport and the measures promoting it and ensuring its safety.

The Air Force includes the Air Force Command, military institutions and brigade-level (equivalent) units. Air Force Command Finland is the command headquarters of the Commander of the Air Force. Matters handled in the Air Force Command are decided, on presentation, by the Commander of the Air Force, unless otherwise provided or ordered by law. However, decisions of importance for the Air Force are made by the Commander of the Air Force. Further orders on the handling and decision-making of matters at the Air Force Command are issued by the rules of procedure that is signed by the Commander of the Air Force. The military aviation authority referred to in the Aviation Act (1194/2009) functions in conjunction with the Air Force Command.

The Army Command, the Navy Command and the Air Force Command are subordinate to the Defence Command regarding their sectors.

The Aviation Act 1194/2009 was repealed by the Aviation Act 864/2014.

Section 27a (509/2015)

National Defence University

The National Defence University (NDU) is a tertiary education institution for military science that is part of the Finnish Defence Forces. The Act on the National Defence University (1121/2008) lays down provisions on the status, organisation and education and training given at the NDU.

Section 27b § (509/2013)

Defence Forces Logistics Command

Subordinate to the Defence Command, the Defence Forces Logistics Command is a military institution that is responsible for materiel management, procurement, organisation of health care, environmental matters and facilities management in the Defence Forces. It consists of the Defence Forces Logistics Command Headquarters, military institutions and other administrative units. Matters handled by the Defence Forces Logistics Command Headquarters are decided, on presentation, by the Chief of Logistics Command unless it has been prescribed or ordered that the matter be decided by another official. However, any matter of importance to the Logistics Command shall be decided by the Chief of Logistics Command. Further orders on the handling and decision-making of matters at the Defence Forces Logistics Command are issued by the rules of procedure, signed by the Chief of Logistics Command.

Section 27c (509/2013)

Regional offices and garrisons

One or more regional offices are part of certain brigade-level units which are tasked to deal with and decide on matters related to conscription, women's voluntary military service and voluntary national service as separately provided. In such matters, a regional office is subordinate to the Army Command. The matter referred to above shall be decided by the head of the regional office, on presentation, unless otherwise provided or ordered that the matter be decided by another authority or official. Further provisions on the handling and decision-making of matters referred to above in the regional office shall be laid down in the rules of procedure, signed by the head of the regional office.

The areas of operation of the regional offices cover the whole country. Provisions on the names, areas of operation and organisation of regional offices are issued by government decree.

A garrison is a unit consisting of the areas and administrative units or their parts that are used by the Defence Forces. Its task is to coordinate and provide common services to the units and military

sites belonging to the garrison. Administrative matters that are handled in the garrison are decided by the garrison commander, on presentation.

Section 28 (509/2013)

Local government and regional troops

Military institutions and brigade-level units (equivalent) are local administrative authorities of the Defence Forces. Military institutions and brigade-level units (equivalent) are subordinate to the Defence Command or to Army Command, Navy Command or Air Force Command or to another military institution, as decided in accordance with section 29.

Administrative matters handled by local administrative authorities are decided, on presentation, by the commander or head of the local administrative authority, unless otherwise provided or ordered by law. More detailed orders on handling and deciding matters by the local and regional administrative authorities are given in the rules of procedure confirmed by the commander or head of the local or regional administrative authority.

To be deployed regionally or locally by the Defence Forces, regional troops are subject to a military institution, a regional office or a brigade-level unit (equivalent) as decided in accordance with section 29. Regional troops are formed from persons liable for military service who are in the reserve and who volunteer for duty and from other volunteers who have made a commitment to the Defence Forces under the Act on Voluntary National Defence.

Regional forces may be used when the Defence Forces provide executive assistance.

Section 29 (509/2013)

Deciding on the structure and chain of command

The Ministry of Defence decides, on presentation, by the Chief of Defence or the Defence Command:

- 1) on the location of the Defence Command, service commands, National Defence University, Defence Forces Logistics Command and on the establishment, location and disbandment of military institutions, brigade-level units (equivalent) or other units;

2) on any other changes in structures or chains of command that have a major social, financial or personnel-related impact.

The Chief of Defence is entitled to decide on detailed structures and chains of command in all other respects. The Ministry of Defence must be kept informed about preparations for such decisions. Further provisions on the division of authority between the Ministry of Defence and the Chief of Defence may be issued by Ministry of Defence decree.

The decision referred to in subsections 1 and 2 is not subject to appeal.

In addition to the structure referred to above in subsections 1 and 2, the founding of formations for increased readiness and the related chains of command are decided as military command matters, as provided for below in this Act.

Section 30

Internal organisation and military command matters in the Defence Forces

The Defence Forces' internal organisation is on a military basis. Officials serving in military posts present military command matters that are decided by the Chief of Defence or another superior officer and confirm the decision made by the superior officer.

Section 31

Decision-making powers of the President of the Republic in military command matters

The President of the Republic makes the decisions on the key defence principles of Finland's military defence, significant changes in military defence capabilities, the principles to implement military defence and other military command matters of far-reaching or fundamentally important nature that are related to the Defence Forces' military activities and military order.

The President also decides, as a military command matter, on promotions in military rank as provided in this Act.

The President may take the decision on a military command matter that is allotted for the decision of the Chief of Defence or another superior officer. The Chief of Defence shall inform the President

and the Minister of Defence of significant military command matters falling within the responsibility of superior officers.

Section 32

Decision-making in military command matters

The President of the Republic decides on military command matters falling under the key defence principles referred to in section 31, subsection 1, on presentation of the Minister of Defence, insofar as they are related to the strategic planning of the Ministry of Defence. The decisions are confirmed by the Minister of Defence. The Prime Minister and the Chief of Defence have the right to be present and express their views.

The President decides other military command matters on presentation of the Chief of Defence. The decisions are confirmed by the Chief of Defence of the Defence Forces. When military command matters are presented to the President, the Minister of Defence has the right to be present and express his or her view. However, when the Chief of Defence presents a military command matter referred to in section 31, subsection 1, the Minister of Defence shall be present and express his or her view. The Prime Minister can also be present and express his or her view.

By the initiative of the President of the Republic or on presentation of the Minister of Defence, the President may refer military command matters to be decided by the President. In such cases, the President decides the matter on presentation of the Minister of Defence without a recommendation from the Government. When military command matters are presented to the President in Government, the Chief of Defence has the right to be present and express his view.

Section 33

Decision-making by the Chief of Defence and other superior officers in military command matters

Decisions on military command matters other than those decided by the President are made by the Chief of Defence, unless they are ordered to be decided or are, under the law, decided by another superior officer. Superior officers may take over decision-making in military command matters that are decided by their subordinates.

The division of powers between the Chief of Defence and lower-ranking military officers in military command matters are laid down by presidential decree.

Section 34

Overseeing the state's interest in the Defence Forces

Separate provisions regarding the overseeing of the state's interest in matters related to the Defence Forces shall be issued by government decree.

Section 35

The Defence Forces emblem

Provisions on the Defence Forces' emblem are issued by presidential decree.

The Chief of Defence may grant permission to an external party to use the emblem. Any unauthorised use of the emblem is prohibited.

Chapter 4

The Defence Forces' personnel

Section 36

Personnel

Personnel includes those in military posts and those in civilian posts. In addition, there may be personnel in fixed-term posts and in permanent employment. For the purposes of this Act, professional military personnel refers to both personnel in military posts and to those who have been appointed to fixed-term military posts in the Defence Forces.

Further provisions on posts in the Defence Forces are issued by government decree.

Section 36a (890/2018)

Filling vacant posts

Posts in the Defence Forces may be filled without an application procedure.

Applications are, however, invited for the following posts: associate professor, associate military professor, medical specialist, head librarian, museum director, department director, department head, professor, Chief Legal Advisor of the Defence Forces, inspector of explosives, military professor, head of office and research director.

Section 37 (442/2019)

Required qualifications for posts and tasks in the Defence Forces

In addition to what is provided elsewhere for general qualifications for central government posts, candidates for Defence Forces posts shall possess the reliability required for the performance of the prescribed duties.

Those appointed to a military post in the Defence Forces shall have performed military service, either armed service or women's voluntary military service, in the Finnish Defence Forces or at the Border Guard, and shall be suitable for the post in terms of their health and physical condition. Appointments to military posts require candidates not to hold a citizenship of or other links to a foreign country, as referred to in section 3, subsection 1, paragraph 9a of the Security Clearance Act (726/2014) that could constitute a danger to the security of the state, general security, national defence or Finland's international relations, or to the security and safety of the Defence Forces' personnel.

Further provisions on the required qualifications for posts and tasks in the Defence Forces are issued by government decree.

Section 37 amended by Act 442/2019 shall enter into force on 1.7.2019. The previous wording was:

Section 37

Required qualifications for posts and tasks in the Defence Forces (262/2014)

In addition to what is provided elsewhere regarding the general qualifications for central government posts, candidates for Defence Forces posts must possess the reliability required for the performance of the prescribed duties.

Those appointed to a military post in the Defence Forces shall have performed military service, either armed service or women's voluntary military service, in the Finnish Defence Forces or at the Border Guard, and shall be suitable for the post in terms of their health and physical condition.

Further provisions on special qualifications required for officials in the Defence Forces, such as training, experience and leadership skills required for superior officers' posts, are issued by government decree.

Section 38 (560/2016)

Appointing to a post and assigning to a duty

The President of the Republic appoints people to the following posts and assigns their duties: the Chief of Defence, the Chief of Staff of the Defence Command, Generals, Admirals, the Defence Forces Chief Engineer, the Defence Forces Surgeon General and the Chaplain General. The President takes decisions on appointments and assignments at a Government session on the recommendation of the Government. Likewise, the President assigns Defence Forces officers or special officers to the duties of Defence Attaché, Deputy Defence Attaché, Military Representative and Deputy Military Representative, and similar international duties.

The President of the Republic decides as a military appointment matter, other than those referred to in subsection 1, the appointment of officers, military professors and assistant military professors; and the assignment of officers to act as aides-de-camp to the President. The President decides military appointment matters on presentation of the Chief of Defence. The Chief of Defence confirms these decisions. When such a matter is being presented to the President, the Minister of Defence is entitled to be present and to voice his/her opinion on the matter in question.

Provisions regarding the authority to assign officers to a duty other than those referred to in subsections 1 and 2 and to appoint and assign to a duty other Defence Forces officials shall be issued by government decree.

Section 38a (560/2016)

The duties of professors and military professors, and filling the posts of professors, military professors, associate professors and assistant military professors

Professors and military professors shall carry out and supervise research work, provide education based on this research, follow developments in research and participate in societal interaction and international cooperation in their field.

The posts of professors, military professors, associate professors and associate military professors may be filled by invitation without public notice of vacancy when a professionally distinguished person can be invited to take the post or a person is appointed to a post for a fixed period. Only a person who indisputably fulfils the qualification requirements may be appointed to the post by invitation. (890/2018)

Statements concerning the qualifications and merits of persons applying for and invited to a post shall be requested from a minimum of two experts if an applicant is to be appointed to a post or is appointed for a fixed period of at least two years. The disqualification of an expert is governed by the provisions of Sections 27 to 29 of the Administrative Procedure Act.

Section 39

International duties: compensation and status

Persons assigned to the duties of Defence Attaché, Deputy Defence Attaché, Military Representative and Deputy Military Representative or similar international duty, and persons assisting these persons, are paid compensation on the basis of local special circumstances and other financial benefits as laid down in the Act on Compensation of Foreign Representation (596/2006).

The entitlement of the persons referred to above in subsection 1 to a local increase, representation allowance and relocation compensation is determined on the basis of sections 4, 6 and 7 of the Act on Compensation of Foreign Representation. Further provisions on the equivalence of Defence Forces posts or duties to the foreign affairs administration posts and duties are issued by decree of the Ministry of Defence. Compensation is decided by the Defence Command, unless the authority is delegated by Ministry of Defence decree to one of the service commands referred to in section 27 of this Act.

Provisions on the status of the persons referred to above in subsection 1 are issued in the Foreign Service Act (204/2000).

Section 40

Promotion in military or service ranks

The President of the Republic promotes officers to the military ranks of Second Lieutenant and Sub-Lieutenant as a military command matter and promotes officers to higher or comparative military ranks on presentation of the Chief of Defence. However, decisions to promote officers to the military rank of Brigadier General, Commodore or higher or comparative military ranks and to grant the corresponding service rank are taken on presentation of the Minister of Defence.

Further provisions on military ranks and service ranks, promotion of military rank and the granting of service rank, and the authority to promote officers to military ranks other than those referred to in subsection 1 and to grant the corresponding service rank are issued by decree of the President of the Republic.

The Chief of Defence may issue orders on the use of military ranks and service ranks, their equivalence and their relationships to one another.

Section 41

Reassignment to another post or duty

A Defence Forces official is obliged to transfer to another Defence Forces post or duty when such a transfer is necessary for the carrying out of duties or for the organisation of the function in question.

If officials must change their place of service because of reassignment, they shall be informed of the decision a minimum of three months before the change.

The decision on reassignment to another post or task which causes a change of service location may be appealed against to an administrative court as provided in the Administrative Judicial Procedure Act (586/1996). A decision by an administrative court may only be appealed against if the Supreme Administrative Court grants leave to appeal. The decision must be complied with, irrespective of any request for a review, unless the reviewing authority prohibits enforcement of the decision. Decisions concerning being transferred to another post or being assigned to a duty that do not require an official to relocate are not subject to appeal. (932/2015)

The provision of subsection 1 does not apply to participation in crisis management operations abroad as laid down in the Act on Military Crisis Management.

Section 42

Code of conduct

In addition to provisions elsewhere regarding the conduct of civil servants, professional soldiers must, both in their professional duties and in their private lives, conduct themselves in such a way as to not compromise public confidence in the Defence Forces' ability to execute their duties appropriately.

Section 43

A soldier's basic skills and physical condition

Professional soldiers are required to maintain the basic military skills and physical condition commensurate with their duties. Provisions on the basic skills required for specific posts, and physical condition and fitness tests, may be issued by decree of the Ministry of Defence.

Section 44 (509/2013)

Reporting for duty

When threats against the vital functions of society or exceptional circumstances as laid down in the Readiness Act (1552/2011) or the threat of the same so requires, Defence Forces officials must report for duty if so ordered, even if they are on annual holiday or leave of absence. Whenever such a threat or situation is apparent, officials must immediately contact their service location. The orders referred to above are issued by a competent authority in the Defence Forces.

Regarding the obligation of public officials to be on standby and to work overtime, the provisions of section 5, subsection 3 and section 18, subsection 4 of the Working Hours Act (605/1996) apply.

Section 45

Using official dress and military uniform

Professional soldiers in the Defence Forces and persons in a service relationship as laid down in the Act on Military Crisis Management must wear a Defence Forces military uniform when on duty, unless their official duties or other reasons determine otherwise. Other Defence Forces officials may be required to wear an official dress appropriate for their duty or post if the duties or post so require.

If a person who has been authorised separately to use a military uniform violates the orders and regulations pertaining to its use, the National Command may revoke that person's right to use a military uniform.

Persons other than those referred to above in subsection 1, those undergoing military service as laid down in the Conscription Act and the Act on Voluntary Military Service for Women (194/1995), or those in training for a military post must not wear a Defence Forces uniform or any clothing or accessory misleadingly similar to any part of such a uniform so as to create the impression that the wearer is a professional soldier, unless specifically authorised by the competent authority in the Defence Forces for a special reason.

The Defence Command issues more detailed orders on military uniforms and official dress and the use of military uniforms.

Section 46

Training allowance and service period compensation for persons in fixed-term military posts

The retraining of a person appointed to a military post that is always filled for a fixed term only is supported by compensating that person for costs incurred through studies referred to in the Study Leave Act (273/1979) that take place outside the Defence Forces during the employment relationship. If the training allowance is not used during the employment relationship, the equivalent amount is paid as a one-off service period compensation when the employment relationship ends. The compensation must be paid in full within two years of the end of the employment relationship. However, the training allowance or service period compensation will not be paid if the official is to be appointed to another, permanent Defence Forces post. The training allowance or service period compensation is paid for each month of service from the beginning of the employment relationship, provided that the employment relationship has lasted for at least three years. The amount of allowance or compensation is equal to the difference between the

general military pension contribution for the type of post in question and the pension contribution specified for the military post that is always filled for a fixed term only, though not less than twelve per cent of the gross pay.

If a person who has been paid a training allowance or service period compensation is appointed to another, permanent Defence Forces post, on the basis of training provided by or fully paid for by the Defence Forces, within one year of the end of the fixed-term employment relationship, up to one half of the benefits paid may be reclaimed as laid down in sections 60 and 61 of the State Civil Servants Act (750/1994).

Section 47 (573/2017)

Compulsory retirement age and the right to continue service beyond compulsory retirement age

The compulsory retirement ages for various military posts are:

1) for the Chief of Defence, according to their year of birth:

- a) 63 years for those born in 1954 or earlier;
- b) 63 years and 3 months for those born in 1955;
- c) 63 years and 6 months for those born in 1956;
- d) 63 years and 9 months for those born in 1957;
- e) 64 years for those born in 1958;
- f) 64 years and 3 months for those born in 1959;
- g) 64 years and 6 months for those born in 1960;
- h) 64 years and 9 months for those born in 1961;
- i) 65 years for those born in 1962-1964;

2) for posts of the Chief of the Defence Command, generals, admirals, chief engineer, surgeon general, colonels, captains (Navy), field bishop, senior military engineer, chief military physician, military professors, and associate military professors according to their year of birth:

- a) 60 years for those born in 1957 or earlier;
- b) 60 years and 3 months for those born in 1958;
- c) 60 years and 6 months for those born in 1959;
- d) 60 years and 9 months for those born in 1960;
- e) 61 years for those born in 1961;
- f) 61 years and 3 months for those born in 1962;
- g) 61 years and 6 months for those born in 1963;
- h) 61 years and 9 months for those born in 1964;
- i) 62 years for those born in 1965-1967;

except in post of generals requiring pilot training

- a) 55 years for those born in 1962 or earlier;
- b) 55 years and 3 months for those born in 1963;
- c) 55 years and 6 months for those born in 1964;
- d) 55 years and 9 months for those born in 1965;
- e) 56 years for those born in 1966;

- f) 56 years and 3 months for those born in 1967;
- c) 56 years and 6 months for those born in 1968;
- h) 56 years and 9 months for those born in 1969;
- i) 57 years for those born in 1970-1972;

and in posts of colonels requiring pilot training:

- a) 52 years for those born in 1965 or earlier;
- b) 52 years and 3 months for those born in 1966;
- c) 52 years and 6 months for those born in 1967;
- d) 52 years and 9 months for those born in 1968;
- e) 53 years for those born in 1969;
- f) 53 years and 3 months for those born in 1970;
- c) 53 years and 6 months for those born in 1971;
- h) 53 years and 9 months for those born in 1972;
- i) 54 years for those born in 1973-1975;

3) for officers, fixed-term junior officers, fixed-term reserve officers, warrant officers, NCOs, fixed-term NCOs, special officers, military chaplains and fixed-term special officers according to their year of birth:

- a) 55 years for those born in 1962 or earlier;
- b) 55 years and 3 months for those born in 1963;

- c) 55 years and 6 months for those born n 1964;
- d) 55 years and 9 months for those born in 1965;
- e) 56 years for those born in 1966;
- f) 56 years and 3 months for those born in 1967;
- c) 56 years and 6 months for those born in 1968;
- h) 56 years and 9 months for those born in 1969;
- i) 57 years for those born in 1970-1972;

except in officer posts requiring pilot training:

- a) 50 years for those born in 1967 or earlier;
- b) 50 years and 3 months for those born in 1968;
- c) 50 years and 6 months for those born n 1969;
- d) 50 years and 9 months for those born in 1970;
- e) 51 years for those born in 1971;
- f) 51 years and 3 months for those born in 1972;
- c) 51 years and 6 months for those born in 1973;
- h) 51 years and 9 months for those born in 1974;
- i) 52 years for those born in 1975-1977;

for NCO posts requiring pilot training:

a) 45 years for those born in 1972 or earlier;

b) 45 years and 3 months for those born in 1973;

c) 45 years and 6 months for those born in 1974;

d) 45 years and 9 months for those born in 1975;

e) 46 years for those born in 1976;

f) 46 years and 3 months for those born in 1977;

c) 46 years and 6 months for those born in 1978;

h) 46 years and 9 months for those born in 1979;

i) 47 years for those born in 1980-1982;

4) for a person who was employed by the Defence Forces on 31 December 1996 and who was appointed or will be appointed to serve as special officer or military chaplain, 60 years of age;

5) for a male public official serving as NCO who, by the end of 1994, had served for a period of time counted as pensionable service as recruited:

a) a minimum of 16 years, the retirement age is 50;

b) a minimum of 13 years, the retirement age is 51;

c) a minimum of 10 years, the retirement age is 52;

d) a minimum of 7 years, the retirement age is 53;

e) a minimum of 3 years, the retirement age is 54;

f) less than 3 years, the retirement age is 55 years;

6) for a female public official serving as NCO who had been recruited on or before 31 December 1994, 60 years of age.

The retirement age of a civilian post in the Defence Forces is:

1) for a male public official whose post has been changed from a special officer post to a civilian post and who, by the end of 1996, had pensionable service:

a) a minimum of 16 years, the retirement age is 60;

b) a minimum of 13 years, the retirement age is 61;

c) a minimum of 10 years, the retirement age is 62;

d) a minimum of 7 years, the retirement age is 63;

e) a minimum of 3 years, the retirement age is 64;

f) less than 3 years, the retirement age is 65;

2) for a male public official whose post has been changed from recruited to civilian post and who, by the end of 1994, had pensionable service:

a) a minimum of 16 years, the retirement age is 50;

b) a minimum of 13 years, the retirement age is 51 years and 6 months;

c) a minimum of 10 years, the retirement age is 53;

e) a minimum of 7 years, the retirement age is 54 years and 6 months;

e) a minimum of 3 years, the retirement age is 56;

f) less than 3 years, the retirement age is 57 years and 6 months;

3) for female public officials whose post was changed from recruited to civilian post and who, by the end of 1994, had pensionable service of:

a) a minimum of 16 years, the retirement age is 60;

b) a minimum of 13 years, the retirement age is 61;

c) a minimum of 10 years, the retirement age is 62;

d) a minimum of 7 years, the retirement age is 63;

e) a minimum of 3 years, the retirement age is 64;

f) less than 3 years, the retirement age is 65;

4) for public officials who were serving in the defence administration on 31 December 1992 and serving on 31 December 1994 in a post where the retirement age was lower than the general retirement age and who, by the end of 1994, had pensionable service:

a) a minimum of 16 years, the retirement age is 60;

b) a minimum of 13 years, the retirement age is 61;

c) a minimum of 10 years, the retirement age is 62;

d) a minimum of 7 years, the retirement age is 63;

e) a minimum of 3 years, the retirement age is 64;

f) less than 3 years, the retirement age is 65.

Retirement ages laid down in subsection 1, paragraphs 4-6 and subsection 2 are raised annually as of 2018 in such a way that if retirement age is reached

1) in 2018, retirement age will go up by three months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

2) in 2019, retirement age will go up by six months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

3) in 2020, retirement age will go up by nine months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

4) in 2021, retirement age will go up by one year on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

5) in 2022, retirement age will go up by one year and three months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

6) in 2023, retirement age will go up by one year and six months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

7) in 2024, retirement age will go up one year and nine months on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

8) in 2025 or thereafter, retirement age will go up by two years on the set retirement age as laid down in section 1, subsections 4-6 and subsection 2;

The Defence Command may, for a weighty reason and with the consent of the public official, decide that the Defence Forces public officials in civilian posts may continue to serve in the same post after the retirement age until the end of a set period, but not longer than until the end of the month during which a public official born in 1957 or before reaches the age of 68; a public official born in the period 1958–1961 reaches the age of 69; a public official born thereafter reaches the age of 70; a public official in the post of military professor until the age of 65; and an NCO, in accordance with subsection 1, paragraph 5, until the end of the month in which he or she reaches the age of 55.

The decision on the right of officials to continue to work in public posts shall be made before the officials have reached retirement age. A public official's employment relationship ends without notice when the fixed term referred to in subsection 4 has expired.

Section 48

Temporary suspension of professional soldiers

A professional soldier who substantially or repeatedly violates or neglects his or her official duties may be suspended for a period of no less than one month and for no more than six months, unless a caution or other measure is considered sufficient with regard to the seriousness or repetition of the act or negligence in question. Salary payments are suspended for the duration of the suspension.

The suspension is decided by the appointing authority. Where the appointing authority is the President of the Republic or the Government, the suspension is decided by the Ministry of Defence. The authority deciding the suspension shall institute the suspension no later than three months from the date on which the authority was informed of a fact which may result in suspension.

Before taking the decision on suspension referred to in subsection 1, the competent authority shall allow the professional soldier in question to be heard on the matter. A senior shop steward or shop steward must also be allowed to be heard if the professional soldier in question so requests, and if the nature of the matter is not such that the suspension must be effected immediately. Before making the decision, the competent authority shall inform the professional soldier in question of the possibility of requesting the chief shop steward or shop steward to be heard.

Provisions on requesting a review of a decision on suspension are laid down in the Public Servants Act.

Chapter 5

Penal provisions

Section 49

Unlawful use of the Defence Forces emblem

Whoever deliberately, not having or in violation of the permit referred to in section 35, unlawfully uses the Defence Forces emblem as it is or an emblem that misleadingly resembles it, shall be sentenced to a fine for unlawful use of the Defence Forces emblem.

Chapter 6

Transitional provisions and entry into force

Section 50

Entry into force and transitional provisions

This Act enters into force on 1 January 2008.

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

By way of derogation from the provision of section 37, subsection 2, a person holding a Defence Forces military post on 31 December 2007 may continue to serve in that post even if he or she has not completed military service as a conscript or women's voluntary military service in the Finnish Defence Forces or the Border Guard.

The provisions on the retirement age of persons in Defence Forces posts which were valid when this Act entered into force continue to apply to those who held Defence Forces military posts on 31 December 2007. (678/2008)

Subsection 5 was repealed by Act 509/2013

Section 51

Repeal provision

This Act repeals the Act on the Defence Forces, enacted on 31 May 1974 (402/1974), hereinafter the Act hereby repealed, as amended. However, sections 10a and 10b of the Act hereby repealed will remain in force.

Section 52 has been repealed by Act 509/2013.