

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior

Act on the Administration of the Finnish Border Guard

(577/2005; amendments up to 262/2024 included)

By decision of Parliament, the following is enacted:

Chapter 1

General provisions

Section 1

Scope of application

This Act applies to the organisation of administration, education, training and research, and to employment relationships at the Finnish Border Guard, unless otherwise provided. The provisions laid down in this Act and elsewhere in the law apply to military command matters at the Finnish Border Guard.

Section 2 (1229/2013)

Border guard forces

In this Act, border guard forces means public officials of the Finnish Border Guard and persons assigned to serve at the Border Guard under the Conscription Act (1438/2007) or performing voluntary military service, who may be incorporated into the Finnish Defence Forces when national defence is intensified.

Chapter 2

Administration and personnel of the Finnish Border Guard and special rights and obligations concerning public officials

Section 3 (262/2024)

Finnish Border Guard, Chief of the Finnish Border Guard and administrative units

The Finnish Border Guard is a central government agency acting under the management and supervision of the Ministry of the Interior. The Finnish Border Guard is led by the Chief of the Finnish Border Guard at the Ministry of the Interior. The administrative units subordinate to the Chief comprise the Border Guard Headquarters, Border Guard Districts, Coast Guard Districts, Border and Coast Guard Academy and the Air Patrol Squadron (*administrative units*).

The Border Guard Headquarters is led by the Deputy Chief of the Finnish Border Guard and the administrative units by the chief of the unit in question. The other administrative units are subordinate to the Border Guard Headquarters. When the Chief of the Finnish Border Guard is unable to conduct their duties, the Chief is deputised by the Deputy Chief of the Finnish Border Guard and, when the latter is unable to conduct their duties, by the general or admiral serving as the Chief of the Border and Coast Guard Division, the Personnel Division or the Technical Division of the Border Guard Headquarters.

Provisions on the administrative units of the Finnish Border Guard, the territorial borders of Border Guard Districts and Coast Guard Districts, and the right of the Chief of the Finnish Border Guard to determine the composition of the administrative units in more detail and the chain of command within the Border Guard, are laid down by government decree.

Section 4

Border guard authorities

The Chief of the Finnish Border Guard and the Border Guard Headquarters are national border guard authorities.

Border Guard Districts and Coast Guard Districts and their Commanders are regional border guard authorities. The Border and Coast Guard Academy and the Air Patrol Squadron are border guard authorities excluded from the regional classification. Border Guard units other than those specified above are local border guard authorities.

The Chief of the Finnish Border Guard has the right to decide a matter that is by law to be decided by another border guard authority.

Section 5

Duties of the Ministry of the Interior within the Finnish Border Guard (1229/2013)

The Chief of the Finnish Border Guard informs the Minister of the Interior of matters related to the Border Guard and participates in the handling of these matters at the Ministry of the Interior.

The Minister of the Interior decides on matters involving the closure and scaling down of regional and local units and functions of the Finnish Border Guard where such matters are of social or economic significance. Unless otherwise provided, the Chief of the Finnish Border Guard has the right, upon presentation, to decide other administrative matters concerning the Border Guard and its mandate that are by law to be decided by the Ministry of the Interior. (1229/2013)

The Border Guard Headquarters is also the Border Guard Department of the Ministry of the Interior. The Deputy Chief of the Finnish Border Guard is also the Director General for the Ministry of the Interior's Border Guard Department.

Section 6

Internal organisation and military command matters at the Finnish Border Guard

The Finnish Border Guard's internal organisation is on a military basis. Public officials serving in military posts present military command matters to be decided by the Chief of the Finnish Border Guard or another superior officer and confirm the decisions made by the superior officer.

Section 7

Decision-making by the President of the Republic in military command matters of the Finnish Border Guard

Decisions on major changes in the defence readiness of border guard forces and on other far-reaching or fundamentally important military command matters concerning duties of military national defence of the Finnish Border Guard are made by the President of the Republic. The President also decides as a military command matter the promotions of those serving at the Finnish Border Guard to the military ranks of officer, officer specialist and warrant officer. The President may take up for decision a military command matter that is to be decided by the Chief of the Finnish Border Guard or another superior officer.

The President of the Republic decides military command matters of the Finnish Border Guard on presentation by the Minister of the Interior without a government session. The decisions are confirmed by the Minister of the Interior. When these matters are presented, the Prime Minister and the Chief of the Finnish Border Guard have the right to be present and express their views on the matter. (1229/2013)

By the initiative of the President of the Republic or on presentation by the Minister of the Interior, the President may refer military command matters to be decided by the President in a government session. In this case, the President decides the matter on presentation by the Minister of the Interior without a proposal by the Government. When military command matters are presented to the President in a government session, the Chief of the Finnish Border Guard has the right to be present and express their view on the matter. (1229/2013)

By derogation from subsections 2 and 3, the procedure laid down in section 32, subsections 2 and 3 of the Act on the Defence Forces (551/2007) applies to military command matters at the Finnish Border Guard that relate to the use of armed force with weaponry acquired for military purposes that is more powerful than a public official's personal sidearms. When the matter is presented, the Minister of the Interior and the Chief of the Finnish Border Guard have the right to be present and express their views on the matter. (12/2019)

Section 8

Decision-making by the Chief of the Finnish Border Guard in military command matters

Decisions on military command matters other than those decided by the President are made by the Chief of the Finnish Border Guard, unless they are ordered to be decided or are, under the law, decided by another superior officer.

Superior officers may take up for decision military command matters that are to be decided by their subordinates. Provisions on the division of powers between the Chief of the Finnish Border Guard and superior officers under the Chief in military command matters and on the order of business for military command matters at the Finnish Border Guard are laid down by presidential decree.

The Chief of the Finnish Border Guard shall inform the President and the Minister of the Interior of significant military command matters falling within the responsibility of superior officers.

Section 9

Public posts at the Finnish Border Guard

Public posts at the Finnish Border Guard include the military posts of officer, officer specialist, warrant officer, coast guard and border guard. There may also be other public posts and personnel in fixed-term public-service employment relationships at the Finnish Border Guard.

Further provisions on establishing, modifying and terminating public posts at the Finnish Border Guard and on placing and transferring them within the Border Guard are issued by government decree. (262/2024)

A cadet attending the officer's degree programme at the Border and Coast Guard Academy may be appointed to a military post of junior officer for a maximum of six months at a time in the event of border security incidents and in enhancing and increasing readiness for them. The appointment requires adequate training, as specified by government decree. (262/2024)

Section 10

General eligibility requirements for public posts at the Finnish Border Guard

Those appointed to a public post at the Finnish Border Guard shall be Finnish citizens and fulfil the general eligibility requirements for public posts provided in sections 6 and 8 of the Act on Public Officials in Central Government (750/1994). They shall also be impeccable and trustworthy.

A person to be appointed to a military post at the Finnish Border Guard shall have performed military service, either armed service or voluntary military service for women, in the Finnish Defence Forces or at the Border Guard, and their health and physical condition shall be suitable for the post. In addition, a person to be appointed to a military post at the Finnish Border Guard shall not have such citizenship of another state or other foreign interests referred to in section 3, subsection 1, paragraph 9a of the Security Clearance Act (726/2014) that may endanger national security, public security, national defence or the international relations of Finland or in-service safety at the Border Guard. (444/2019)

The provisions of subsection 2 on the performance of military service do not apply to those who may, under section 12, subsection 1 of the Act on the Autonomy of Åland (1144/1991), instead of performing military service, perform a similar service within the pilotage and lighthouse services or

other civilian administration. By derogation from subsection 2, the requirement to perform voluntary military service for women does not apply to those who have the right of domicile referred to in section 6 of the Act on the Autonomy of Åland.

Section 11

Specific eligibility requirements for public posts at the Finnish Border Guard

Further provisions on the specific eligibility requirements for public officials of the Finnish Border Guard, such as education and training, the leadership skills and experience required for superiors, and the service experience required for military posts at the Border Guard, are issued by government decree.

Section 12

Appointment to a public post

The Chief of the Finnish Border Guard, the Deputy Chief of the Finnish Border Guard, generals and admirals are appointed by the President of the Republic. The President decides the matter in a government session on the basis of a proposal by the Government. Other officers of the Finnish Border Guard are appointed by the President on presentation by the Minister of the Interior following the procedure laid down in section 7, subsection 2. Provisions on appointment to public posts at the Finnish Border Guard other than those specified above are laid down by government decree.

Military posts at the Finnish Border Guard may be filled without declaring the post open for application.

Section 12a (262/2024)

Appointment to certain civilian posts at the Finnish Border Guard

A civilian post at the Finnish Border Guard in which the duties consist of expert duties related to the maintenance of border security or military national defence, or of technical expert duties directly related to them, may be filled without declaring the post open for application if it is essential because of the nature of the duties. When assessing necessity, the following shall be taken into account:

- 1) the personnel and organisational security of the Finnish Border Guard;
- 2) the post to be filled and the threats related to the duties of the post;
- 3) protection of the operational capability of the Finnish Border Guard and its equipment;
- 4) a very important public interest other than that referred to in paragraphs 1–3.

The provisions of subsection 1 do not apply to posts to which appointments are made by the Government.

Section 13

Assignment to a position

The Chief of the Finnish Border Guard, the Deputy Chief of the Finnish Border Guard, generals and admirals are assigned to their positions by the President of the Republic in a government session on the basis of a proposal by the Government.

Provisions on the assignment of the public officials of the Finnish Border Guard other than those specified in subsection 1 are laid down by government decree.

Section 14 (1349/2019)

Reassignment of a public official to another post or position

Where it is deemed necessary to fill a vacant post or position which is in line with the detailed composition of the Finnish Border Guard, or otherwise to organise the service in an appropriate manner, a public official of the Border Guard is obliged to transfer to another post of at least the same rank at the Border Guard, or to another position at the Border Guard that is commensurate with their education and training.

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

A judicial review of decisions on reassignment to another post or position that require public officials to change their place of service and decisions on reassignment to a position without the

public official's consent may be requested by way of appeal. Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act (808/2019). However, regardless of an appeal, the decision on reassignment shall be complied with unless otherwise ordered by the reviewing authority. No judicial review may be requested by way of appeal in respect of any other decisions on reassignment to another post or position or on assigning a public official to a position.

Section 15 (1229/2013)

Border guards

Border guards are public officials of the Finnish Border Guard who have received border guard training as provided by government decree and who have been assigned to serve as border guards by the chief of an administrative unit.

Border guards have the powers laid down for them in the Border Guard Act (578/2005) and in another act.

The provisions of this Act concerning border guards apply to border guards appointed to border control duties under the Act on the Participation of Civilian Personnel in Crisis Management (1287/2004). (260/2015)

Section 16

Public officials' obligation to report and other obligation to act

A public official of the Finnish Border Guard is obliged to report to their superiors on important matters that have come to their attention concerning the duties of the Border Guard.

Where necessary even in their free time, a border guard is obliged to take essential action to prevent a serious crime falling within the scope of the Finnish Border Guard's duties or to initiate a search operation or an assistance task.

Section 17 (110/2018)

Obligation to remain silent

A public official who is a member of the Finnish Border Guard personnel shall not disclose information on the identity of a person who has given information confidentially if disclosure of this information would endanger the safety of the person who gave the information confidentially or of their close relatives. The obligation to remain silent is also in force if disclosure of information on a person's identity would endanger ongoing or future intelligence collection.

In addition to this Act, provisions on the obligation to remain silent of a public official who is a member of the Finnish Border Guard personnel are laid down in the Act on the Openness of Government Activities (621/1999) and elsewhere in the law. Anyone who has a contractual employment relationship with the Finnish Border Guard or who, by virtue of a commission agreement, has received Border Guard information that is non-disclosable is bound by the same obligation to remain silent.

The obligation to remain silent remains in force also after the end of the commission agreement or the employment relationship with the Finnish Border Guard.

Section 17a (110/2018)

Provision of information notwithstanding the obligation to remain silent

The obligation to remain silent of a public official who is a member of the Finnish Border Guard personnel and of another person referred to in section 17, subsection 2 does not prevent the provision of information to a public authority or an entity performing a public duty that, on account of its statutory duty, needs to obtain information on a fact that is otherwise non-disclosable or about a person's reliability or suitability for a duty. Provisions on the disclosure of information for the purpose of verifying the reliability of a person applying for or operating in security-sensitive duties are separately provided by law.

The obligation to remain silent laid down in section 17, subsection 2 does not prevent the disclosure of information where, in individual cases, there are serious grounds for preventing an event that would endanger life or health, an offence against liberty, substantial damage to the environment, property or assets, or for ensuring national security.

Section 17b (110/2018)

Right to remain silent

A person who is a member of the Finnish Border Guard personnel is not obliged to disclose information concerning the identity of a person who has provided them with information confidentially during their employment relationship or to disclose any non-disclosable tactical or technical methods.

Provisions on the obligation not to disclose information and methods referred to in subsection 1 in certain cases are laid down in section 17, subsection 1 and in section 24, subsection 1, paragraph 5 of the Act on the Openness of Government Activities.

Section 17c (110/2018)

Duty to disclose information in judicial proceedings

A court may order information referred to in section 17, subsection 1 or in section 17b, subsection 1 to be disclosed if the failure to do so would violate the party's right to a proper defence or otherwise to safeguard their rights in an appropriate manner in judicial proceedings. A further precondition for the order is that the prosecutor is pursuing charges for an offence for which the most severe punishment provided by law is imprisonment for at least six years, or for an attempt at or complicity in such an offence. Even in this case, disclosure of the identity of the person who provided information confidentially cannot be ordered if this would manifestly pose a serious threat to their safety or that of their close relatives.

Section 17d (110/2018)

Duty to disclose information during investigation of an offence

Regardless of their obligation and right to remain silent, a member of the Finnish Border Guard personnel is obliged to disclose information referred to in section 17, subsection 1 and section 17b, subsection 1 where this is essential to assess the preconditions for starting a criminal investigation, if there are reasonable grounds to believe that the person who gave information confidentially has committed an offence by doing so.

A member of the Finnish Border Guard personnel is also obliged to disclose information referred to in subsection 1 in order to provide clarification in a matter where criminal investigation has been

started if there are reasonable grounds to suspect that the person who gave information confidentially has committed an offence by doing so.

If a member of the Finnish Border Guard personnel refuses to disclose information referred to in subsection 1 or 2, a court may, at the request of a public official with the power of arrest, order that the information be given to the requesting party if there is no lawful basis for the refusal. A court may also, at the request of the injured party, order that a member of the Finnish Border Guard personnel provide information on the identity of the person who gave information confidentially to the Border Guard if the disclosure is essential to safeguard the right of the injured party to bring charges as referred to in chapter 1, section 14 of the Criminal Procedure Act (689/1997). When considering a matter referred to in this subsection, the provisions of chapter 7, section 9 of the Criminal Investigation Act (805/2011) on examination of a witness in court shall be observed.

When considering the issuing of an order referred to in subsection 3, the court shall take into account whether the duty to disclose information could pose a danger to national security or to someone's life or health, or endanger ongoing intelligence collection, and how justifiable the disclosure would be in view of the nature of the suspected offence and the right of the injured party to safeguard their rights in an appropriate manner in judicial proceedings.

A matter concerning the duty to disclose information is considered by the district court where the consideration of the matter is deemed appropriate. The party presenting the request concerning disclosure of the information and the person refusing to disclose the information shall be present when the matter is being considered. When considering the matter, the district court also constitutes a quorum in single-judge formation.

Section 18 (641/2019)

Reference to provisions on disclosure of data

Provisions on the disclosure of data contained in a filing system of the Finnish Border Guard with the aid of a technical interface or as a set of data and abroad are laid down in the Act on the Processing of Personal Data by the Finnish Border Guard (639/2019).

Section 19

Secondary employment

Border guards shall not accept or engage in any secondary employment referred to in section 18, subsection 4 of the Act on Public Officials in Central Government, unless this is permitted by the authority concerned upon application.

Border guards shall not perform duties involving rights or obligations that may conflict with duties laid down for the Finnish Border Guard.

Section 20

Border guards' code of conduct

When performing duties or in private life, a border guard's conduct shall not be such as to jeopardise trust in the proper performance of the duties of the Finnish Border Guard.

When assessing the appropriateness of a border guard's conduct, their position and duties at the Finnish Border Guard shall be taken into account.

Section 20a (221/2007)

Temporary suspension of border guards

A border guard who acts in violation of or neglects their official duties may, as a disciplinary punishment, be suspended for a minimum of one month and a maximum of six months, unless a warning is deemed sufficient. 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 the Interior. 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. (1229/2013)

Before a decision on the suspension of a border guard is made, the border guard shall be given an opportunity to be heard in the matter. Where the border guard so requests, and the suspension is not such that the suspension must be effected immediately, the authority shall also give the chief

shop steward or shop steward an opportunity to be heard. Before making the decision, the authority shall inform the border guard of the possibility of requesting the chief shop steward or shop steward to be heard.

Provisions on requesting a review of a decision on temporary suspension of a border guard are laid down in the Act on Public Officials in Central Government.

Section 21

Reporting for duty

Public officials of the Finnish Border Guard shall ensure that the administrative units concerned have their up-to-date contact information in case of special situations falling within the mandate of the Border Guard.

Where serious special situations falling within the Finnish Border Guard's mandate absolutely require, border guards shall report for duty without delay, unless on annual leave or leave of absence. Where it is deemed essential owing to serious special situations falling within the Finnish Border Guard's mandate, public officials of the Border Guard are obliged, when specifically ordered, to report for duty even on annual leave. Where it is deemed necessary for special reasons related to the operations of the Finnish Border Guard, public officials of the Border Guard are obliged, when ordered, to be on standby alert and report for duty unless on annual leave.

The orders referred to above are issued by duty commanding officers of administrative units, field commanders or heads of the units concerned. (1151/2010)

Section 22

Professional skills and physical condition

Public officials of the Finnish Border Guard serving in military posts and border guards shall maintain the professional skills and physical condition required for their tasks. Provisions on the level of fitness required for different tasks and on the organisation of fitness tests may be issued by government decree.

Section 23 (1229/2013)

Uniform

Those holding a military post at the Finnish Border Guard are obliged to wear the uniform of the Border Guard when on duty, unless otherwise ordered owing to the nature of their duties or another reason. Persons other than those holding a military post at the Finnish Border Guard shall not use an outfit or items of clothing that are deceptively similar to the Border Guard uniform or articles of the uniform, so as to give an impression that the persons are public officials holding a military post at the Border Guard.

Those assigned to the position of a border guard who are obliged to wear a uniform shall have on their uniform border guard emblems showing their status as specified by decree of the Ministry of the Interior. Emblems showing the status of border guards shall not be used by persons other than border guards, unless the Chief of the Finnish Border Guard grants permission to do so in theatre performances or other similar occasions.

The uniform and border guard emblems may also be used during journeys connected with an official duty and when representing the Finnish Border Guard.

The Chief of the Finnish Border Guard may allow public officials other than those serving in military posts to use the uniform or, for a special reason, give them temporary permission to use an outfit or items of clothing referred to in subsection 1 that are similar to the uniform or articles of the uniform.

Section 24

Badge

Border guards have a badge specified by decree of the Ministry of the Interior.

Provisions on the obligation to carry a badge and present it on request are laid down in section 8a of the Border Guard Act. (750/2014)

Chapter 3

Education, training, instruction and research at the Finnish Border Guard

Section 25 (1229/2013)

Education, training and instruction provided by the Border and Coast Guard Academy

Statutory education and training required for public posts at the Finnish Border Guard, and continuing and specialised education for Border Guard personnel and other persons, may be provided by the Border and Coast Guard Academy. The Border and Coast Guard Academy is responsible for research conducted at the Finnish Border Guard in the Border Guard's field of activity.

The Border and Coast Guard Academy may organise instruction related to the officer's degree programme, further studies or continuing education referred to in the Act on the National Defence University (1121/2008) in the field of activity of the Finnish Border Guard as separately agreed with the National Defence University.

Education and training necessary for the aviation by the Finnish Border Guard may be organised in the Air Patrol Squadron in cooperation with the Border and Coast Guard Academy and other educational institutions.

Education and training at the Border and Coast Guard Academy is in the public domain unless otherwise provided in the Act on the Openness of Government Activities (621/1999). In addition, the Border and Coast Guard Academy may restrict access to observe instruction in order to ensure in-service safety, due to limited teaching facilities or for other equivalent justifiable reasons. (618/2017)

Section 25a (1229/2013)

General organisation of education, training and research activities at the Finnish Border Guard

On the proposal of the Border Guard Headquarters, the performance targets and policies related to education, training and research at the Finnish Border Guard, and the rules of procedure of the Border and Coast Guard Academy, are confirmed by the Chief of the Finnish Border Guard.

Provisions on the following matters may be laid down in the rules of procedure of the Border and Coast Guard Academy:

- 1) duration and scope of education, training and instruction;
- 2) organisation of education, training and instruction;
- 3) student admission procedures;
- 4) criteria for grading;
- 5) order to be kept in a military organisation;
- 6) free time, leaves and absences of students;
- 7) use of the premises and property of the Border and Coast Guard Academy; and
- 8) obligations related to maintaining readiness.

The basic course for border guards lasts for up to twelve months.

The curricula of the Border and Coast Guard Academy are decided by the Academy.

Section 25b (1229/2013)

Students of the Border and Coast Guard Academy

Border and Coast Guard Academy students means those attending the basic course for border guards or attending other education and training at the Border and Coast Guard Academy.

Section 25c (1229/2013)

Languages of instruction, examinations and qualifications

The language of instruction, examinations and qualifications at the Border and Coast Guard Academy is Finnish or Swedish.

In the student admission procedure and examinations, students have the right to use either Finnish or Swedish. Final projects are drawn up either in Finnish or Swedish.

The Border and Coast Guard Academy may also decide to use other languages in instruction and studies.

Section 25d (110/2018)

Obligation and right to remain silent of students

The provisions of sections 17 and 17a–17d also apply to the obligation to remain silent and the right to remain silent of a Border and Coast Guard Academy student.

Section 25e (618/2017)

Wearing of uniform by students

Students undergoing education and training for a military post at the Finnish Border Guard shall wear a Border Guard uniform under section 23 when attending the education and training.

Section 25f (618/2017)

Students' code of conduct

The provisions of section 20 of this Act and a regulation issued as a military order under section 57 of the Conscription Act apply to the code of conduct set for students undergoing education and training for a military post at the Finnish Border Guard.

Section 26 (1229/2013)

Admission to the basic course for border guards

Border guard basic course students are selected by the Border and Coast Guard Academy. Persons who have passed the entrance examination may be admitted to the basic course if they

1) are Finnish citizens;

2) have successfully completed the matriculation examination referred to in the Act on the Organisation of the Matriculation Examination (672/2005), the general upper secondary syllabus or at least a vocational upper secondary qualification;

3) in view of their state of health, are suitable for the proper performance of the duties of the Finnish Border Guard; (951/2017)

3a) are impeccable as required for the duties of the Finnish Border Guard and also otherwise reliable, have no such citizenship of another state or other foreign ties referred to in section 3, subsection 1, paragraph 9a of the Security Clearance Act that may endanger national security, public security, national defence or international relations of Finland or in-service safety at the Border Guard or other such private interests that endanger the proper and independent performance of the duties; (444/2019)

4) have performed armed conscript service or voluntary military service for women in the Finnish Defence Forces or at the Finnish Border Guard; and

5) have been granted at least a category B right to drive.

The requirement specified in subsection 1, paragraph 4 does not apply to those who have the right of domicile referred to in the Act on the Autonomy of Åland.

Applicants for the basic course for border guards shall provide the Border and Coast Guard Academy, as specified by the Academy, with the information on their state of health that is necessary to assess whether they can be admitted to the course.

The requirements referred to in subsection 1, paragraph 3 are decided by the Border Guard Headquarters.

The Border and Coast Guard Academy requests security clearance under the Security Clearance Act for border guard basic course applicants. (444/1994)

Section 26a (618/2017)

Participation in other education and training

Public officials of the Finnish Border Guard may be ordered to participate in instruction organised at the Border and Coast Guard Academy. Public officials of the Finnish Border Guard conduct their studies at the Border and Coast Guard Academy as part of their official duties. The right to participate in education and training is decided on by the Border and Coast Guard Academy.

Section 26b (262/2024)

Other tasks of students

Where it is deemed necessary for dealing with serious special situations falling within the Finnish Border Guard's mandate, the Border Guard Headquarters may assign cadets undertaking studies included in the officer's degree programme and border guard basic course students who have received sufficient education and training also to perform tasks other than exercises related to the education and training.

Provisions on the powers of a cadet and a border guard basic course student in the tasks referred to in subsection 1 are laid down in section 34g of the Border Guard Act.

The National Defence University shall be heard before assigning a cadet to a task referred to in subsection 1.

Section 26c (1229/2013)

Social benefits for students

For the duration of their studies, border guard basic course students are offered, free of charge, accommodation, meals, clothing, general practitioner healthcare services, and study and exercise materials.

To reimburse for costs incurred by border guard basic course students, they may be paid a per diem allowance of a minimum of 46 per cent of the prevailing full per diem allowance payable to public officials.

Border guard basic course students are entitled to journeys between the place of studies and their home or place of residence in Finland at the expense of the State at least twice in each full calendar month of studies. Travel expenses are reimbursed for costs incurred in using the cheapest public transportation. International travel expenses are reimbursed only if the student has a permanent residence abroad. Travel expenses for secondments in Finland and overseas are reimbursed in an equivalent way.

Healthcare costs of border guard basic course students are only reimbursed if the need for treatment arises during a contact teaching or practical training period and the student is not eligible for reimbursement on any other grounds.

Section 27 (618/2017)

Service commitment

Participation in education and training of at least two months at the Border and Coast Guard Academy by students selected on the basis of an entrance examination requires that, at the start of their studies, the students provide a written commitment that they will serve at the Finnish Border Guard for up to a minimum of two years after the end date of the studies (*service commitment*).

A person taking part in studies for or belonging to the aircrew of the Finnish Border Guard's aircraft shall, upon request, provide a service commitment up to 14 years. Provisions on a service commitment related to the officer's degree programme are laid down in section 29 of the Act on the National Defence University.

If border guard basic course students or persons taking part in studies for the aircrew discontinue their studies, refuse to accept posts at the Finnish Border Guard or if their studies are terminated for reasons attributable to themselves other than an illness or lack of aptitude for flying, they shall compensate the State for the amount which is determined on the basis of the type of qualification or the content of education and training and which amounts to up to half of the expenses of their studies incurred by the State. The decision on the collection of the compensation is made by the Border and Coast Guard Academy.

The provisions of subsection 3 also apply to a situation where a public official of the Finnish Border Guard during their service commitment period resigns, accepts a post referred to in section 65 of

the Act on Public Officials in Central Government Act, is dismissed for reasons attributable to themselves other than an illness or their public-service employment relationship is terminated. The decision on the collection of the compensation is made by an administrative unit.

The compensation is directly enforceable. Provisions on the collection of the compensation are laid down in the Act on the Enforcement of Taxes and Public Payments (706/2007).

Further provisions on the determination of the compensation referred to in subsections 3 and 4 are issued by decree of the Ministry of the Interior.

Section 27a (1229/2013)

Substance testing

Before admission to the basic course for border guards, applicants are obliged to take a substance test carried out by a licensed healthcare professional and a member of laboratory staff. Where there are reasonable grounds to suspect that students taking part in the border guard basic course or related practical training tasks are intoxicated, they are also obliged, when ordered by the Border and Coast Guard Academy, to take a substance test during the basic course and practical training.

Information obtained from substance tests constitutes data concerning health. Licensed healthcare professionals may disclose written conclusions about substance tests to the Border and Coast Guard Academy.

Section 27b (1229/2013)

Duration of studies and postponing and suspending studies

Studies shall be completed within the maximum period specified in the curriculum.

The Border and Coast Guard Academy may, on application by students, postpone the right to study or suspend studies for a maximum period of two years.

On its own initiative, the Border and Coast Guard Academy may suspend a student's studies for a maximum period of one year at a time if the student:

- 1) has been diagnosed with a long-term illness;
- 2) is unable to successfully complete the studies in accordance with the curriculum;
- 3) is suspected of an offence in a criminal investigation and, on the basis of the seriousness and nature of the suspected offence, is unfit to hold a public post at the Finnish Border Guard or participate in instruction or education and training at the Border and Coast Guard Academy, and the suspicion is based on strong probable cause; or
- 4) there are other serious reasons for suspending the studies that are comparable to those laid down in paragraphs 1–3.

The period during which studies are suspended is not counted into the maximum duration of studies.

Section 28 (1229/2013)

Forfeiture of the right to study

The Border and Coast Guard Academy may revoke a student's right to participate in education, training and instruction if the student:

- 1) does not fulfil the requirements for admission to the education and training;
- 2) when applying for the education and training, provided false or misleading information or concealed matters which would have prevented the student from being admitted to the Academy;
- 3) is sentenced to a punishment for an offence which demonstrates that the student is unfit to hold a public post at the Finnish Border Guard, and the judgment is final;
- 4) acts in a manner which may endanger trust in the proper performance of the duties of the Finnish Border Guard, and a written warning is not deemed to be a sufficient sanction;
- 5) in view of their state of health, is no longer suitable for the proper performance of the duties of the Finnish Border Guard, and the change in the student's state of health is assessed to be a permanent or long-term condition;

6) refuses to take a substance test referred to in section 27a or undergo checks or examinations referred to in 28b, subsection 1, or provides a sample showing substance abuse;

7) does not continue their studies after the end of the period referred to in section 27b;

8) neglects repeatedly or in a fundamental manner participation in instruction, and a written warning is not deemed to be a sufficient sanction;

9) violates repeatedly or in a fundamental manner the rules of procedure of the Border and Coast Guard Academy or the regulation referred to in section 25f, and a written warning is not deemed to be a sufficient sanction; or

10) has not completed the studies within the maximum period defined in section 25a, subsection 3 or in the curriculum and, for a special reason, is not granted additional time by the Border and Coast Guard Academy to finish the studies; (618/2017)

11) gives written notice of discontinuing the studies. (618/2017)

Where forfeiture of the right to study is deemed unreasonable, taking overall account of the matters which led to the student's actions and of the circumstances, the Director of the Border and Coast Guard Academy may issue the border guard basic course student or the student employed by the Finnish Border Guard with a written warning. Instead of a written warning, a verbal reprimand may be given where it is deemed to be a sufficient sanction. The warning and reprimand referred to in this subsection are not issued for conduct for which a sanction is imposed under the provisions on military discipline or section 24 of the Act on Public Officials in Central Government.

Section 28a (1349/2019)

Procedure for suspending studies, issuing a warning or reprimand and forfeiture of the right to study

Before deciding on suspending studies as referred to in section 27b or issuing a written warning or a verbal reprimand as referred to in section 28, or on forfeiture of the right to study, the Border

and Coast Guard Academy shall identify the act or negligence leading to such action, hear the student and obtain other necessary information.

Where a decision on suspending studies or on forfeiture of the right to study is revoked, or is annulled in a request for extraordinary judicial review, the Border and Coast Guard Academy will later decide, in connection with the student's pursuit of equivalent studies, on the credit transfer for studies completed up to that time.

Section 28b (1229/2013)

Information related to suspending studies and forfeiture of the right to study

Where there are reasonable grounds to suspect that border guard basic course students, in view of their state of health, are no longer suitable for the proper performance of the duties of the Finnish Border Guard, they may be ordered to undergo checks and examinations carried out by licensed healthcare professionals in order to establish their state of health. The Border and Coast Guard Academy bears the costs of the checks and examinations it has ordered.

Notwithstanding non-disclosure provisions, the Border and Coast Guard Academy has the right to obtain, for the purpose of assessing the right to study, from a physician entitled to practise the profession independently a written statement showing that the student has undergone a check or examination to establish their state of health, and an assessment made on the basis of the check or examination of the student's functional capacity and their suitability, in view of their state of health, for the proper performance of the duties of the Border Guard.

Notwithstanding non-disclosure provisions, the Border and Coast Guard Academy has the right to obtain from criminal investigation authorities, prosecutors and courts information on criminal matters concerning a student that is required in order to make a decision on suspending studies or on forfeiture of the right to study.

Section 28c (641/2019)

Processing of special categories of personal data

Personal data pertaining to the state of health of a student or an applicant and relating to their criminal convictions and violations may be processed at the Border and Coast Guard Academy only

by those who prepare or make decisions on student admissions, suspension of studies or forfeiture of the right to study, or who issue statements on the said matters.

The Border and Coast Guard Academy shall keep the data referred to in subsection 1 separate from other personal data collected by it.

The data referred to in subsection 1 shall immediately be erased from the filing system when there are no longer grounds required by statutory duties for their storage; however, at the latest within three years after their entry in the filing system.

Section 29 (1349/2019)

Request for review

Those dissatisfied with decisions concerning admission to education and training based on an entrance examination, and with decisions concerning a service commitment, orders to take a substance test, social benefits of border guard basic course students and postponing studies may request an administrative review from the Border Guard Headquarters. Provisions on requesting an administrative review are laid down in the Administrative Procedure Act (434/2003). Provisions on requesting a judicial review by an administrative court are laid down in the Administrative Judicial Procedure Act.

An administrative review of decisions of the Border and Coast Guard Academy concerning the assessment of study attainments, or credit transfer for previous studies or studies completed elsewhere, may be requested from the Border Guard Headquarters within 30 days from the date on which the student was able to access the results of the assessment and how the assessment criteria have been applied to their study attainments. No judicial review may be requested by way of appeal in respect of a decision concerning a request for an administrative review.

The provisions of the Administrative Judicial Procedure Act apply to requests for a judicial review by an administrative court of any other decision, unless otherwise provided elsewhere by law. Decisions on forfeiture of the right to study, or on suspension or discontinuance of studies may be enforced immediately, unless otherwise ordered by the reviewing authority.

Section 30

Military service and voluntary military service at the Finnish Border Guard

Persons liable for military service and those accepted into military service referred to in the Act on Voluntary Military Service for Women (194/1995) may be ordered to be trained at the Finnish Border Guard. The provisions on service in the Finnish Defence Forces apply to service at the Finnish Border Guard, as appropriate. Persons liable for military service and women accepted into voluntary military service may be deployed to support the operations of the Finnish Border Guard, where necessary.

Chapter 4

Miscellaneous provisions

Section 31

Application of provisions on military offences

Provisions on the application of provisions on military offences to those serving in military posts at the Finnish Border Guard and to border guard basic course students are laid down in chapter 45, section 27 of the Criminal Code. Provisions on the right of border guards holding a military post to use force are laid down in section 35 of the Border Guard Act and those on the right of soldiers and superior officers to use force in section 23 of the Act on the Defence Forces (551/2007). (1229/2013)

During wartime, the provisions of chapter 45 of the Criminal Code also apply to those serving at the Finnish Border Guard in duties equivalent to those referred to in section 28, subsection 2 of the said chapter. However, provisions on the right of border guards to use force are laid down in section 35 of the Border Guard Act.

The provisions of sections 1–35, 45–85, 94–104, 124 and 126, or those issued under section 130, of the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014) apply to criminal investigation by the Finnish Border Guard of offences to be tried as military court cases, and to the military discipline procedure at the Finnish Border Guard. The provisions on the duties and powers of disciplinary superiors of the Defence Command Finland and the Finnish Defence Forces laid down in the said sections apply to the Headquarters and disciplinary superiors of the Finnish Border Guard. (266/2014)

Further provisions on the procedure to be followed in criminal investigation of offences to be tried as military court cases, the disciplinary superiors referred to in section 10 of the Act on Military Discipline and Combating Crime in the Defence Forces, the public officials referred to in section 28a of the same Act who have the right to initiate a criminal investigation, giving the statement referred to in section 33 of the same Act and the enforcement of warnings at the Finnish Border Guard as referred to in section 75 of the same Act are issued by government decree. (691/2021)

Section 31a (641/2019)

Review of military discipline decisions

The Border Guard Headquarters shall review the military discipline decisions of the administrative units at least once every year.

Section 32

Disclosure of information on medical restrictions contained in patient records of those serving in or applying for military posts

Notwithstanding the provisions of the Act on the Processing of Client Data in Healthcare and Social Welfare (703/2023) and the Act on Health Care Professionals (559/1994) concerning the non-disclosure of information contained in patient records, if a physician finds in an examination to assess fitness for military service, or in an employment-related or other health examination, that those serving in or applying for military posts at the Finnish Border Guard have medical restrictions affecting their fitness for military service class, in-service safety or performance of official duties, the physician shall without delay give a statement on conclusions to be made from the examination to the head of the administrative unit in which the public official whom the statement concerns serves or will be employed. Statements on heads of administrative units are given to the Chief of the Finnish Border Guard. Statements on the Chief of the Finnish Border Guard are given to the Minister of the Interior. (727/2023)

The physician shall inform those whose state of health the statement concerns that they have given a statement.

In all other respects, the provisions of the Act on the Protection of Privacy in Working Life (759/2004) shall be observed in the processing, storage and non-disclosure of data concerning health.

Section 33

Terms of employment for international assignments

The provisions of the Act on Allowances Payable to Officials in Finnish Missions Abroad (596/2006) apply to allowances granted as compensation for special local conditions and other financial benefits payable to public officials in an employment relationship with the Finnish Border Guard who have been assigned to the position of border control specialist or to a similar international expert position. (1151/2010)

Further provisions on the comparability of public officials in an employment relationship with the Finnish Border Guard to public officials assigned to Finnish missions abroad, on the allowances referred to in the Act specified in subsection 1 and on the determination of a military pension during international expert assignments are issued by decree of the Ministry of the Interior.

Section 34

Emblem

Provisions on the Finnish Border Guard emblem are laid down by presidential decree.

Permission to use the emblem is given by the Chief of the Finnish Border Guard. Any unauthorised use of the emblem is prohibited.

Section 35 (618/2017)

Retirement age

The retirement age in military posts at the Finnish Border Guard is according to the year of birth:

1) for the Chief of the Finnish Border Guard:

a) 63 years for a person born in or before 1954;

b) 63 years and 3 months for a person born in 1955;

c) 63 years and 6 months for a person born in 1956;

d) 63 years and 9 months for a person born in 1957;

e) 64 years for a person born in 1958;

f) 64 years and 3 months for a person born in 1959;

g) 64 years and 6 months for a person born in 1960;

h) 64 years and 9 months for a person born in 1961;

i) 65 years for a person born in 1962–1964;

2) for the Deputy Chief of the Finnish Border Guard, generals, admirals, colonels and captains (N):

a) 60 years for a person born in or before 1957;

b) 60 years and 3 months for a person born in 1958;

c) 60 years and 6 months for a person born in 1959;

d) 60 years and 9 months for a person born in 1960;

e) 61 years for a person born in 1961;

f) 61 years and 3 months for a person born in 1962;

g) 61 years and 6 months for a person born in 1963;

h) 61 years and 9 months for a person born in 1964;

i) 62 years for a person born in 1965–1967;

3) for officers other than those specified in paragraph 1 or 2, and for officer specialists, warrant officers, border guards and coast guards:

- a) 55 years for a person born in or before 1962;
- b) 55 years and 3 months for a person born in 1963;
- c) 55 years and 6 months for a person born in 1964;
- d) 55 years and 9 months for a person born in 1965;
- e) 56 years for a person born in 1966;
- f) 56 years and 3 months for a person born in 1967;
- g) 56 years and 6 months for a person born in 1968;
- h) 56 years and 9 months for a person born in 1969;
- i) 57 years for a person born in 1970–1972.

By derogation from subsection 1, the retirement age of officer specialists, junior officers, senior staff officers and warrant officers serving in positions requiring pilot training is:

- a) 50 years for a person born in or before 1967; however, 55 years in the posts of generals and colonels in positions requiring pilot training;
- b) 50 years and 3 months for a person born in 1968; however, 55 years and 3 months in the posts of generals and colonels in positions requiring pilot training;
- c) 50 years and 6 months for a person born in 1969; however, 55 years and 6 months in the posts of generals and colonels in positions requiring pilot training;

- d) 50 years and 9 months for a person born in 1970; however, 55 years and 9 months in the posts of generals and colonels in positions requiring pilot training;
- e) 51 years for a person born in 1971; however, 56 years in the posts of generals and colonels in positions requiring pilot training;
- f) 51 years and 3 months for a person born in 1972; however, 56 years and 3 months in the posts of generals and colonels in positions requiring pilot training;
- g) 51 years and 6 months for a person born in 1973; however, 56 years and 6 months in the posts of generals and colonels in positions requiring pilot training;
- h) 51 years and 9 months for a person born in 1974; however, 56 years and 9 months in the posts of generals and colonels in positions requiring pilot training;
- i) 52 years for a person born in 1975–1977; however, 57 years in the posts of generals and colonels in positions requiring pilot training.

The retirement age of the Chief of the Finnish Border Guard born in or after 1965, the Deputy Chief, generals, admirals, colonels and captains (N) of the Finnish Border Guard born in or after 1968, a public official serving in another military post born in or after 1973, a public official serving in the post of general or colonel in a position requiring pilot training born in or after 1973 and another public official serving in a position requiring pilot training born in or after 1978 is confirmed by decree of the Ministry of the Interior. The retirement age is confirmed by decree of the Ministry of the Interior for the year in which the public official serving in the post of the Chief of the Finnish Border Guard reaches 62 years of age, a public official serving in the post of the Deputy Chief, general, admiral, colonel and captain (N) of the Finnish Border Guard reaches 59 years of age, a public official serving in another military post and a public official serving in the post of general or colonel requiring pilot training reaches 54 years of age and another public official serving in a position requiring pilot training reaches 49 years of age. The retirement age is adjusted as of the retirement age of 57–65 years of a public official serving in a military post, the retirement age of 57 years of a public official serving in the post of general or colonel in a position requiring pilot training and the retirement age of 52 years of another public official serving in a position requiring pilot training with as many months as the lowest old-age retirement age is adjusted in accordance with section 102, subsection 4 of the Public Sector Pensions Act (81/2016).

Provisions on the retirement age for public officials other than those serving in a military post are laid down in the Act on Public Officials in Central Government.

Notwithstanding the provisions of this section above, unless otherwise provided in subsection 6:

1) for public officials serving in the post of coast guard on or before 31 December 1992 who, by the end of 1994, had pensionable service of

- a) a minimum of 16 years, the retirement age is 53;
- b) a minimum of 13 years, the retirement age is 53 years and 4 months;
- c) a minimum of 10 years, the retirement age is 53 years and 8 months;
- d) a minimum of 7 years, the retirement age is 54;
- e) a minimum of 3 years, the retirement age is 54 years and 4 months;

2) for public officials serving in the post of border guard on or before 31 December 1992 who, by the end of 1994, had pensionable service of

- 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;

3) for public officials serving in posts other than military posts on or before 31 December 1992 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.

The retirement age laid down in subsection 5 increases annually from the beginning of 2018 so that if it is reached:

- 1) in 2018, the retirement age is increased by three months;
- 2) in 2019, the retirement age is increased by six months;
- 3) in 2020, the retirement age is increased by nine months;
- 4) in 2021, the retirement age is increased by one year;
- 5) in 2022, the retirement age is increased by one year and three months;
- 6) in 2023, the retirement age is increased by one year and six months;
- 7) in 2024, the retirement age is increased by one year and nine months;
- 8) in or after 2025, the retirement age is increased by two years.

The positions requiring pilot training referred to in subsection 2 comprise chief of flight operations, head of training at the Air Patrol Squadron, chief flight instructor, chief ground instructor, flight instructor, head of flight operations, deputy head of flight operations, head of flight safety, flight operations officer, test pilot, chief of airplane group, chief of helicopter group, flight officer, pilot officer, pilot in command, co-pilot and pilot.

Section 35a (618/2017)

Right to continue in service after retirement age

The Chief of the Finnish Border Guard may, on serious grounds and with the consent of the public official, decide that a public official other than one appointed by the President of the Republic may continue in the same post after the retirement age for a fixed term, however, at most until the end of the month during which a public official born in or before 1957 reaches 68 years of age, a public official born in 1958–1961 reaches 69 years of age and a public official born after that reaches 70 years of age. A public official in a military post may, under the conditions specified above, continue at most until the end of the month during which they reach the retirement age determined in accordance with section 35.

Decisions on the right of a public official to continue in the post or fixed-term public-service employment relationship shall be made before the public official has reached retirement age. The public-service employment relationship ends without notice when the fixed term referred to in subsection 1 has expired.

Section 36

Further provisions and regulations (1229/2013)

Further provisions are issued by presidential decree on:

- 1) military and service ranks, and the grounds for promoting to a military rank and granting a service rank;
- 2) the cross of merit and medal of merit of the Finnish Border Guard.

Further provisions on the following matters other than those concerning military command are issued by government decree:

- 1) if necessary, in individual cases, temporary changes in the chain of military command required for the effective operation of the Finnish Border Guard;
- 2) the right to organise free medical care for public officials of the Finnish Border Guard;

3) if necessary, the objectives of the education, training and instruction provided by the Border and Coast Guard Academy and the Air Patrol Squadron, and the assessment procedure;

(1229/2013)

4) if necessary, the consideration of matters concerning permissions or provision of information laid down in this Act and the procedure to be followed in applying for permissions and providing information;

5) the language skills required at the Finnish Border Guard in the manner required under the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003).

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

1) the design of the Finnish Border Guard uniform and other articles of clothing, and the badges used with them;

2) if necessary, the provision of free board and lodging and healthcare for border guard basic course students, the amount and payment procedure of the per diem allowance, and the reimbursement of travel expenses and related procedures.

(1229/2013)

Further regulations specifying the combination, design and colour of the Finnish Border Guard uniform and other articles of clothing, their procurement procedure and use, and the special emblems and insignia used on the uniform and other articles of clothing may be issued by the Chief of the Finnish Border Guard. (1229/2013)

Chapter 5

Transitional provisions and entry into force

Section 37

Entry into force

This Act enters into force on 1 September 2005.

Section 38

Transitional provision on secondary employment

Border guards who are engaged in secondary employment referred to in section 19 at the time of entry into force of this Act shall provide the necessary information or apply for the necessary permissions, or discontinue secondary employment in breach of this Act within a year from the entry into force of this Act.