



HOST NATION SUPPORT GUIDELINES

Finland's legal preparedness for international disaster response – Host Nation Support Guidelines

The report is part of the project titled "Implementation of the EU Host Nation Support Guidelines", (ECHO/SUB/2012/638451)



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Contents

Abbreviations	6
Definitions	8
1. Introduction	11
1.1 Background of the report	11
1.2 Research method	12
1.3 Information about Finland	13
1.3.1 General information	13
1.3.2 Accident profile	13
1.3.3 Administrative structure of Finland	14
2. International legal framework and major cooperation agreements	16
2.1 European Union	16
2.2 The United Nations and its key organisations	17
2.3 Other organisations	18
2.3.1 North Atlantic Treaty Organisation (NATO)	18
2.3.2 International Humanitarian Partnership	18
2.3.3 Conventions on privileges and immunities	19
3. Regional cooperation and bilateral treaties	20
3.1 Regional agreements	20
3.1.1 Nordic agreements	20
3.1.2 Barents Treaty	20
3.1.3 Agreement on cooperation on aeronautical and maritime search and rescue in the Arctic	21
3.1.4 Municipal and regional cooperation	21
3.2 Bilateral agreements	22
3.2.1 Russia	22
3.2.1.1 Cooperation in sea and air rescue	22
3.2.1.2 Agreement on cooperation for the prevention of accidents and their consequences	22
3.2.2 Sweden	22
3.2.3 Norway	23
3.2.4 Estonia	23
3.2.4.1 Agreement on cooperation and mutual assistance in cases of accidents between Finland and Estonia	23
3.2.4.2 Agreement concerning cooperation on maritime and aeronautical search and rescue	23
4. National legal system and legislation framework	24
4.1 Key regulations in Finland with regard accidents	24
4.2 Competent authorities: main issues, coordination and information exchange ...	25
4.2.1 Central government	25
4.2.2 Local government	29
4.2.3 Volunteers, organisations and private operators	30

4.2.4 Special issues	31
4.2.4.1 Serious cross-border threats to health	31
4.2.4.2 Oil spill response and chemical accidents at sea	32
4.2.4.3 Radiation emergencies	32
5. Operating regulations in disaster situations	34
5.1 Requesting, initiating and discontinuing assistance	34
5.1.1 Requesting assistance	34
5.1.2 Discontinuation of aid	35
5.2 Coordination of assistance and exchange of information	35
5.2.1 National contact points	35
5.2.2 Management and coordination of international assistance teams	36
5.3 Personnel	37
5.3.1 Border crossing formalities; visas and work permits	37
5.3.2 Employee rights and professional qualifications	38
5.3.2.1 Labour regulations	38
5.3.2.2 Professional qualifications	39
5.3.2.3 Driving licences	41
5.3.3 Cooperation with locals	41
5.4 Goods	42
5.4.1 Import of goods General regulations regarding import	42
5.4.2 Items under special restrictions	44
5.4.2.1 Medicines and medical supplies	44
5.4.2.2 Import of vehicles	45
5.4.2.3 Food products	46
5.4.2.4 Animals	46
5.4.3 Returning surplus rescue supplies	46
5.5 Taxation	47
5.5.1 Individuals	47
5.5.2 Goods	47
5.6 Transport and travel in the country	48
5.6.1 Entry by air, sea or land	48
5.6.2 Transit through Finland to another country	49
5.6.3 Access to sites of accidents	49
5.7 Communications in accident situations	50
5.7.1 Finnish authority communications in Finland and abroad	50
5.7.2 Communication between Finnish authorities and international modules ...	51
5.7.3 Other issues	51
5.8 Currency and bank accounts	52
5.9 Overtime work and other labour regulations	52
5.10 Responsibilities of host nation and assisting agencies; adequate, timely and appropriate assistance	53
5.10.1 Responsibilities of host nation on relief operations	53
5.10.2 Responsibilities of assisting agencies	53
5.10.3 Damages	54
5.10.4 Criminal liability of international assistance personnel	54

5.11	Safety	55
5.11.1	Safety of international rescue teams	55
5.11.2	Special groups	56
5.11.3	Insurance	56
6.	Finnish Red Cross and Volunteer Rescue Service Vapepa	58
6.1	Role of the Red Cross in Finland	58
6.2	Participation in relief operations in Finland	59
7.	National regulations relating to independent operators	60
7.1	International organisations in Finland	60
7.1.1	Form of organization and the humanitarian aid sector	60
7.1.2	Intergovernmental organisations and the IFRC	61
7.1.3	Military forces of foreign states	62
8.	Summary	63
9.	Recommended action	65
	Sources	69
	Appendices	77

Abbreviations

ARCC	Aeronautical Rescue Co-ordination Centre
AVI	Regional State Administrative Agencies in Finland
CECIS	The Common Emergency Communication and Information System
CMC	Crisis Management Centre
EADRCC	Euro-Atlantic Disaster Response Coordination Centre
EEH	Emergency Evacuation Hospital
ELY Centres	Finnish Centres for Economic Development, Transport and the Environment
ERCC	Emergency Response Coordination Centre (previously MIC)
ERU	Emergency Response Unit of the Red Cross
EU	European Union
Evira	Finnish Food Safety Authority Evira
Fimea	Finnish Medicines Agency
HNSG	Host Nation Support Guidelines
HUS	Hospital District of Helsinki and Uusimaa
ICAO	International Civil Aviation Organisation
ICRC	International Committee of the Red Cross
IDRL	International Disaster Response Laws, Rules and Principles
IFRC	International Federation of Red Cross and Red Crescent Societies
IHP	International Humanitarian Partnership
FMI	Finnish Meteorological Institute
IMO	International Maritime Organisation
JulkL	Act on the Openness of Government Activities
LEMA	Local Emergency Management Authority
LO	Liaison officer responsible, in this context, for the entry of international rescue service teams into the country and their coordination in accordance with HNSG guidelines
LVM	Finnish Ministry of Transport and Communications
Mechanism	Civil Protection Mechanism of the European Union
MIC	Monitoring and Information Centre of the European Commission (now ERC)
Model Act	Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (with commentary). IFRC, OCHA, Inter-Parliamentary Union, 2013
MRCC	Maritime Rescue Coordination Centre
OCHA	United Nations Office for Coordination of Humanitarian Affairs
OKM	Finnish Ministry of Education and Culture
OSOCC	On-Site Operations Coordination Centre, a concept developed by OCHA for rescue areas
PelL	Rescue Act
PL	The Constitution of Finland
PLM	Finnish Ministry of Defence
PoliisiL	Police Act
PRH	Finnish Patent and Registration Office

PCB authorities	Finnish police, customs and border guard authorities
PCB Act	Act on Cooperation between the Police, Customs and the Border Guard
PV	The Finnish Defence Forces
PVvirka-apuL	Act on the Provision of Assistance by the Defence Forces to the Police
RANET	IAEA's Response and Assistance Network
RahanKerL	Money Collection Act
SBC	Schengen Borders Code
TEU	Treaty on the European Union
TFEU	Treaty on the Functioning of the European Union
SivKriisiL	Act on the Participation of Civilian Personnel in Crisis Management
SM	Finnish Ministry of the Interior
STM	Finnish Ministry of Social Affairs and Health
STUK	Finnish Radiation and Nuclear Safety Authority
SYKE	Finnish Environment Institute
TAL	Working Hours Act
TEM	Finnish Ministry of Employment and the Economy
TiKe	Government Situation Centre
Trafi	Finnish Transport Safety Agency
TVL	Income Tax Act
UM	Ministry for Foreign Affairs of Finland
UNDAC	United Nations Disaster Assessment and Coordination
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNHCR	United Nations High Commissioner for Refugees
VahL	Tort Liability Act
Valvira	National Supervisory Authority for Welfare and Health
Vapepa	Volunteer Rescue Service
VM	Finnish Ministry of Finance
VN	Finnish Government
VNTIKE	Government Situation Centre
VNA	Government Decree
WFP	United Nations World Food Program
YhdL	Associations Act
UN	United Nations
YM	Finnish Ministry of the Environment

Definitions

Response. Any action taken upon request for assistance in the event of an imminent disaster, or during or after a disaster, so as to address its immediate adverse consequences.¹

Early warning. Timely and effective provision of information that allows action to be taken to avoid or reduce the risks and adverse impacts of a disaster, and to facilitate preparedness for an effective response.²

Emergency medical care. Emergency medical care is urgent medical care provided to people with acute illnesses or injuries. It also includes emergency transport to a care facility if necessary. Emergency medical care services and related medical care are part of health care services. However, rescue service personnel have been trained to provide first aid in rescue operations. Some of the rescue service personnel have also been trained as first responders and provide first response services.³

Primary care. Primary care is voluntary action that seeks to provide people with assistance in sudden accidents and other exceptional situations. Primary care supports and complements the operations of the authorities. Primary care seeks to attend to people's basic needs and support their survival.⁴ In Finland, primary care is provided by the member organisations of Vapepa.

First response. First response refers to the emergency response centre sending a unit other than an ambulance to people with acute illnesses or injuries in order to shorten the response time, and to that unit's personnel providing emergency first aid as defined in the service standard decision. Volunteer fire brigades and the Finnish Lifeboat Institution volunteers also operate first response units.⁵

Humanitarian aid. It falls under the administration of the Ministry for Foreign Affairs. Such aid is usually received under the administration of the Ministry of Social Affairs and Health. International aid provided by Finland is based on international humanitarian law, international human rights agreements and refugee law. Finland is committed to the Principles and Good Practice of Humanitarian Donorship of the Development Cooperation Directorate of the Organisation for Economic Co-operation and Development (OECD-DAC).⁶

Disturbance. A threat or an incident that puts at risk, at least momentarily or regionally, the safety or functions of society or people's opportunities for living. Managing such situations normally requires extended or enhanced cooperation and communication between the authorities and other operators. The same disturbance may be linked to several threat models, depending on the point of view, the source of the threat, or its ramifications.⁷ Disturbances may occur in normal and emergency conditions. For emergency conditions, please see Emergency conditions.

Host nation. A country receiving assistance (Affected state).

Host nation support. Any action undertaken in the preparedness and response phases by the country receiving or sending assistance, or by the Commission, to remove foreseeable obstacles to international assistance offered through the Union Mechanism. It includes support from member states to facilitate the transiting of this assistance through their territory.⁸ (Host Nation Support).

1 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 2.

2 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 4.

3 Interview: Ministry of Social Affairs and Health, Ilkka, 20 February 2014.

4 rednet.punainenristi.fi – tieto ja taito – (DEF) ensihuolto 18 December 2013.

5 Section 40.2 of the Health Care Act, Interview: the Ministry of Social Affairs and Health, Ilkka, 20 February 2014.

6 Principles and Good Practice of Humanitarian Donorship, OECD, 17 June 2003.

7 The Security Strategy of the Finnish Government, p. 14.

8 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 8.

Disaster. Any situation which has or may have a severe impact on people, the environment, or property, including cultural heritage.⁹

Air rescue. Rescue operations using a helicopter or an aeroplane.

Module see Unit

Maritime search and rescue service. (Maritime Search and Rescue Service). Search and rescue of people at risk at sea, provision of emergency medical care, and management of radio communication connected to the emergency. In addition, it includes maritime emergency radio communications, urgent telemedical assistance services and maritime assistance services.¹⁰

Rescue service. The term rescue service features in EU legislation (the Union Civil Protection Mechanism) and in international regional and bilateral treaties to which Finland is committed. The concept of rescue service does not feature in Finnish legislation, and it has no established content. The concept of support defined in the Union Civil Protection Mechanism, in particular, is broader than the concept usually referred to in Finland.

Rescue operations. The urgent tasks aimed at rescuing and protecting people, property and the environment when there is the threat of an accident or when an accident occurs, and to limit the damage caused by the accident and mitigate the consequences of the accident. Rescue operations include: receiving of emergency calls; warning the population; combating impending accidents; protecting and rescuing accident victims, people in danger, the environment and property; extinguishing fires and limiting damage; command, communications, servicing and other support functions relating to the tasks mentioned in paragraphs 1–5.¹¹ Rescue operations are regulated in various ways with regard to general rescue operations (on land and inland waters), sea rescue and air rescue.

Emergency conditions. According to Section 3 of the Emergency Powers Act, emergency conditions include: 1) an armed attack against Finland or other equally serious attack and its immediate aftermath; 2) a threat of a serious armed or other equally serious attack against Finland requiring immediate action using the emergency powers stated in this act; 3) a serious incident or threat to the livelihood of the population or the foundations of the national economy that puts at risk the functions vital to society; 4) a particularly serious catastrophe and its aftermath; and 5) a dangerous communicable disease that has spread extremely widely and is similar in its effects to a particularly serious catastrophe. Emergency conditions must be confirmed by the Government and the President.

Psychosocial support. The purpose of psychosocial support and services is to limit the effects of community accidents, major accidents and other special situations on people and to prevent and alleviate the psychological stress caused by such incidents. Psychosocial services can be divided into psychological support, spiritual support provided by the church, and social work and services.¹²

⁹ Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 1.

¹⁰ Leppänen, 2010.

¹¹ Rescue Act 2.2 and Section 32.

¹² (Psychosocial Support and Services for Traumatic Situations: Handbook for Municipalities and Joint Municipal Boards, Publications of the Ministry of Social Affairs and Health 2009:16)

Serious cross-border threat to health. A life-threatening or otherwise serious hazard to health of biological, chemical, environmental or unknown origin which spreads or entails a significant risk of spreading across the national borders of member states, and which may necessitate coordination at Union level in order to ensure a high level of human health protection.¹³

Social welfare. Operations allocated to municipalities in legislation, including generic social services, special services to certain groups and social income support. Operations in large-scale, sudden crises include food supply, accommodation and clothing as well as psychosocial support offered in collaboration with health care. Social services can also include the food supply for rescue operation personnel.¹⁴

Preparedness. Disaster preparedness planning includes the fundamental identification of risks, vulnerabilities, the possibilities of influence, organisational resources and capacity, division of responsibilities, developing and agreeing practices and processes as well as implementing an action plan to have the best possible preparedness in case of a disaster.¹⁵

State of readiness. A state of readiness means the capability of human and material means, structures, communities and organisations enabling them to ensure an effective rapid response to a disaster, obtained as a result of action taken in advance.¹⁶

Civil protection. Civil protection refers to the urgent action taken in emergency conditions aimed at rescuing and protecting people, property and the environment, when there is the threat of accident or when accidents occur and to limit the damage caused by the accident and mitigate the consequences of accidents. In normal conditions, civil protection also refers to making preparations for the above actions. Civil protection includes warning and protecting people (using civil defence shelters or evacuation), and rescue operations in emergency conditions. International agreements on civil protection are contained in the Geneva Conventions and the additional protocols. Civil protection is regulated by the Finnish Rescue Act and Decree, the Emergency Powers Act and the State of Defence Act.

Unit. A self-sufficient and autonomous predefined task- and needs-driven arrangement of the Member States' capabilities or a mobile operational team of the member states, representing a combination of human and material means that can be described in terms of its capacity for intervention or by the tasks it is able to undertake.¹⁷

13 Decision No 1082/2013/EU of the European Parliament and of the Council on serious cross-border threats to health.

14 Handbook on Emergency Planning in Social Services, Ministry of Social Affairs and Health, 2008, p. 20.

15 www.redcross.fi › About the Red Cross › Our work around the world › Types of aid › Disaster work › Disaster tools of the Red Cross › Disaster preparedness and contingency plan (16 January 2014).

16 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 3.

17 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 4 Item 6.

1. Introduction

1.1 Background of the report

In recent years, increasing emphasis has been placed internationally on the significance of making comprehensive advance arrangements in preparing for natural and man-made disasters. Creating a comprehensive statutory base and plans for receiving and coordinating assistance is an important part of preparedness. Due to the interaction of natural and man-made factors and technical risks, disasters are all the more complex, and they can have wide-spread and long-term consequences.¹⁸ During the last 20 to 30 years, the number of natural disasters has as much as quadrupled.²⁰ There is plenty of research data on preparing for disasters, but the progress of national actions is slow.¹⁹ Margareta Wahlström, Special Representative of the UN Secretary-General for Disaster Risk Reduction, has said: "I have lost count of the times I have heard the following sentence: We never thought something like this could happen."²⁰

The Host Nation Support Guidelines (HNSG) project examines legislation and practices related to sending and receiving international aid in the participating countries. In addition to Finland, the participants include the national Red Cross organisations of Iceland²¹, Poland, Ireland and Latvia, and the International Federation of Red Cross and Red Crescent Societies (IFRC). The report is primarily based on the HNSG guidelines²² of the European Commission (the Commission) and the IDRL guidelines (Guidelines for domestic facilitation and regulation of international relief) approved by the countries at the 30th International Conference of the Red Cross in 2007.²³ The HNSG guidelines primarily concern mutual aid between nations. In addition to mutual aid between nations, the IDRL guidelines and the related Model Act²⁴ concern non-governmental organisations.

The research work commenced in the spring of 2013 and was completed in May 2014. The report was produced in collaboration with the Department of Rescue Services of the Ministry of the Interior. In Finland, the preparatory work mandated by the EU is implemented at the Ministry of the Interior in accordance with the HNSG guidelines in order to ensure the compatibility of means at the EU level. The Commission guidelines on the organisation of host nation support is compatible with both the UN and NATO systems. This means that there is no need for a separate examination regarding these operators.²⁵

The Security Strategy for Society states that, with globalisation and specialisation, national and international interdependency is on the increase²⁶. This means that Finland, too, must make effective preparations with comprehensive plans regarding the reception of international aid. The host nation holds the main responsibility for the response in terms of quality and correspondence

18 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Item (1) of the Introduction, issued on 17 December 2013.

19 Formin.finland.fi >Current affairs > News, 11 February 2013, Improved disaster preparedness also included in development policy (13 January 2014).

20 Formin.finland.fi >Current affairs > News, 11 February 2013, Improved disaster preparedness also included in development policy (13 January 2014). Margareta Wahlström, Special Representative of the UN Secretary-General for Disaster Risk Reduction participated in a seminar titled "Preparation is for everyone" organised by the Ministry of the Interior in 2013.

21 Iceland is the project leader.

22 Member States of the European Union (Appeal #95) and their national Red Cross organisations (Appeal #56) also signed an appeal for the implementation of the IDRL guidelines in EU legislation and in Member States. The EU has prepared Host Nation Support Guidelines (HNSG guidelines) for harmonising legislation in Member States in terms of the Civil Protection Mechanism of the European Union and humanitarian aid (Commission Staff Working Document EU Host Nation Support Guidelines Brussels, 1.6.2012 SWD(2012) 169 final).

23 The IDRL guidelines (Guidelines for the domestic facilitation and regulation of international relief and initial recovery assistance) were unanimously approved by the state parties to the Geneva Conventions at the 30th International Conference of the Red Cross in 2007 (Introduction to the Guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance, International Federation of Red Cross and Red Crescent Societies, Geneva, 2011). Commitment 4276, 28 November 2011, between Finland, Denmark and Sweden.

24 Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (with commentary). IFRC, OCHA, IPU (2013).

25 Host Nation Support: preparation of the national guidelines, Memorandum of the Department of Rescue Services of the Ministry of the Interior, 11 June 2013.

26 Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p. 1.

to the national needs. Host nation support includes all responses related to preparedness and reacting to accidents.²⁷

In Finnish legislation, international aid covers the sectors of several different authorities, with rescue operations, social and health care operations and humanitarian aid at its core. This report examined international aid extensively, but focused mainly on systems related to helping people in distress as well as regulations related to eliminating or preventing harm to people as a result of accidents and other crises. The report excludes wars and conflicts. This report includes the terms rescue service / crisis relief / rescue assistance / emergency relief / international aid / relief operations / humanitarian aid and civil crisis management with regard to the various disaster relief operations that come under the scope of this report. The terms feature in relevant agreements and regulations and relate to the sector of international aid in a broader or narrower sense.

The organisation of receiving international aid requires close cooperation and information exchange already at the planning stage.

National guidelines should clarify the jurisdiction of various authorities when receiving aid, and aim to solve any jurisdictional contradictions in advance. Common plans should also be prepared and drills planned.

Conclusions and comments on issues that remain open or unclear are presented at the end of the report, but may also be included in the relevant sections. At the end, the report gives recommendations and suggests improvements to legislation and practices.

1.2 Research method

The research was carried out by examining legislation concerning this sector and other regulations, international treaties and legislative proposals. During the preparation of the report, the author interviewed and asked for statements from various authorities and experts. This report was written between April 2013 and March 2014. Interviews were carried out at personal meetings or via email. Some of the personal interviews were recorded. A draft report was submitted to the above mentioned bodies for comments on three occasions – in August and October 2013 and in January 2014. In addition, a work shop was organised on 5 November 2013 to process the report.

The report was written by Maarit Pimiä, Bachelor of Laws. The content was produced by the Finnish Red Cross, CMC, ERCC, Evira, Fimea, Helsinki City Rescue Department, the Faculty of Law of the University of Helsinki, the National Emergency Supply Agency, the Finnish Meteorological Institute, the Ministry of Transport and Communications, the Ministry of Agriculture and Forestry, the Ministry of Justice, the Ministry of Defence, the Finnish Border Guard, the HNS working group of the Ministry of the Interior (representatives from Regional State Administrative Agencies and rescue services), the Ministry of the Interior, the Ministry of Social Affairs and Health, STUK, Trafi, Finnish Customs, the Ministry of Foreign Affairs, Valvira, the Ministry of Finance and the Ministry of the Environment.

The report is cross-sectoral, and issues in various administrative sectors have been covered as comprehensively as possible.

²⁷ HNSG guidelines, p. 3.

The report is the first extensive survey on the regulation of the reception of international aid in Finland.

1.3 Information about Finland

1.3.1 General information

Located in northern Europe, Finland is a member of the European Union (since 1995). Its population is about 5.4 million.²⁸ The Republic of Finland includes the autonomous region of Åland (area: 6,800 km², population: approximately 28,000). In accordance with the Act on the Autonomy of Åland²⁹, the Parliament decides about the region's commitment to international agreements, and regulates rescue operations, among other issues. Finland's neighbouring countries are Norway, Sweden and Russia. In Finland, the Schengen Area is bordered by Russia over a distance of about 1,200 km.

The area of Finland is about 338,000 km². The capital, Helsinki, is located in southern Finland, which is the most densely populated area in the country. Finland has an average population density of 17.9 people/km² (on 1 January 2013). The largest city is Helsinki, with around 611,000 inhabitants, followed by Espoo (257,000) and Tampere (217,000).

Finland has large areas of archipelago and a total of about 179,000 islands. Finland also has a large number of natural waterways (about 10% of its area). The total number of lakes (of more than 5 hectares) in Finland is about 188,000 with some 98,000 islands in them. The terrain in Finland is flat, with no mountains. Northern Finland has fells and large areas of wilderness. Minor earthquakes have been detected in the country.

Finland is located between the middle latitudes and polar air masses, and on the boundary between maritime and continental air masses. This causes the weather in Finland to change frequently. Temperatures vary from -35 and -45 °C in the winter to +32 and +35 °C in the summer. Finland also has floods, storms, thunderstorms³⁰ and forest fires, and in the winter there are blizzards.

The official languages of Finland are Finnish and Swedish. About 5.4% of the population speak Swedish as their first language. They are entitled to use the services of the authorities in their own language. Finland also has an indigenous Sami population (0.04%) with special language rights.³¹ About 1.2% of the population in Finland speak Russian as their first language.

1.3.2 Accident profile

Finland is a safe society, and disruptions to normal conditions are rare. The Security Strategy for Society, prepared by the Finnish Government, lists threat models that can be used in preparing for disturbances.³² The preparedness and readiness plans of authorities, companies and organisations are usually based on their operating environments, in addition to the threat models.

The Security Strategy for Society lists extreme natural phenomena and other environmental risks as the most significant threats.³³ For example, energy outages caused by frost and storms have increased, and preparing for such incidents is key. Finland also has floods to some extent. In Finland, floods have typically been minor, compared to Central Europe, where heavy rains, lack of

²⁸ Statistics Finland, Population structure, at the end of 2012.

²⁹ Act on the Autonomy of Åland 16.8.1991/1144.

³⁰ Thunderstorms refer to severe thunderstorms possibly containing strong gusts of wind, large hailstones, lightning, flash flooding, whirlwinds, downburst winds, etc. The cause emergencies and power cuts. Interview: FMI, Hartonen, 13 January 2014.

³¹ Sami Language Act 15.12.2003/1086.

³² Security Strategy for Society, a decision in principle of the Government, 16 December 2010.

³³ Security Strategy for Society, a decision in principle of the Government, 16 December 2010.

lakes and greater natural differences in altitude increase the likelihood of floods. Finland has not suffered from major damage caused by floods, but it is possible that major flooding can occur in Finland. It is generally thought that climate change could also cause worse flooding in Finland.³⁴

Other probable threats include serious problems in the production, transfer and distribution of energy, as well as other problems related to power plants or the distribution of imported energy. Finland presently has four electricity-generating nuclear power plants in Loviisa and Olkiluoto, and one research reactor in Espoo. A fifth nuclear reactor is currently being built in Olkiluoto. In addition, two new units are in the planning stage – one in Olkiluoto and one in Pyhäjoki.³⁵ Nuclear power represents 25% of energy production in Finland.

In addition, threat models include serious disturbances in public health and well-being, such as epidemics of communicable diseases, disruptions to information systems, serious disturbances in the financial and payments system, terrorism and serious disruptions to food supply and logistics. Significant incidents could also occur in a nearby area to Finland. Such disasters could include a serious nuclear accident or widespread civil unrest. Such an incident could cause an exodus and result in a massive wave of immigration to Finland. In accordance with the Security Strategy for Society, the Centres for Economic Development, Transport and the Environment (ELY Centres) maintain preparedness plans together with municipalities in preparation for setting up organisation and reception centres in the event of a mass exodus.

There is a great deal of sea traffic in Finland. The seas around Finland are busy, and a serious tanker oil spill would cause extensive damage. The coast of Finland is vulnerable; the shores are delicate and the environment is fragile. In the event of passenger ship accidents, the number of people to be rescued and the circumstances could pose significant challenges in the rescue operations.³⁶ The standard of maritime safety in Finland is high and the number of accidents has gone down despite the increase in traffic. A risk of large-scale accidents is also present in rail and air traffic.

1.3.3 Administrative structure of Finland

The Senate of Finland (now Government) declared the country independent in December 1917, and Independence Day is celebrated on 6 December.

The administrative structure and legislative tradition of Finland were initially formulated during the Swedish reign (from 1150 to 1809). The foundations of the Finnish regional administration structure and key structures and content of the legislative system were created under the Swedish reign.³⁷ The system remained practically unchanged during the period of autonomy, when Finland was a Grand Duchy of the Russian empire (from 1809 to 1917).

In accordance with Section 1 of the Constitution of Finland (PL)³⁸, Finland is a sovereign republic and participates in international cooperation for the protection of peace and human rights and for the development of society. The powers of state in Finland are vested in the people, who are represented by the Parliament. Governmental powers are exercised by the President of the Republic and the Government.³⁹ The foreign policy of Finland is directed by the President of the Republic in cooperation with the Government. However, the Parliament accepts Finland's international obligations and their denouncement and decides on the bringing into force of Finland's international obligations in so far as provided in the Constitution.^{40 41}

The central administration of the state consists of the President of the Republic, the Government and the ministries together with district and regional authorities and establishments. The local

34 [www.ymparisto.fi Home > Waters and sea > Floods > Flood risk management > Flood risk management planning](http://www.ymparisto.fi/Home%20>Waters%20and%20sea%20>Floods%20>Flood%20risk%20management%20>Flood%20risk%20management%20planning)

35 [www.energia.fi > Energy and the Environment > energialähteet > ydinvoima](http://www.energia.fi/>Energy%20and%20the%20Environment%20>energiälähteet%20>ydinvoima) (10 March 2014).

36 Leppänen, 2010.

37 For example, the Criminal Code still used in Finland was enacted in 1889 and came into force at the beginning of 1891. The Criminal Code has been undergoing a comprehensive reform and modernisation since 1991.

38 The Constitution of Finland 11.6.1999/731.

39 The Constitution of Finland, Section 2

40 The Constitution of Finland, Section 93

41 Regulations contain provisions of a legislative nature if they concern the use of a basic right or the foundations of the rights and obligations of an individual.

administration contains the municipalities, whose administration shall be based on the self-government of their residents, in accordance with Section 121 of the Constitution. Provisions on the general principles governing municipal administration and the duties of the municipalities are laid down in legislation. The municipalities have the right to levy municipal tax in order to cover costs incurred, and to manage their tasks. There are 320 municipalities⁴² in Finland. They hold a significant responsibility for providing basic services and organising other vital operations in society.⁴³ The public administration also contains the church administration and indirect public administration⁴⁴. The region of Åland is autonomous in accordance with the provisions of the Act on the Autonomy of Åland.⁴⁵

42 From the beginning of 2013 Source: <http://www.kunnat.net/fi/tietopankit/uutisia/2012/Sivut/Vuonna-2013-kuntia-on-320.aspx>.

43 Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p. 6.

44 Indirect public administration comprises independent bodies governed by public law (such as the Social Insurance Institution of Finland, the Bank of Finland, the Finnish Institute of Occupational Health, and universities) and organisations, institutions and foundations which by virtue of delegated legislative powers, perform public duties, and private individuals, when exercising public power.

45 Act on the Autonomy of Åland 16.8.1991/1144.

2. International legal framework and major cooperation agreements

2.1 European Union

According to Section 196 of the TFEU, Member States are encouraged to cooperate in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters.⁴⁶ Furthermore, the EU may issue decrees on required action, which does not mean harmonisation of member states' legislation.⁴⁷ The implementation of civil protection is affected by many mandatory legal acts issued at the level of the EU, such as regulations that obligate Finland directly and comprehensively, including the Council Regulation setting up a Community system of reliefs from customs duty.^{48 49}

The Civil Protection Mechanism of the EU (the Mechanism) is based on the voluntary cooperation of the Member States. The Mechanism was established with the decision of the Council of the European Union in 2001. The most recent decision entered into force on 1 January 2014.⁵⁰ Member States may request or provide assistance within the civil protection mechanism when there is a disaster or when one is imminent within the EU.⁵¹ Protection under the Mechanism primarily covers the protection of people and the environment, property and cultural heritage. The Mechanism covers the consequences of all natural and man-made disasters within and outside the EU and outside, including environmental disasters, marine pollution and acute health emergencies as well as consequences of acts of terrorism.⁵² The mechanism is funded through the budget of the European Union.⁵³

The Commission has issued decisions regarding the implementation of the mechanism, such as decisions on the modules of the mechanism.⁵⁴ The Commission has also issued a decision laying down the rules for the implementation of the provisions on transport in the decision establishing a Civil Protection Financial instrument.⁵⁵

The Commission is responsible for the coordination of the cooperation among member states taking place within the mechanism. The Commission is also responsible for interaction with the OCHA and other parties involved in international relief operations. However, the coordination responsibilities of the EU do not affect the competences or obligations of the Member States.

The purpose of the mechanism is to facilitate the initiation of response actions, and the coordination must be based on the structure of the EU which contains the ERCC, the EERC⁵⁶ trained experts, the CECIS administered by the Commission, and the Member States' contact points.⁵⁷ The ERCC was reformed and began operation in May 2013.⁵⁸ The ERCC collects and analyses real-time information about accidents, and prepares civil protection modules for rescue

⁴⁶ TFEU, Article 196.

⁴⁷ TFEU, Article 6f.

⁴⁸ Council Regulation (EC) No 1186/2009.

⁴⁹ TFEU, Section 228(2): "A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States." A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods. Melander (2010).

⁵⁰ According to Section 288 of TFEU, "a regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States." See also Melander, 2010, p. 75.

⁵¹ Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 15, issued on 17 December 2013.

⁵² In disasters caused by acts of terrorism or by nuclear or radiation accidents, the Mechanism should only cover preparedness and response operations that come under the scope of rescue services. Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 1 Item 2, issued on 17 December 2013.

⁵³ Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 19, issued on 17 December 2013.

⁵⁴ Commission Decisions 2008/73/EC, Euratom and 2010/481/EU, Euratom

⁵⁵ Commission Decision 2007/606/EC, Euratom

⁵⁶ (Emergency Response Capacity) in the form of a reserve of the voluntary resources pre-allocated by Member States.

⁵⁷ Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Item (12) of the Introduction, issued on 17 December 2013.

⁵⁸ The predecessor of ERCC was the Monitoring and Information Centre (MIC).

operations in collaboration with Member States. The ERCC collects information about the capacity of Member States and coordinates aid in order to enable efficient responses to requests for help from the state in which the incident occurs. The ERCC operates 24 hours a day.⁵⁹ A Member State will request assistance from other Member States through the ERCC. The ERCC is the coordination centre at the level of the European Union, processing the requests coming from Member States, collecting information on disasters and issuing recommendations on response actions, conveying them on to the contact points of other Member States.⁶⁰

Serving as a coordinator, the ERCC does not provide aid to a Member State requesting help, but notifies other member nations of the request. Member States can provide aid in accordance with their resources. Rescue requests are made through the CECIS. Operators at both ends of the system are available 24 hours a day.

The HNSG guidelines issued by the European Commission formed key background material in this report.⁶¹ The guidelines are not binding, and they do not legally oblige the Member States. The Ministry of the Interior is in the process of preparing more detailed guidelines on the reception of international aid in Finland, based on the HNSG guidelines.⁶²

2.2 The United Nations and its key organisations

Finland belongs to many United Nations mechanisms and organisations.⁶³ Finland has ratified the Convention on the Privileges and Immunities of the United Nations, and the Convention on the Privileges and Immunities of Specialised Agencies.^{64 65} The Conventions regulate the area of privileges and the groups of people to whom they apply. The legal status and any privileges of an individual of a UN organisation are dependent on whether they are regarded as being included in the group to which the Conventions pertain.

The UN General Assembly has in several resolutions urged nations to create the framework for sending and receiving effective disaster aid.⁶⁶

The UN International Law Commission is currently in the process of preparing draft articles relating to the states' duties when receiving or sending international disaster aid.⁶⁷ IAEA is bound by its own agreement.⁶⁸

In 2006, the UN General Assembly ratified a framework aimed at natural disaster risk reduction. Based on this framework, Finland prepared a national programme in 2012.⁶⁹

In 2012, the UN General Assembly urged nations to evaluate and strengthen national legislation in the field of international disaster aid.⁷⁰

59 ec.europa.eu > European Commission > Humanitarian Aid & Civil Protection > Emergency Response Centre (ERC) (12 September 2013), ec.europa.eu > European Commission > Humanitarian Aid & Civil Protection > Emergency Response Coordination Centre (ERCC) (10 January 2014).

60 Decision No 1313/2013/EU of the European Parliament and of the Council on a Union Civil Protection Mechanism, Article 15 Item 3.

61 Commission Staff Working Document: EU Host Nation Support Guidelines, Brussels, 1.6.2012, SWD(2012) 169 final.

62 Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013.

63 Decree 1/1956 on the implementation of the Charter of the United Nations, 13 January 1956. Finland signed the Charter in 1947.

64 SopS 23-24/1958. Finland has made no reservations or exceptions to the Conventions, and their provisions are valid as they are.

65 Specialised Agencies refer to: International Labour Organisation, Food and Agriculture Organisation, UN Educational, Scientific and Cultural Organisation, ICAO, International Monetary Fund, International Bank for Reconstruction and Development, WHO, Universal Postal Union, International Telecommunications Union, and other organisations working with the United Nations and acting under Articles 57 and 63 of the UN Charter. Article I of the UN Convention on the Privileges and Immunities of the Specialised Agencies SopS 23-24/1958.

66 Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health and repealing Decision No 2119/98/EC (Text with EEA relevance).

67 Protection of Persons in the event of disasters (latest update on 11 September 2013), legal.un.org/ilc/ > Protection of persons in the event of disasters (13 January 2014).

68 SopS 27/1960.

69 formin.finland.fi > Current affairs > News, 11 February 2013, Improved disaster preparedness also included in development policy (13 January 2014).

70 UN General Assembly Resolutions 67/87 and 66/119. The UNESCO resolution 2011/8 also recommends that member nations and regional organisations strengthen the operative and juridical framework for international aid. United Nations Educational, Scientific

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) coordinates international aid, but the ERCC is responsible for coordinating aid in crises taking place in the European Union and its nearby areas.⁷¹ The OCHA coordinates the needs assessments of UN organisations, publishes their consolidated appeals, monitors funds and publishes reports to keep donor governments and other stakeholders up to date with the situation. Finland supports the OCHA through general financing.⁷²

The OCHA utilises the UN disaster assessment and coordination system (UNDAC). The UNDAC is operated by a team of personnel in a constant state of preparedness. Its members have been appointed by national governments and humanitarian aid organisations of the UN. The team members are always on standby. A practical tool for coordination is the operations coordination centre, a virtual system for sharing information. It helps local authorities comprehend the relief operation as a whole, and supports information exchange between those providing the assistance.⁷³

Finland has ratified the Convention relating to the Status of Refugees.⁷⁴ The UNCHR has a mandate to help refugees. As a rule, the responsibility lies with the state. In Finland, the UNHCR has a cooperation agreement with the Finnish Red Cross, which represents the UNHCR when necessary.

Finland is a member of the International Atomic Energy Agency (IAEA)⁷⁵ and has a permanent representative in the organisation.⁷⁶

2.3 Other organisations

2.3.1 North Atlantic Treaty Organisation (NATO)

Finland signed a Partnership for Peace agreement with NATO in 1994. Based on the agreement, Finland participates in the Planning and Review Process (1995) of forces and capabilities and the Euro-Atlantic Partnership Council (1997).

In cooperation with NATO, the competent authority is the authority responsible for the relevant sector. In rescue operations, the competent authority is the Ministry of the Interior. NATO allocates rescue assistance through its Euro-Atlantic Disaster Response Coordination Centre (EADRCC). The Unit for Security Policy and Crisis Management of the Ministry for Foreign Affairs is responsible for political cooperation. Several other ministries also participate in NATO cooperation on a broad scale. Partnerships of Peace are based on openness and the principle of self-differentiation, and Finland has no legal obligations related to the partnership.

2.3.2 International Humanitarian Partnership

Finland is part of the International Humanitarian Partnership (IHP) network, an informal network of eight governmental organisations that supports the OCHA of the United Nations. International assistance is provided for relief operations of various intergovernmental organisations such as the UN and the EU. OCHA, WFP and UNHCR collaborate with the IHP. Finland sends assistance to WFP and UNHCR missions. In Finland, the Crisis Management Centre (CMC) cooperates with the IHP in issues related to rescue operations.⁷⁷

and Cultural Organisation Resolution 2011/8. Both sets of resolutions reaffirm previous resolutions: UNGA Res 64/76, 65/264 and 65/133 and UNESCO Res 2010/1, 2009/3 and 2008/36

71 Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013.

72 formin.finland.fi > Development policy > Implementation of development cooperation > Multilateral cooperation > Multilateral financing (11 September 2013)

73 www.yk.fi > humanitaarinen toiminta > Historiaa ja toiminnan taustoja > YK humanitaarisena toimijana (13 January 2014).

74 Convention relating to the Status of Refugees, SopS 77/1968.

75 IAEA strives to promote peaceful use of nuclear energy, radiation safety, nuclear safety and nuclear disarmament.

76 Chapter 2.2.2.3. handles preparedness for nuclear accidents.

77 Interview: CMC, Ehrnrooth, 20 August 2013.

2.3.3 Conventions on privileges and immunities

Issues within the scope of the report may also be affected by the Vienna Convention⁷⁸ and the Convention on Consular Relations.⁷⁹ Certain exceptional privileges apply to groups of people mentioned in the Conventions, relating to visa and customs regulations or taxation.

78 Vienna Convention on Diplomatic Relations, Optional Protocol concerning Acquisition of Nationality, Optional Protocol concerning the Compulsory Settlement of Disputes, SopS 3-4/1970

79 SopS 49-50/1980 Vienna Convention on Consular Relations. Optional Protocol concerning Acquisition of Nationality. Optional Protocol concerning the Compulsory Settlement of Disputes.

3. Regional cooperation and bilateral treaties

Finland participates in regional collaboration through various cooperation bodies and local and bilateral agreements. The regional divisions related to the agreements and cooperation bodies are not necessarily consistent, and the system of agreements is not hierarchical. The most relevant agreement is usually applied to rescue services and international aid.⁸⁰

International obligations are usually implemented by law and/or a Government Decree.⁸¹ If regulations contain provisions of a legislative nature they are implemented in accordance with Section 94 of the Constitution of Finland.⁸²

3.1 Regional agreements

3.1.1 Nordic agreements

The Nordic agreement on rescue services (NORDRED)⁸³ concerns cooperation across state frontiers to prevent or limit damage to persons or property or to the environment in the case of accidents. It is a framework agreement used for making agreements on local collaboration across borders. The competent authority is the Ministry of Social Affairs and Health.

Rescue service authorities in a signatory country can request assistance from rescue service authorities in another signatory country. The authorities in the country requesting assistance have full responsibility for the management of rescue operations, unless the place of the accident is located in the territory of another country. Rescue personnel from the country providing assistance operate under their own officers in charge in accordance with the regulations of their country.

The Nordic Framework Convention on Health Care (NORDHELS) concerns preparedness in social welfare and assistance in crises, when a Nordic country is faced with a disaster or crisis situation requiring assistance not included in other multilateral or bilateral agreements between the Nordic Countries. The agreement enables preparation and development collaboration between the Nordic countries in case of crises and disasters including natural disasters and incidents (accidents and acts of terrorism) caused by radiation and biological or chemical factors. The competent authority is the Ministry of Social Affairs and Health.⁸⁴

3.1.2 Barents Treaty⁸⁵

The Barents Treaty covers the Euro-Arctic regions; that is, the northern parts of the four signatory countries. In Finland, these include the areas of the Regional State Administrative Agencies of Northern Finland and Lapland. Water areas are defined in accordance with the Act on Delimitation of the Territorial Waters of Finland⁸⁶. The treaty does not include areas of the open sea. In northern areas, the rescue service resources of another signatory country can be more easily and rapidly accessible than those of the country in which an incident takes place. The purpose is to create common principles for rescue operations.

80 Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013.

81 Before Section 95 of the Constitution of Finland was amended, international obligations were usually implemented by a Decree of the President of the Republic.

82 In accordance with Section 94 of the Constitution of Finland, acceptance of the Parliament is required for international obligations that contain provisions of a legislative nature. Regulations contain provisions of a legislative nature if they concern the use of a basic right or the foundations of the rights and obligations of an individual. The Ministry for Foreign Affairs in Finland, Suvanto, 2 July 2013.

83 Agreement between Denmark, Finland, Norway and Sweden on cooperation across state frontiers to prevent or limit damage to persons or property or to the environment in the event of accidents, SopS 21/1992. Iceland joined the agreement in 2001.

84 Nordic Framework Convention on Health Care, SopS 8/2004.

85 Agreement between the Governments in the Barents Euro-Arctic Region on Cooperation within the Field of Emergency Prevention, Preparedness and Response 23/2012.

86 Act on the Delimitation of the Territorial Waters of Finland (463/1956).

Rescue services include search and rescue operations and other measures to be carried out after an accident, such as emergency relief or other assistance that aims to save lives and limit or prevent damage to property or the environment. Emergency relief can include first aid, protective equipment and other support to ensure safe living conditions. Other assistance can include technical or expert support.

The signatories are obligated to organise and participate in common drills and information exchange on operating methods and monitoring, communication and other technology. They are also obligated to notify other signatories of accidents that have effects beyond national borders. This obligation concerns all accidents, including those that fall under another agreement system. So as to implement the Barents Treaty, each signatory can assign a specific regional contact point in addition to the national one. In Finland, the Barents treaty contact point is the emergency response centre in Oulu.

3.1.3 Agreement on cooperation on aeronautical and maritime search and rescue in the Arctic⁸⁷

Finland is a member of the Arctic Council.⁸⁸ With traffic and tourism increasing in the area, cooperation in the development and maintenance of rescue services has also increased.⁸⁹ The Emergency Prevention, Prevention and Response group (EPPR) operates within the Arctic Council.

The competent authority in rescue services is the Ministry of the Interior. The competent authorities in sea and air rescue are Trafi⁹⁰ and the Finnish Border Guard.⁹¹ The Turku Maritime Rescue Coordination Centre (MRCC) and Finland's Aeronautical Rescue Coordination Centre (ARCC) serve as information and alarm receiving centres.

The agreement concerns rescue services on the open sea that involve saving lives. The agreement does not cover the prevention of damage to property or the environment. Measures prescribed by the agreement are based on the International Aeronautical and Maritime Search and Rescue Manual (IAMSAR).

The signatories are responsible for costs in their areas. However, it is possible to decide on cost division.⁹² The air and sea rescue areas based on the agreement cover the entire Arctic area.⁹³

The parties carry out air and sea rescue operations in accordance with regulations. Their cooperation also includes conferences and the exchange of experiences and information, such as meteorological observations, analysis, forecasts and warnings.

3.1.4 Municipal and regional cooperation

Collaboration between the authorities in the Nordic countries is based on the Agreement between Norway, Sweden, Finland and Denmark on intermunicipal cooperation⁹⁴.

Cooperation in rescue operations is based on the NORDRED agreement.⁹⁵ Municipalities have entered into bilateral cooperation agreements at the local level in Finland, Sweden and Norway. As an example, Tornio and Haaparanta have entered into an agreement on common rescue operations.⁹⁶ Local agreements with Swedish and Norwegian municipalities are based on the

87 SopS 3/2013.

88 Members of the Council: Canada, Denmark, Finland, Iceland, Norway, Russia, Sweden and the United States.

89 HE 17/2012 vp, p. 3

90 Trafi is responsible for transport system regulatory and monitoring duties. It also issues regulations based on the standards and recommendations related to air search and rescue services in the Chicago Convention on International Civil Aviation.

91 Based on this agreement, the Finnish Border Guard can also use aircraft in its operations, HE 17/2012 vp, p. 7.

92 HE 17/2012 vp, p. 11

93 Agreement on cooperation on aeronautical and maritime search and rescue in the Arctic, SopS 3/2013, Article 3

94 SopS 2/1979. The NORDRED agreement mentioned above also enables local agreements.

95 Interview: the Ministry of the Interior, Peltola-Lampi 12 March.

96 The agreeing party in Finland is the Rescue Department of Lapland and the party in Sweden is the Rescue Department of Haaparanta.

principle of reciprocal services and operations. Based on the Barents Treaty, the authorities can make agreements with the Russian authorities on assistance, costs and cooperation.

3.2 Bilateral agreements

3.2.1 *Russia*

3.2.1.1 Cooperation in sea and air rescue

Finland has an agreement with Russia⁹⁷ on cooperation in the field of search and rescue services in maritime and air transport.⁹⁸ The related division into search and rescue service regions is based on Flight Information regions (FIR).⁹⁹ The agreement complies with the definitions in Chapter 1 of the Annex to the International Convention of Maritime Search and Rescue (1979) and the definitions in Chapter XXII of the Annex to the Convention on International Civil Aviation (1944), both of which Finland has ratified.¹⁰⁰

The parties commit to taking all necessary action if search and rescue services receive notification of lives in danger or believed to be in danger in the Baltic Sea, in areas near the border between Finland and Russia or in the airspace. The parties also commit to notifying one another of such incidents without delay. Each party is responsible for the costs it incurs based on the agreement. Rescue teams operate under their own officers in charge in accordance with the regulations of their country.

3.2.1. Agreement on cooperation for the prevention of accidents and their consequences

The agreement between Finland and Russia on cooperation for the prevention of accidents and their consequences¹⁰¹ concerns the development of measures and methods related to the prevention of accidents, notifications of accidents and the prevention of the effects of accidents. In addition, the agreement concerns mutual assistance and notifications of accidents.'

Cooperation under the agreement may apply to any actions that are related to the prevention of accidents and their consequences, and notifications of accidents and that fall within the jurisdiction of authorities in the two countries. Local authorities have been authorised to agree on carrying out cooperation in the most suitable manner. In Finland this refers to municipalities and rescue departments. Within the regulations issued by the Ministry of the Interior and legislation, these can agree on cooperation in practice with local authorities in Russia. Both nations have contact points for notifications of accidents, and any changes related to the contact points must be announced. Based on the agreement, the party requesting assistance is responsible for paying the cost of assistance without delay when compensation is requested.¹⁰²

3.2.2 *Sweden*

The Agreement on cooperation in maritime and aeronautical rescue services¹⁰³ concerns Finland and Sweden. The regional division is based on Flight Information Regions (FIR). The agreement complies with the definitions in Chapter 1 of the Annex to the International Convention of Maritime Search and Rescue (1979) and the definitions in Chapter XXII of the Annex to the Convention on International Civil Aviation (1944).¹⁰⁴ National regulations apply to the territorial waters, territory and airspace of each country.

97 The rescue service authority in Russia is the Ministry of the Russian Federation for Civil Defence, Emergencies and Elimination of Consequences of Natural Disasters (EMERCOM).

98 Agreement on cooperation in the field of search and rescue services in maritime and air transport, SopS 28/1994. The agreement concerning rescue operations in Finnish and Soviet waters (SopS 37/1971) is valid as well.

99 Flight Information Region (FIR).

100 Convention on International Civil Aviation (SopS 11/1949), International Convention on Maritime Search and Rescue, 1979 (SopS 89/1986).

101 SopS 52/1996.

102 The agreement has been applied a few times, with Finland providing assistance. Interview: the Ministry of the Interior, Helismaa, 15 July 2013.

103 Agreement between the Government of the Republic of Finland and the Government of the Kingdom of Sweden on cooperation in maritime and aeronautical rescue services, SopS 27/1994.

104 Article 96 of Chapter XXII of the Convention on International Civil Aviation (SopS 11/1949); Chapter 1.3 of the Annex to the

3.2.3 Norway

Finland and Norway have entered into an agreement on cooperation regarding search and rescue services in their border areas (SopS SopS17/1986). The border of the other party may be crossed if the authorities have been notified of this in advance in accordance with the agreement. The agreement does not cover the participation of military personnel or equipment in the cooperation.

3.2.4 Estonia

3.2.4.1 Agreement on cooperation and mutual assistance in cases of accidents between Finland and Estonia

The agreement is a framework agreement on mutual collaboration. A new agreement was signed on 29 January 2014 and will possibly enter into force as of the beginning of 2015.¹⁰⁵ The parties can provide each other with assistance, upon request, if there is a risk of, or in the event of, accidents that cause harm to people or damage to property and the environment. Rescue assistance teams must be equipped to operate independently in accident situations. The party requesting assistance has an obligation to provide rescue assistance teams with additional equipment and services as well as medical treatment, if necessary. Rescue assistance teams operate under their own officers in charge in accordance with the regulations of their country. The cost is incurred by the party requesting assistance.

3.2.4.2 Agreement concerning cooperation on maritime and aeronautical search and rescue

The agreement¹⁰⁶ complies with the definitions in Chapter 1 of the Annex to the International Convention of Maritime Search and Rescue (1979) and the definitions in Chapter XXII of the Annex to the Convention on International Civil Aviation (1944).

National legislation applies to outer and internal territorial waters and the airspace above them and to territory. The regional borders are those of the Tampere and Tallinn Flight Information Regions (FIR) at sea and in the air, but this has no effect on state sovereignty or definitions of national borders in other contexts.

The regulations of the Agreement concerning cooperation on maritime and aeronautical search and rescue¹⁰⁷ apply to customs and border crossing formalities. Both parties are responsible for costs incurred by them based on the agreement. Estonia joined the EU after the agreement was signed, and many of its regulations will be replaced by those of the EU.¹⁰⁸

International Convention on Maritime Search and Rescue, 1979 (SopS 89/1986): 1 "Search and rescue region". An area of defined dimensions within which search and rescue services are provided. 2 "Rescue co-ordination centre". A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region. 3 "Rescue sub-centre". A unit subordinate to a rescue co-ordination centre established to complement the latter within a specified area within a search and rescue region. 4 "Coast watching unit". A land unit, stationary or mobile, designated to maintain a watch on the safety of vessels in coastal areas. 5 "Rescue unit". A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations. 6 "On-scene commander". The commander of a rescue unit designated to co-ordinate search and rescue operations within a specified search area. 7 "Co-ordinator surface search". A vessel, other than a rescue unit, designated to co-ordinate surface search and rescue operations within a specified search area. 8 "Emergency phase". A generic term meaning, as the case may be, uncertainty phase, alert phase or distress phase. 9 "Uncertainty phase". A situation wherein uncertainty exists as to the safety of a vessel and the persons on board. 10 "Alert phase". A situation wherein apprehension exists as to the safety of a vessel and of the persons on board. 11 "Distress phase". A situation wherein there is a reasonable certainty that a vessel or a person is threatened by grave and imminent danger and requires immediate assistance. 12 "To ditch". In the case of an aircraft, to make a forced landing on water.

¹⁰⁵ The agreement has not yet been ratified. The earlier agreement (SopS 53-54/1996) has been in force since 1996.

¹⁰⁶ Agreement between the Government of the Republic of Finland and the Government of the Republic of Estonia concerning cooperation on maritime and aeronautical search and rescue, SopS 53/1999.

¹⁰⁷ SopS 53-54/1996.

¹⁰⁸ Interview: the Ministry of the Interior, Helismaa 15 July 2013.

4. National legal system and legislation framework

4.1 Key regulations in Finland with regard to accidents

In Finland, the laws and regulations related to accidents and crises are collectively called crisis legislation.¹⁰⁹ Accident preparedness in society is based on powers of authority in normal conditions, and special powers of authority to be issued in emergency conditions are based on these.

It is necessary to enact specific crisis laws in case of emergency conditions. The Constitution of Finland prescribes the grounds for expanding the authorities' powers.

According to Section 23, exceptions to basic rights and liberties can be made "in the case of an armed attack against Finland or in the event of other situations of emergency". However, exceptions to international human rights obligations cannot be made under any circumstances.

The application of the provisions of the Emergency Powers Act requires that the Government and the President confirm that the criteria for emergency conditions are met and a Government Decree on using the emergency powers is issued. The Decree must immediately be submitted to Parliament for approval. Emergency powers must be specified accurately and realistically.

According to Section 3 of the Emergency Powers Act, emergency conditions include military conflicts, particularly serious incidents or threats to the livelihood of the population or the foundations of the national economy that put at risk the functions vital to society, particularly serious catastrophes and their aftermath, and dangerous communicable diseases that have spread extremely widely and are similar in their effects to particularly serious catastrophes. Emergency powers can only be used if the situation cannot be controlled through the normal powers of authority. If the situation in question is not a crisis pertained to in the Emergency Powers Act, but a disturbance in normal conditions, the authorities shall operate in accordance with the normal legislation, decrees and preparedness plans along with other official arrangements.

The Rescue Act (PelL) is the key general act applicable here. It lays down provisions for the duty of individuals, enterprises and legal persons: to prevent fires and other accidents; to prepare for accidents and operations when there is the threat of an accident or when an accident occurs; to limit the consequences of accidents; to construct and maintain civil defence shelters; to participate in the tasks carried out as part of rescue operations and in civil defence training. The Act also lays down provisions on the duty of the rescue service authorities to instruct, advise, educate and supervise the individual parties so that they are able to fulfil their duties; on rescue operations, and on the organisation, administration and powers of rescue service authorities. Rescue service authorities are responsible for the civil defence duties defined in the Geneva Conventions and the protocols additional to the Conventions¹¹⁰ relating to their field of operation.

¹⁰⁹ Aine et al., 2011, p. 6.

¹¹⁰ Geneva Conventions for the (I) Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, (III) relative to the Treatment of Prisoners of War and (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, SopS 8/1955 and Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977; Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, SopS 82/1980.

The purpose of the Rescue Act is to improve the safety of people and to reduce the number of accidents. The purpose of the Act is also to ensure that when there is the threat of an accident or when an accident has occurred, people are rescued, important functions are secured and the consequences of the accident are successfully limited.¹¹¹

State and municipal authorities, agencies and enterprises are obliged to take part in the planning of rescue operations under the direction of rescue departments.¹¹²

The Maritime Search and Rescue Act is applied to maritime search and rescue operations taking place in Finland's territorial waters^{113, 114}. In addition, the Maritime Search and Rescue Act lays down provisions regarding the authorities responsible for maritime safety radio communications, the provision of telemedical assistance services for vessels, maritime assistance services, the use of certain emergency signalling devices being subject to licence, and emergency medical care at sea. Separate legislation applies to the salvage of vessels and their cargo, and the combating of tanker oil and chemical spills. Maritime search and rescue is also governed by relevant international conventions, such as the UN Convention on the Law at Sea, agreements within the United Nations International Maritime Organisation (IMO)¹¹⁵ along with other conventions concerning maritime safety¹¹⁶, and the Hamburg Convention of 1979.

Maritime search and rescue operations follow the IAMSAR Manual¹¹⁷ guidelines for organisation and development.¹¹⁸

4.2 Competent authorities: main issues, coordination and information exchange

In Finland, disaster preparedness is implemented at all levels of society.¹¹⁹ All administrative sectors are obligated to draw up preparedness plans and maintain preparedness in case of emergency conditions or disturbances in normal conditions.¹²⁰ The administrative system in Finland is based on the principle of strong mutual trust: the authorities trust and comply with decisions made by other authorities within their jurisdiction. The authorities support one another and collaborate.¹²¹ Responsibility lies with the authorities to which the duties are assigned by law.

4.2.1 Central government

The Prime Minister directs the activities of the Government and oversees the preparation and consideration of matters that come within the mandate of the Government. The Prime Minister chairs the plenary sessions of the Government and statutory Cabinet Committees. Each ministry is responsible for the preparation of matters within its field of competence and for the proper functioning of the administration. Each ministry directs the activities within its mandate and organises cross-sectoral cooperation as and when necessary.¹²² The Prime Minister's Office assists the Prime Minister and is responsible for the Government's collective preparedness for emergency situations. The Government Situation Centre (VNTIKE) is run by the Prime Minister's Office and acts as the national contact point for communication related to accidents and disasters.¹²³ The

111 Rescue Act, Section 1.

112 Rescue Act, Section 46.

113 The Act on the Delimitation of the Territorial Waters of Finland defines the territorial waters in accordance with the United Nations Convention on the Law of the Sea.

114 Maritime Search and Rescue Act 30.11.2001/1145.

115 SopS 50/1996.

116 The key Conventions include the 1974 International Convention for the Safety of Life and Sea (SOLAS) (Sops 11/1981) and the 1978 Protocol relating to the 1973 International Convention for the Prevention of Pollution from Ships (MARPOL) (SopS 51/1983).

117 International Aeronautical and Maritime Search and Rescue Manual, the IAMSAR Manual, is shared by the IMO and the ICAO.

118 Leppänen (2010), p.42-43.

119 Security Strategy for Society, a decision in principle of the Government, 16 December 2010.

120 Based on the Security Strategy for Society, the ministries direct preparedness and research related to it, operation guidelines and legislative preparation in their sector of administration.

121 Rescue Act, Section 46:Cooperation in rescue operations.

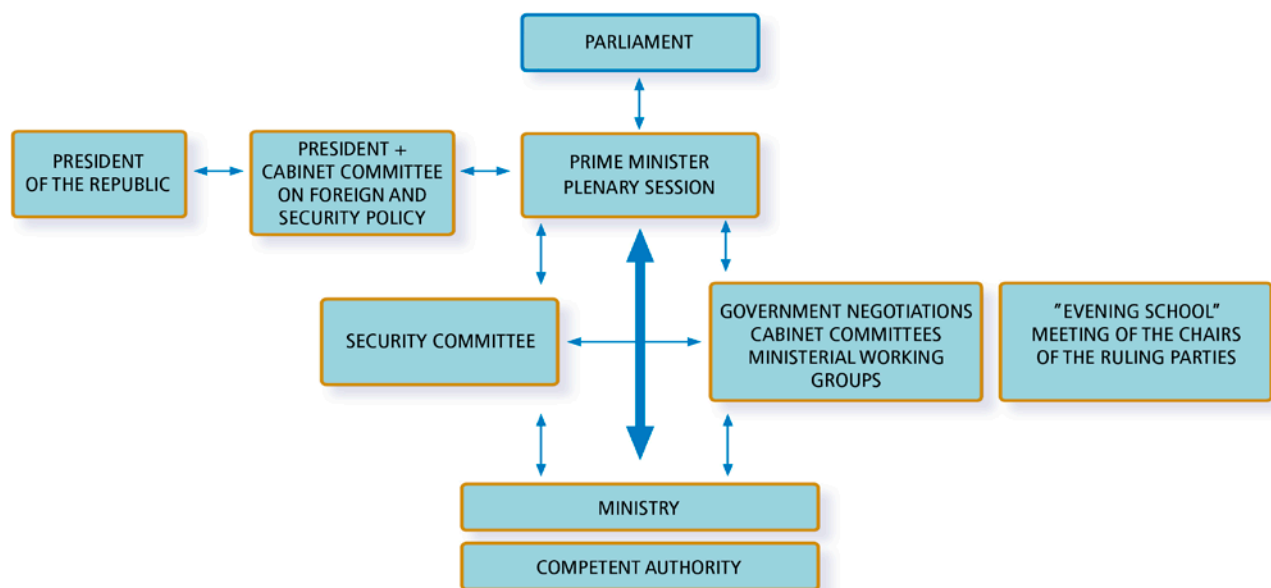
122 Decision in principle of the Government on Comprehensive Security, 5 December 2012.

123 Decision in principle of the Government on Comprehensive Security, 5 December 2012.

Government issues a Government Decree on using the emergency powers in accordance with the Emergency Powers Act.¹²⁴

The Government and ministries are assisted by the Security Committee¹²⁵. The duties of the committee include the consolidation of extensive key issues such as national preparedness, and the development of collaboration methods, operating models, research, and drill activities. The Security Committee may issue statements and take initiatives in matters concerning total national defence and preparedness and in issues related to their coordination.¹²⁶

Permanent secretaries direct and monitor the operation of ministries and are responsible for the preparatory work and implementation of the work, along with preparedness and safety in their administrative sector.¹²⁷ In case of disturbances, the meeting of Heads of Preparedness has a central role in supporting the competent authority, the Government and ministries, and, if necessary, taking initiatives in coordinating the actions. There can be steering groups at the ministries or competent civil service departments which convene together with representatives from interest groups if required for the management of a disturbance. Chaired by the Prime Minister, the meeting of permanent secretaries and the meeting of the heads of preparedness support the management of a disturbance. The ministries' heads of preparedness assist the permanent secretaries in the practical implementation of the duties related to preparedness and safety.¹²⁸ The heads of preparedness are assisted by the ministries' meeting of preparedness secretaries.¹²⁹



The Ministry of the Interior is one of the key administrative sectors in reception of international assistance. In addition to rescue operations, it is also responsible for many other operations relevant to responding to crises and accidents, such as public order and safety, police administration, the private security sector, emergency response centre operations, border

124 See the Government Decree on using emergency powers Chapter 4.1.

125 Government Decree on the Security Committee 77/2013.

126 Government Decree on the Security Committee, Section 2.

127 Many permanent secretaries of ministries are members of the Security Committee. Committee members include the Permanent Secretary of the Office of the President of the Republic of Finland, State Secretary of the Prime Minister's Office, Permanent Secretaries of the Ministry for Foreign Affairs, Ministry of Justice, Ministry of the Interior, Ministry of Defence, Ministry of Finance, Ministry of Education and Culture, Ministry of Agriculture and Forestry, Ministry of Transport and Communications, Ministry of Employment and the Economy, Ministry of Social Affairs and Health, and Ministry of the Environment, Chief of the Finnish Border Guard, the National Police Commissioner, Director-General of the Department for Rescue Services, Director-General of Finnish Customs, Chief of Defence Command, and the CEO of the National Emergency Supply Agency.

128 The meeting of the ministries' permanent secretaries and the meeting of the heads of preparedness are permanent bodies of cooperation, Security Strategy for Society, a decision in principle of the Government, 16 December 2010.

129 Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p. 5 and the decision in principle of the Government on Comprehensive Security, 5 December 2012.

security, sea rescue services, national preparedness for civil crisis management and the preparedness of regional administrations for emergency conditions and disturbances.¹³⁰ The Rescue Department of the Ministry of the Interior directs and steers rescue services and maintains oversight of their coverage and quality, is in charge of the preparedness and organisation of rescue services at national level, coordinates the activities of various ministries and sectors in the field of rescue services and their development.¹³¹ The rescue authorities¹³² direct rescue operations and act as the officers in charge of the rescue operations if authorities from more than one sector take part in the operation. In operations directed by the police, a police officer will act as the officer in charge.¹³³ The officer in charge of the relevant rescue service region decides on the need to request international assistance. However, according to Section 34 of the Rescue Act, the rescue authorities of the Ministry of the Interior have the right to issue orders concerning rescue operations and decide on the officer in charge of rescue operations.¹³⁴ The Director-General of the Department for Rescue Services makes the decision about a request for assistance.

The rescue service authorities have broad jurisdiction. According to Section 36 of the Rescue Act, regional rescue authorities and the rescue authorities of the Ministry of the Interior have the right to “order people to protect themselves and evacuate people and property; take any such necessary action that may cause damage to immovable or movable property; order that buildings, communications links and equipment, as well as equipment, supplies, foodstuffs, fuel and lubricants and extinguishing agents required in rescue operations shall be made available; take any other action as required by rescue operations”. In addition to rescue service authorities, the police have the right to order people to provide assistance in rescue operations.

Everyone is obliged to help with rescue operations in accordance with their ability.¹³⁵

Other authorities may be obliged to provide executive assistance to rescue service authorities.¹³⁶ Rescue service authorities may also provide executive assistance to another authority.¹³⁷

According to Sections 46 and 47 of the Rescue Act, state and municipal authorities, agencies and enterprises are obliged to take part in the planning of rescue operations under the direction of rescue departments. For example, the Finnish Defence Forces participate in rescue operations. Forces participate in rescue operations by providing equipment, personnel and expert services.¹³⁸

The Finnish Border Guard is responsible for sea rescue in accordance with Section 3 of the Maritime Search and Rescue Act.¹³⁹ Aeronautical rescue services in Finland are organised by the Finnish Transport Safety Agency in collaboration with the Ministry of the Interior and other authorities.¹⁴⁰ In case of aviation accidents, Finland's Aeronautical Rescue Coordination Centre is responsible for organising the search of a missing aircraft.¹⁴¹

¹³⁰ Government Rules of Procedure, Section 15.

¹³¹ Rescue Act (29.4.2011/379), Section 23.

¹³² Director-General of the Department for Rescue Services of the Ministry of the Interior and Ministry of the Interior authorities and regional authorities determined by the Director-General are the state rescue authorities. The highest-ranking public servant of the rescue department and the public servants of the rescue department they appoint and the relevant multi-member body of the regional rescue services are the rescue authorities of the regional rescue services, Section 26 of the Rescue Act.

¹³³ The police is in overall charge of accidents and disasters caused by criminal acts of terrorism. According to Section 1 of the Police Act: The duty of the police is to secure the rule of law, maintain public order and security, prevent and investigate crimes and submit cases to prosecutors for consideration of charges. In order to maintain security, the police work in cooperation with other authorities and with local residents and organisations and engage in international cooperation that falls within the scope of the police.

¹³⁴ The Director-General of the Department for Rescue Services decides on requesting international assistance, with the exception of the NORDRED framework agreement and the Russian agreement, both of which allow for local agreements across national borders.

¹³⁵ See Rescue Act Chapter 2, the Police Act Section 45, Neglect of rescue in accordance with the Criminal Code 21:15.

¹³⁶ Rescue Act Section 49 and Border Guard Act Section 77.

¹³⁷ Rescue Act, Section 50.

¹³⁸ Participation in rescue operations is one of the statutory duties of the Finnish Defence Forces. The Defence Forces also provide executive assistance to the rescue authorities in accordance with Section 49 of the Rescue Act.

¹³⁹ Maritime Search and Rescue Act (30.11.2001/1145), Section 3.

¹⁴⁰ Aviation Act 1194/2009.

¹⁴¹ Participants in the practical search operation vary according to the situation. They include the rescue authorities, the police, the Defence Forces, and other applicable operators. When the target is found, the rescue services will assume charge of the rescue

The Ministry of Social Affairs and Health is responsible for the promotion of health and social well-being and the prevention of illness and social problems and for social and health care services, the pharmaceutical service and health protection as well as the monitoring of radiation hazards, chemicals and gene technology.¹⁴² Social welfare and health authorities and the agencies in the relevant administrative sector are, in accordance with the division of labour laid down in the statutes on them, responsible for organising emergency medical care, services concerning psychosocial support as well as the services and accommodation of those in distress as a result of accidents.¹⁴³ The Health Care Act regulates health care services, and activities that come under the scope of social welfare are regulated by the Social Welfare Act.¹⁴⁴ Health care authorities are generally in charge of situations where people's health is threatened by epidemics, other mass infections, wide-spread communicable diseases and water or food poisoning epidemics.

As regards operations following immediate rescue operations, the Ministry of Social Affairs and Health supervises and monitors social welfare and health care duties.¹⁴⁵ Medical rescue services are often needed in situations involving several administrative sectors. Such services are supervised by the regional health care administration together with the Emergency Medical Centre of the region. Health care authorities assess patients' need for medical evacuation and, in cooperation with other authorities, make the required arrangements (regarding transport capacity, etc.). In accidents involving large numbers of injured patients, it is possible to take action to evacuate patients to another hospital district due to a limited capacity of intensive or specialised care in the hospital district where the accident occurred.

According to the Handbook on Emergency Planning in Social Services¹⁴⁶, social services would operate as an independent area of responsibility, led by municipal social services authorities. In other words, both would operate under the officer in charge of the rescue operations in accordance with Section 35 of the Rescue Act. Social affairs and health care authorities also have responsibilities that fall under international assistance, such as notifications related to nuclear accidents, and pandemics.¹⁴⁷ In addition, medical evacuations¹⁴⁸ may require international cooperation if, for example, a major accident had occurred in Finland and patients needed to be transported to another country for treatment.

Environmental authorities and agricultural and forestry authorities and the agencies in the relevant administrative sectors are, in accordance with the division of labour laid down in the statutes relating to them, responsible for the combating of oil and chemical spills, environmental protection, flood control, the prevention of floods, and dam safety.¹⁴⁹ For example, flood control operations are managed and monitored by environmental and water authorities in addition to rescue service authorities.¹⁵⁰

Environmental authorities and agricultural and forestry authorities and the agencies in the relevant administrative sectors are, in accordance with the division of labour laid down in the statutes on them, responsible for the combating of oil and chemical spills, environmental protection, flood control, the prevention of floods, and dam safety.

The Ministry for Foreign Affairs is usually responsible for agreements on humanitarian aid. In addition, the Ministry for Foreign Affairs maintains relations with other nations and international

operation, or if the accident occurs at sea, the Border Guard or sea rescue services will assume charge at the latest on the arrival of the first unit at the site of the accident. The rescue operations may be supported by other authorities as required.

142 Government Rules of Procedure, Section 22.

143 Rescue Act, Section 46.

144 Health Care Act 1326, Social Welfare Act 710/1982.

145 According to Section 27 of the Rescue Act, rescue departments may carry out tasks belonging to emergency medical care if the regional rescue services and the joint municipal board of the hospital district have agreed on the organisation of joint emergency medical care in accordance with Section 39 of the Health Care Act.

146 Handbook on Emergency Planning in Social Services, Publications of the Ministry of Social Affairs and Health 2008:12.

147 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

148 In this context, medical evaluation refers to special arrangements to transfer injured patients to another country or hospital district in situations where the health care resources in the area where the accident took place are insufficient. Development of the preparedness for medical evacuation of victims of major accidents, Ministry of Social Affairs and Health, Helsinki (2010).

149 Rescue Act, Section 46.

150 HE 257/2010 vp, p. 53.

organisations. It is also responsible for communication with embassies and missions, and serves as a contact to abroad.

Regional administration contains six Regional State Administrative Agencies (AVI) and 15 Centres for Economic Development, Transport and the Environment (ELY Centre). The duties of Regional State Administrative Agencies include the promotion of equal availability of services through legislative implementation, guidance and monitoring in their region.¹⁵¹ In addition to rescue services, they participate in the provision of social and health care services and environmental health care. No pre-agreed guidelines on the reception of international assistance regarding rescue operations have been issued for the AVIs. The ELY Centres are responsible in their areas for implementing and developing tasks relating to preparedness and crisis management of the respective ministries in connection with the environment and natural resources, traffic and infrastructure, business activities (including agriculture), the use of workforce, immigration, education and culture.¹⁵² In addition, the ELY Centres participate in the preparation of regional risk management plans with rescue authorities. Some ELY Centres and AVI's have made collaboration agreements.¹⁵³

The Finnish Meteorological Institute (FMI) is an important operator providing assistance to the authorities in rescue services and accident preparedness. The FMI is a research and service agency that provides weather, sea and climate services important for public safety and business and industry.¹⁵⁴ The FMI serves as an authority issuing emergency warnings when the public needs to be warned about rapidly developing and dangerous weather phenomena.¹⁵⁵ In collaboration with the Institute of Seismology of the University of Helsinki and the Finnish Environment Institute, the FMI produces and conveys warnings and updates about natural disasters for the authorities within the LUOVA project. It also plays an important role in preparedness plans for radiation accidents and tanker oil spills.

Other key organisations in the reception and organisation of international assistance are the Radiation and Nuclear Safety Authority (STUK), the National Supervisory Authority for Welfare and Health (Valvira), the National Institute for Health and Welfare (THL), the Finnish Institute of Occupational Health (TTL) and the Finnish Medicines Agency (Fimea). The report contains separate chapters on the organisations and legislation concerning them.

According to Section 59 of the Act on the Autonomy of Åland, "if a treaty or another international obligation binding on Finland contains a term which under this Act concerns a matter within the competence of Åland, the Åland Parliament must consent to the statute implementing that term in order to have it enter into force in Åland". Åland has legislative powers in respect of fire and rescue services.

4.2.2 Local government

Because municipalities for the most part have the responsibility for organising basic services and other functions vital to society, their role in local administration is central.¹⁵⁶ Municipalities are jointly responsible for rescue services in rescue service regions.¹⁵⁷ Municipalities are also responsible for the provision of social and health care services. Based on their self-government, in practice municipalities can organise these services as they see best. Rescue services and social and health care services can be provided through municipal associations, joint municipal authorities or other regional cooperation. Some border municipalities, such as Haaparanta-Tornio, provide rescue services in cooperation with municipalities in a neighbouring country. In addition, municipalities can outsource rescue services to private operators.

151 Act on Regional State Administrative Agencies 896/2009 Section 2.

152 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

153 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

154 Act on the Finnish Meteorological Institute 19.12.2008/957

155 Emergency Warnings Act 10.8.2012/466

156 Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p. 6.

157 Rescue Act, Section 24.

The management of security and disturbances under normal conditions require that preparedness in the municipalities is further developed.¹⁵⁸ The roles and responsibilities of supramunicipal organisations and external service providers in preparedness-related matters must be defined and well-functioning cooperation procedures are to be established.¹⁵⁹

Finland is divided into rescue service regions. The division is based on a Government Decree.¹⁶⁰ Rescue services must correspond to regional needs and local risks of accidents.¹⁶¹ The municipalities must have an agreement on the provision of rescue services. Regional rescue services may be assisted by voluntary fire brigades, institutional fire brigades, industrial fire brigades, military fire brigades (contract fire brigades) or other organisations operating in the field of rescue services, as agreed with them.¹⁶² Each rescue service region must have at least one rescue department responsible for rescue services in practice. Rescue departments are obliged to provide executive assistance to rescue departments in other rescue service regions.

In social and health care services, Finland is divided into hospital districts.¹⁶³ Operations included in social services and health care are organised through these districts. The hospital districts are not identical with the rescue service regions. Hospital districts provide services through hospitals and other units. In a large-scale accident occurring outside the Hospital District of Helsinki and Uusimaa, the operative responsibility lies with the Hospital District of Helsinki and Uusimaa if mandated by the Ministry of Social Affairs and Health. The Hospital District of Helsinki and Uusimaa supports the local medical management.¹⁶⁴ Municipalities are responsible for providing social welfare in accordance with the Social Welfare Act. Municipalities may organise social welfare in accordance with the Act on Planning and Government Grants for Social Welfare and Health Care.¹⁶⁵ ¹⁶⁶

Finland is undergoing a comprehensive reform in local government structures. Key elements in the reform are the Act on Local Government Structures, an act governing the provision of social welfare and health care services, a reform of the system governing state subsidies and financing for municipalities, a comprehensive amendment of the Local Government Act, assessment of the tasks of municipalities, and administrative solutions within the metropolitan area of Helsinki.¹⁶⁷

4.2.3 Volunteers, organisations and private operators

A large number of companies, associations and voluntary organisations participate in public administration. Private service providers play an increasingly significant role in the maintenance of the basic services in society. As a member of the European Union, Finland is committed to the principles of free competition and the freedom to provide services, as well as the related EU legislation.

According to Section 51 of the Rescue Act, voluntary organisations and persons may be used to assist in the training, advisory and educational duties of rescue services and in rescue operations; they may not, however, be used in duties that involve a substantial use of public authority¹⁶⁸, such as the use of official powers or inspection. The authorities assigned by law are always ultimately responsible for statutory duties. The police can use members of voluntary organisations in

¹⁵⁸ Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p.6.

¹⁵⁹ Security Strategy for Society, a decision in principle of the Government, 16 December 2010, p.6.

¹⁶⁰ There are 22 rescue

service regions. As part of the Government's structural policy programme, the aim is to reduce the number to 11. The new division is scheduled to enter into force at the beginning of 2016. The reform proposal is being circulated in municipalities for comments until February 2014. (Media release of the Ministry of the Interior, 23 December 2013).

¹⁶¹ Rescue Act, Section 28.

¹⁶² Rescue Act, Section 25.

¹⁶³ Finland has 20 hospital districts.

¹⁶⁴ Statement of the Ministry of Social Affairs and Health, 5 December 2013.

¹⁶⁵ The Act on Planning and Government Grants for Social Welfare and Health Care Services (733/1992).

¹⁶⁶ Statement of the Ministry of Social Affairs and Health, 5 December 2013.

¹⁶⁷ www.vm.fi > Projects > Reform in Local Government Structures > Organisointi (18 January 2014).

¹⁶⁸ The use of public authority refers to unilateral actions affecting the legal status of a private person or organisation. The right to use public authority and its grounds are always assigned by law. The Constitution of Finland, Section 124: "A public administrative task may be delegated to others than public authorities only by an Act or by virtue of an Act, if this is necessary for the appropriate performance of the task and if basic rights and liberties, legal remedies and other requirements of good governance are not endangered. However, a task involving significant exercise of public powers can only be delegated to public authorities."

carrying out search operations and other assistance tasks that do not involve the substantial exercise of official authority.¹⁶⁹

The Finnish Red Cross is an organisation whose foundation and activities are governed by public law.¹⁷⁰

The Volunteer Rescue Service (Vapepa) is an association of 50 organisations. Its purpose is to support the authorities, particularly in operations requiring a large number of rescue personnel. If requested, Vapepa works in collaboration with the authorities, supporting and complementing them. Its organisations have a number of agreements on both the local and the national levels with the police, rescue authorities and social welfare and health authorities. Voluntary rescue services in general are coordinated by the Finnish Red Cross. The Finnish Lifeboat Institution coordinates voluntary sea rescue services, and the Finnish Air Rescue Society coordinates voluntary air rescue services.

4.2.4 Special issues

4.2.4.1 Serious cross-border threats to health

In recent years, the significance of a high level of human health protection has been emphasised in the EU.¹⁷¹ Communicable diseases and other threats to human health and welfare are serious, and effective international channels must exist to maintain preparedness for them. The network for the epidemiological surveillance and control of communicable diseases¹⁷² was reformed and extended by a decision of the European Parliament and the Council of the European Union. In addition to communicable diseases, other sources of danger to health, in particular related to other biological or chemical agents or environmental events, which include hazards related to climate change, should be better taken into account in the surveillance. By reason of their scale or severity, they could endanger the health of citizens in the entire Union, lead to malfunctioning of critical sectors of society and the economy, and jeopardise an individual Member State's capacity to react.¹⁷³

Finland is a member of the WHO¹⁷⁴, and the Ministry of Social Affairs and Health is responsible for the related cooperation. International Health Regulations are integrated into the legislation of Finland¹⁷⁵, including notifications in accordance with the Communicable Diseases Act¹⁷⁶ (WHO must be notified within 24 hours). Collaboration based on the International Health Regulations is compulsory within the UN. The International Health Regulations also require national preparedness around the clock in order to prevent communicable diseases. The officer on duty at the Ministry of Social Affairs and Health is responsible for notifications in accordance with the International Health Regulations.¹⁷⁷

The Ministry of Social Affairs and Health is responsible for preparedness for cross-border and other serious health risks in Finland. The Ministry for Foreign Affairs of Finland is responsible for questions related to travel restrictions. In the event of a serious cross-border threat to health overwhelming the national response capacities, an affected Member State may request assistance from other Member States through the Community Civil Protection Mechanism.¹⁷⁸

169 Police Act (7.4.1995/493), Section 45 a.

170 Act on the Finnish Red Cross 25.2.2000/238. See Chapter 6.

171 Decision No 1082/2013/EU of the European Parliament and of the Council on serious cross-border threats.

172 Decision No 2119/98/EC of the European Parliament and of the Council (repealed by Decision No 1082/2013/EU).

173 Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health, Item (3) of the Introduction.

174 Decree 26/1948 on the implementation of the Constitution of the World Health Organisation and the related agreement and protocol. (8 October 1948).

175 Decree of the President of the Republic 51/2007 on the implementation of the International Health Regulations (2005) and the Act on the validation of the Regulations that fall within the sphere of legislation

176 Communicable Diseases Act 25.7.1986/583.

177 Interview: the Ministry of Social Affairs and Health, Rapeli, Haikala, 29 May 2013.

178 Decision No 1082/2013/EU of the European Parliament and of the Council of 22 October 2013 on serious cross-border threats to health, Article 11 Item 4.

4.2.4.2 Oil spill response and chemical accidents at sea

Environmental protection and the prevention of environmental damage fall under the jurisdiction of the Finnish Ministry of the Environment.¹⁷⁹ Operating under the ministry, the Finnish Environment Institute (SYKE) is authorised to decide about requesting and providing international assistance on issues related to the prevention of oil and chemical accidents.¹⁸⁰ Rescue service authorities participate in combating oils spills.¹⁸¹

The Act on Oil Pollution Response prescribes the duties of authorities participating in oil spill prevention.¹⁸² SYKE is responsible for the prevention of oil and chemical spills on the open sea or if the seriousness of the situation so requires.¹⁸³ Oil spill prevention is also one of the duties of the rescue service regions.¹⁸⁴ The Border Guard has an obligation to participate in the prevention of and response to incidents occurring at sea.¹⁸⁵ If necessary, the Finnish Defence Forces and the Border Guard participate in prevention operations by providing personnel as well as oil spill response vessels and other materials. SYKE will assign the officer in charge of prevention operations, and all other onshore and offshore units operate under the officer in charge.¹⁸⁶

4.2.4.3 Radiation emergencies

The Radiation and Nuclear Safety Authority (STUK) is the competent authority in matters related to international notifications and requests for assistance. The rescue authorities are responsible for rescue operations related to radiation and nuclear accidents and for preparing external emergency plans in cooperation with the relevant business and industrial operators.¹⁸⁷

STUK is the authority responsible for monitoring international agreements in Finland. It is also responsible for issuing and receiving notifications in accordance with agreements. Finland has joined the Vienna Conventions of 26 September 1986: the Convention on Early Notification of a Nuclear Accident¹⁸⁸; and the Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency¹⁸⁹, which monitor the use of nuclear power and regulate assistance in case of a nuclear accident. Finland participates in the IAEA system. Finland has bilateral agreements with Russia, Sweden, Norway, Denmark, Germany and Ukraine. In Finland, preparedness for nuclear accidents is regulated in detail by law, the internal instructions of the Radiation and Nuclear Safety Authority (STUK) and the guidelines of other authorities.¹⁹⁰ The Nuclear Energy Act legislates on the use of nuclear power in Finland.¹⁹¹

In accordance with the Act, nuclear power plants prepare for accidents through waste management fees and by making contributions to the National Nuclear Waste Management Fund. Rescue departments prepare for nuclear accidents and participate in rescue operations in accordance with specific plans. Rescue Departments direct rescue operations outside the plants. The Rescue Act and the Nuclear Energy Act legislate on the preparedness obligation of the authorities in various sectors.¹⁹²

Finland applies criteria that are stricter than the international standard to notifications about nuclear accidents. A notification is issued if the incident has a direct or indirect effect on another country or could be of public interest in other countries. Notifications are even issued for minor accidents that have no effect beyond the plant.¹⁹³

179 Government Rules of Procedure, Section 24.

180 Response Actions during Major Marine Oil Accidents :Organising and Managing the Response and Communication, 2011, p. 10

181 Rescue Act, Section 27.

182 Act on Oil Pollution Response 1673/2009.

183 > Ympäristönsuojelu > Öljy- ja kemikaalivahingot > Öljy- ja kemikaalivahinkojen torjunta merialueilla (11 September 2013).

184 Rescue Act, Section 27.3.

185 Act on Oil Pollution Response, Chapter 2, Section 8

186 > Ympäristönsuojelu > Öljy- ja kemikaalivahingot > Öljy- ja kemikaalivahinkojen torjunta merialueilla (11 September 2013).

187 Rescue Act, Section 48.

188 Convention on Early Notification of a Nuclear Accident 98/1986.

189 Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency 83/1990.

190 Interview: STUK, Kuusi, 25 June 2013.

191 Nuclear Energy Act 11.12.1987/990.

192 Interview: STUK, Kuusi, 25 June 2013.

193 Interview: STUK, Kuusi, 25 June 2013.

In accident situations, the plant notifies the national emergency response centre, which calls the rescue authorities and notifies STUK. The secretariat of the preparedness organisation at STUK informs other authorities in Finland and evaluates the need to issue international notifications. The preparedness organisation at STUK is in full operation within two hours of the notification. In practice, international notifications are made sooner. Notifications are sent to the IAEA, the European Commission and the countries with which Finland has an agreement on information exchange. The officer in charge of the situation at STUK, the officer in charge of rescue operations and the head of preparedness at the plant communicate through VIRVE¹⁹⁴ in order to ensure that the situational picture is consistent. STUK continuously receives information from the plant at which the accident has taken place and through automated information transfers. STUK distributes situational information directly to the Government Situation Centre, the IAEA and the radiation authorities of other countries.¹⁹⁵

STUK is the competent authority in Finland for requesting international assistance, but the rescue service authorities are responsible for requesting assistance in rescue operations.

The authorities in Finland operate on the principle of strong mutual trust, for which reason inconsistencies are unlikely in requests for assistance or the content or other aspects of requests for assistance.

In addition, the liability held by the authorities for failure to cooperate supports close collaboration. The guidelines of the Ministry of the Interior specify more than 20 authorities and public agencies, and voluntary organisations and businesses are also included in the list of important operators. The Finnish Meteorological Institute (FMI) plays an important role in the assessment of the effects of nuclear accidents. The FMI and STUK prepare regional evaluations and forecasts of the spreading of the crisis and the risk of radiation.¹⁹⁶

In nuclear accidents, the primary channel of assistance is the RANET network of the IAEA, which is based on the Convention on Early Notification of a Nuclear Accident. The RANET network is the primary system for international assistance in nuclear accidents within the EU as well, because accidents that have effects beyond national borders may tie up resources, and a global system is needed in preparing for nuclear accidents.¹⁹⁷

194 VIRVE, see the chapter on communications in accident situations.

195 Interview: STUK, Kuusi, 25 June 2013.6.2013.

196 Interview: STUK, Kuusi, 25 June 2013.

197 Interview: STUK, Kuusi, 25 June 2013.

5. Operating regulations in disaster situations

5.1 Requesting, initiating and discontinuing assistance

5.1.1 Requesting assistance

In Finland, the duty and jurisdiction for requesting international assistance is determined by the nature of the incident and by the system of agreements within which the request is being made. Requesting international assistance does not presuppose that a national emergency or a state of emergency has been declared. No special criteria have been set in legislation or preparation for requesting assistance.¹⁹⁸ There is no obligation to request international assistance or accept offers of assistance. Finland can reject all offers of assistance or specify the assistance it needs or is willing to accept, from individual employees to vehicles.¹⁹⁹ Requests for assistance must be explicit and specified.

In accordance with Section 35 of the Rescue Act, if authorities from more than one sector take part in rescue operations, the officer in charge of the rescue operations is in overall charge of the situation. In practice, the officer in charge of rescue operations in the area of the accident notifies the Department for Rescue Services of the Ministry of the Interior of the accident (or the officer on duty at the ministry outside office hours). They also assess the need for requesting international assistance. According to Section 38 of the Rescue Act, "the Ministry of the Interior may also request international assistance in the field of rescue services from the European Union, other states or international organisations". The decision to request assistance is made by the Director-General of the Department for Rescue Services at the Ministry of the Interior or his or her deputy.

All administrative sectors have their own general leadership and, in cases such as cross-border threats to health, international assistance can be requested by the Ministry of the Interior or, in incidents relating to radiation safety, by STUK. Each authority decides on requesting assistance and the content of the assistance within its sector.

The Finnish Red Cross can request assistance independently from national Red Cross organisations in other countries, the International Federation of Red Cross and Red Crescent Societies (IFRC) and the International Committee of the Red Cross (ICRC).²⁰⁰ In the Cap of the North, the Finnish Red Cross can request assistance independently in Finland, Sweden, Norway and Russia²⁰¹. The Nordic countries have made agreements on mutual assistance between national Red Cross organisations (the cooperation is based on agreements made at regular meetings).

Finland has no common arrangements in place for requesting international assistance nor a designated body to process the offers of assistance received when international assistance is requested. At the international level, in particular in the case of large-scale disasters, several operators from different sectors and systems may offer assistance. In order to guarantee and define the correct and rapid assistance it would be useful to create a national system for processing offers of assistance.

198 HE 257/2010 vp, p. s.56.

199 Interview: the Ministry of the Interior, Vainio, Kytömaa, 26 May 2013.

200 National Red Cross organisations within the EU have agreed that international assistance is provided independently in accordance with the principles of the Red Cross in relation to other operators in disaster situations, such as national states and other organisations, Civil Protection Guidance for National Societies and Federation Secretariat relations with European Union actors, item 25.

201 The agreement has not been officially ratified because the officials who signed the agreement on behalf of the Soviet Union did not have the required jurisdiction.

5.1.2 Discontinuation of aid

Finnish legislation and guidelines do not include specific regulations on the definition of international assistance; on the date of commencement, discontinuation or duration of assistance.

For rescue operations, discontinuation of assistance in general is regulated in Section 34 of the Rescue Act. The Act stipulates that, if clarifying the responsibilities and powers of different parties and authorities so requires, the officer in charge of the rescue operations shall make an explicit decision on the start or end of the rescue operations. The authorities and parties concerned shall be notified of the decision as soon as possible. When requested, the decision shall be confirmed in writing.²⁰² The responsibility of rescue service authorities for the situation ends when immediate and urgent rescue operations have been completed. After the decision, responsibility is transferred to another authority or the owner of the site of the rescue operation.

After international assistance is discontinued, departure checks are performed on individuals leaving the country. They must present a passport or a document substituting for a passport (such as an identity card) in accordance with Section 15 of the Aliens Act. In addition, a department-specific list of names with personal information, or a permission granted by border delegates at the Russian border, must be supplied. International agreements often prescribe the return of surplus rescue supplies to the country of origin.

International guidelines, such as the Model Act²⁰³ have proposed specific regulations on the duration and discontinuation of international assistance. Because international assistance can be requested and the content of the assistance can be something other than assistance in rescue operations, consistent, cross-sectoral procedures should be agreed on for deciding on international assistance. In Finland, the participation of various authorities in accidents requiring international assistance is determined by regulations concerning each authority and sector and their mandate. In terms of preparedness for international assistance, general leadership in a situation of international assistance should be clarified.

5.2 Coordination of assistance and exchange of information

5.2.1 National contact points

The national contact point in Finland is the Government's Situation Centre which operates under the Prime Minister's Office.²⁰⁴ The Government Situation Centre is an around-the-clock contact point for officers on duty at ministries and for situation centres in various administrative sectors. The Government Situation Centre is responsible for international communications related to the information it has received. Using the CECIS, the Government Situation Centre passes on the requests for international assistance made by Finnish authorities to the ERCC and other possible providers of assistance.²⁰⁵

The principle rule is that the Ministry of the Interior is the competent authority and provides guidance in arrangements related to international assistance when many authorities are involved in a situation, but other agencies may have been designated as the national contact point in different agreement systems. Agreements relevant to this report include emergency notification and assistance systems of the IAEA, where the Radiation and Nuclear Safety Authority (STUK) under the Ministry of the Interior serves as the authority responsible for cooperation and situations of cross-border threats to health, where the jurisdiction lies with the Ministry of Social Affairs and Health. For sea rescue, the decision to request international assistance is made by the

²⁰² Rescue Act, Section 34.3.

²⁰³ Model Act for the Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance.

²⁰⁴ A Government Bill concerning the role of the Government Situation Centre in the national system and coordination of international aid is in progress. Government Communications Unit, press release 65/2012 (29 February 2012); Saari, Rauno: review of the organisation of the situation awareness function for the Prime Minister and members of the Government (2012).

²⁰⁵ The Government Situation Centre has no jurisdiction to issue decrees or regulations and serves as a coordinating authority only. It receives event notifications and reports from international partners and follows the news cycle.

Maritime Rescue Coordination Centre.²⁰⁶ In air rescue, international assistance is requested by the aviation authority.

Rescue departments in Finnish border municipalities have special agreements on mutual assistance in rescue services with border municipalities in Sweden, for example. With Russia, Finland has adopted various common methods developed in practice over time. Local agreements may designate rescue departments or emergency response centres as contact points.²⁰⁷ According to the Barents Treaty, the primary national contact point in Finland is the emergency response centre in Oulu.

Finland has a long history of cooperation with Russia, and national contact points may be defined differently in various agreements. In addition, part of the information in the agreements is outdated. Several reforms have taken place in the Finnish administration since Finland signed many international agreements; for example, the new Emergency Response Centre Agency²⁰⁸ was established in Finland, and in the agreements the definitions of contact points are not entirely up to date. The Ministry of the Interior has proposed that all contact point operations based on treaties be concentrated at the Government Situation Centre.

5.2.2 Management and coordination of international assistance teams

International teams participating in rescue services always operate under the authorities of Finland and they have no independent jurisdiction.²⁰⁹ If authorities from more than one sector take part in rescue operations, the rescue authorities or the police are in overall charge of the situation.²¹⁰ All administrative sectors, such as the health, social welfare or environmental authorities, have their own general leadership in duties that fall under their jurisdiction.

The customary title for the officer in charge of national rescue operations is Local Emergency Management Authority (LEMA). An On-Site Operations Coordination Centre (OSOCC) is established to coordinate international units.²¹¹

International rescue operations are led by the officer in charge of rescue services in the region where the accident originated.²¹² In practice, based on section 34.2 of the Rescue Act, the rescue authorities of the Ministry of the Interior would participate in the coordination and guidance of rescue operations related to international modules.²¹³ The rescue authorities of the Ministry of the Interior can also issue other orders and decide on the officer in charge of the rescue operation and their field of operation.

When immediate rescue operations have been completed, responsibility is transferred to another authority or the owner or holder of the property that was subject to rescue operations.²¹⁴

A situational picture is created of the accident, and it is constantly developed and updated. A situational picture is a necessary tool for the authorities in charge of the accident situation. The situational picture must be updated constantly in the country where the accident took place and used in the evaluation of the need for assistance and the cross-border effects of the accident. All authorities participating in the accident situation also participate in the creation of the situational picture, as do voluntary organisations. Rescue services are responsible for maintaining the situational picture in the area of the accident. If needed, an operations management centre can be established in the area. The centre is responsible for operations related to the situational picture and has representatives from the bodies participating in the emergency response. An On-

206 Maritime Search and Rescue Act (30.11.2001/1145) Section 7.

207 Interview: the Ministry of the Interior, Helismaa 15 July 2013.

208 Emergency Response Centres Act (692/2010), entered into force on 1 January 2011.

209 Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013 and interview: the Ministry of the Interior, Helismaa 15 July 2013.

210 Rescue Act, Section 35.

211 HE 257/2010 vp, p. 56.

212 Rescue Act, Section 34.

213 Interview: the Ministry of the Interior, Helismaa 15 July 2013.

214 Interview: the Ministry of the Interior, Helismaa 15 July 2013.

Site Operations Coordination Centre (OSOCC) can be established to coordinate international aid.²¹⁵ In order to maintain the situational picture, the Government Situation Centre produces real-time information about the accident and creates a situational picture of the information received from the competent authorities for the use of the Government and authorities, combining all the information and reporting it to the Government.

Guidelines on coordination of the reception of international assistance should be more made specific with particular attention given to coordinating incidents involving several administrative sectors. This is important as several different agencies from different countries may offer assistance based on different international agreements and operating under differing mandates. The content of the assistance offered may impact the coordination of assistance. Language barrier issues may also cause a problem. As an example, a radiation accident could require assistance from the rescue services, expert assistance from the IAEA, and possibly social welfare and health care services.

For the coordination of international assistance offered by international communities, companies, associations and organisations, one organisation could be assigned the position of Lead Agency.

5.3 Personnel

5.3.1 Border crossing formalities; visas and work permits

The Finnish Border Guard is responsible for border crossing formalities pertaining to individuals. In accident and disaster situations, cooperation between the Finnish Border Guard and Finnish Customs is particularly important in conducting checks among normal traffic streams. The Government has issued a decree on the division of duties between border crossing points.²¹⁶ The Aliens Act prescribes on entry, exit, visas, and residence and work permits in Finland.²¹⁷

In Finland, border crossing formalities related to international assistance are based on the nation or area from which the assistance is sent. Entry formalities can be divided into those pertaining to international assistance from the Nordic countries, the EU/Schengen Area and other countries. The protocol concerning the abolition of passports for travel between Sweden, Denmark, Finland and Norway took effect in 1952. Iceland joined the protocol in 1955. The Nordic Passport Union was expanded in 1958, when passport checks for aliens at internal Nordic borders were removed. However, citizens of the Nordic countries must be able to prove their identity.²¹⁸ Finland is a member of the Schengen Area, and the Schengen Borders Code (SBC) applies to border checks. The SBC is based on the EU visa policy in accordance with Article 77 of the TFEU.²¹⁹ Finland has also signed the NATO document "Facilitation of vital civil cross border transport Memorandum of understanding."

In emergency situations, rescue service personnel are required to present a passport or a document substituting for a passport in accordance with Section 15 of the Aliens Act ("an identity card or corresponding document"). A department-specific list of personnel must be prepared. In addition, at the border between Finland and Russia, a permission granted by border delegates²²⁰, complete with personal information, and an invitation or a request for assistance in writing must be presented.²²¹

215 HE 257/2010, p. 56

216 Government Decree on border crossing points and the division of border check duties between them 19.10.2006/901, Section 10.

217 Aliens Act 30.4.2004/301 Section 2.

218 In practice, the arrangement only applies to Norway and Iceland, which are not members of the EU.

219 Regulation (EC) No 562/2006 of the European Parliament and of the Council. SBC and amendment 610/2013 entered into force on 19 July 2013. The following text concerning rescue services was added to Annex VII:

"7. Rescue services, police, fire brigades and border guards. The arrangements for the entry and exit of members of rescue services, police, fire brigades acting in emergency situations as well as border guards crossing the border in exercise of their professional tasks shall be laid down by national law. Member States may conclude bilateral agreements with third countries on the entry and exit of those categories of persons. These arrangements and bilateral agreements may provide for derogations from Articles 4, 5 and 7."

220 Border delegates and their duties are defined in the Agreement on the Settlement of Border Incidents (SopS 32/1960), amendments 60/1969, 60/1979 and 54/1998. In practice, Commanders of the Border Guard Districts serve as border delegates.

221 Based on a prevailing practice.

In situations of international assistance, concessions can be applied to border crossing by rescue service personnel, and visa or work permit requirements can be abolished; border checks can be carried out in accordance with the streamlined procedure. The Council Regulation²²² listing the third countries whose nationals must be in possession of visas when crossing external borders and those whose nationals are exempt from that requirement prescribes exceptions from visa requirements for “the flight crew and attendants on emergency or rescue flights and other helpers in the event of disaster or accident”. Finland has made no general national exceptions for international rescue workers coming in from countries whose nationals must be in possession of visas.

A person who has entered the country cannot be issued a new visa. In accordance with Article 33 of the regulation, the local police authorities can extend the validity of a visa due to humanitarian reasons of force majeure.²²³ If the person leaves the Schengen Area, possibility of returning depends on the type of visa they possess. If the person is holding a single-entry visa, it is not possible to return. With a multiple-entry visa, it is possible to return, provided they still have days left on the visa.

International agreements may provide for different arrangements, but they generally adhere to the principle of fast and simple border checks. However, a permission granted by border delegates is required at the border between Finland and Russia.

The Finnish Border Guard uses permissions granted by border delegates in rescue service border crossings at the Russian border. Border checks are usually performed without delay when the required documents are presented (approx. 1–2 minutes per person at the checkpoint). Any refusal of entry of citizens of third countries into the Schengen Area is based on Article 13 of the Schengen Borders Code. As a rule, through special arrangements, rescue vehicles and personnel are guided past any line in emergency situations.

The authorities should be notified in advance of the intended border crossing point. The crossing point is usually determined when discussing the request for assistance with the provider of assistance. A Government Decree has been issued on border crossing points as mentioned above.²²⁴ Many of the crossing points are open around the clock. In other cases, exceptions can be made to expedite the border crossing of rescue services and other international assistance operations. Border crossing points at ports and airports and in road traffic have their specific arrangements, but the border check process is always the same. Because of Russian legislation, a border crossing not included in regular air traffic must be agreed on in advance between aviation authorities and may be subject to an entry permit.²²⁵

In the event of Finland providing international assistance, Finnish citizens prove their right to leave and enter the country by presenting a passport, identity card or other appropriate document.²²⁶

5.3.2 Employee rights and professional qualifications

5.3.2.1 Labour regulations

As a rule, the status of employees in Finland should be assessed in the same way as would other international working situations, unless exceptions are included in international agreements or any special legislation concerning civil crisis management.²²⁷

The Posted Workers Act applies to “work carried out under an employment contract”²²⁸ in Finland by a worker from another country in situations when the employer sending workers is offering

222 Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, Article 4 Item 1c.

223 Regulation (EC) No 810/2009 of the European Parliament and of the Council establishing a Community Code on Visas (Visa Code).

224 Government Decree on border crossing points and the division of border check duties between them 19.10.2006/901. Border crossing points and their opening hours are listed on the website of the Border Guard. www.raja.fi/guidelines/border_crossing/border_crossing_points 12.3.2014)

225 HE 17/2012 vp, p. 10.

226 Passport Act (21.7.2006/671) Section 2.

227 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

228 Posted Workers Act 9.12.1999/1146: “For the purposes of this Act, ‘posted worker’ means a worker who normally carries out his or

temporary cross-border services in accordance with an agreement to a customer operating in Finland. According to EU legislation, services refer to economic activities normally provided for remuneration. The Posted Worker Act only applies to work carried out under an employment contract.²²⁹

People employed by another government remain under the scope of that nation's civil servant legislation despite working temporarily in another country. People working within the scope of the EU Mechanism are considered to be workers, not officials in Finland.²³⁰ For those working under an employment contract, the governing law is chosen in the EU on the basis of the Rome I Regulation (593/2008)²³¹. As a rule, the regulation states that working temporarily in another country does not change the law normally applied to the worker's contract of employment. Separate agreements on the issue are possible. According to the Barents Treaty, for example, the members of response teams shall work (serve) in accordance with the labour (service) regulations of their home country.

No privileges or immunities have been issued to international rescue service personnel. They are regarded as being employed by the organisation in their home country. Certain benefits and services can be agreed on separately. The employees of national Red Cross organisations have no privileges or immunities in Finland.²³²

5.3.2.2 Professional qualifications

The HNSG guidelines state that "relief personnel may possess specific skills and qualifications that are regulated in the affected state" and the Member States should recognise "the relevant professional qualifications of relief personnel for the time necessary to carry out the disaster relief assistance". According to Section 16c of Part V of the IDRL guidelines, affected states should "establish expedited procedures for temporary recognition of professional qualifications of foreign medical personnel, architects, and engineers, driver's licences and other types of licenses and certificates that are necessary for the performance of disaster relief or initial recovery functions".

The EU has issued Directives on practices related to professional qualifications, and Finland has issued laws to harmonise the requirements. The Ministry of Education and Culture decides on general guidelines on educational equivalency, vocational practice and the recognition of degrees. Ministries in various sectors are responsible for issues related to certain professional qualifications and training, such as the Emergency Services College under the Ministry of the Interior. The Emergency Services College prepares the curricula for professions in the rescue service sector, provides training for rescue service professionals and decides on curricula and degree requirements. International agreement systems do not set specific requirements for professional qualifications or permit systems in rescue service operations. Within the Mechanism, the state providing assistance is responsible for ensuring that the personnel have sufficient training.²³³ Personnel arriving in a country through international agreement systems usually have the required special training.

The Mechanism system includes a register of trained personnel in each Member State. The Finnish Red Cross maintains a list of trained professionals.

Doctors and health care professionals

Directive 2005/36/EC of the European Parliament and of the Council concerns the recognition of professional qualifications and the free provision of services. In Finland, the Act on Recognition of Professional Qualifications complies with the requirements of the Directive.²³⁴ The professional

her work in a country other than Finland, and whom an employer undertaking established in another country posts to Finland for a limited period within the framework of the transnational provision of services."

229 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

230 Haastattelu ERCC, Tiainen 16.8.2013. A person participating in crisis management abroad has a fixed-term employment relationship, governed by public law, with the State, which is represented as an employer by the Ministry of the Interior (see the Act on the Participation of Civilian Personnel in Crisis Management Section 5, the State Civil Servants' Act 19.8.1994/750).

231 Rome I Regulation 593/2008.

232 Interview: the Finnish Red Cross, Kämäräinen 19 April 2013.

233 Interview: the Ministry of the Interior, Vainio, Kytömaa, 26 May 2013.

234 Act on the Recognition of Professional Qualifications 30.11.2007/1093.

qualifications of health care professionals are governed by a separate law.²³⁵ The Agreement on the Joint Nordic Labour Market for Health Care Personnel and Veterinarians regulates the recognition of professional qualifications between the Nordic countries (SopS 2/1994).

The practise of health care professions is subject to a licence in Finland. Licences for doctors educated in Finland or abroad are granted by the National Supervisory Authority for Welfare and Health (Valvira). It also maintains a register of health care professionals (Terhikki). The licences entitle their holders to the following rights: the right to practise a health care profession, the right to use a protected occupational title and an authorisation to practise a health care profession.²³⁶

The licence procedures are different for people from Finland, the EU or EEA, Russia, the Nordic countries and countries outside Europe.

Doctors and specialists educated in a country of the EU/EEA are regulated by Section 6 of the Health Care Professional Act. As a rule, the licence process for doctors and specialists is based on the principle of automatic recognition. Doctors and specialists educated in a country outside the EU/EEA are regulated by Sections 11 to 13 of the Health Care Professional Act. Applicants can be granted a licence to practise the profession of specialist only after they have been granted a licence to practise the profession of physician. The latter can be granted after the applicant has passed three professional competence examinations at the University of Tampere. The Health Care Professional Act requires applicants from third countries to have sufficient knowledge of the Finnish language, a lack of which may prevent an applicant from being granted a licence. According to Article 2 of the Agreement on Joint Nordic Labour Market for Health Care Personnel and Veterinarians, citizens of the signatory countries may be granted a licence to practise their profession based on an equivalent licence granted in another signatory country.

Midwives and general nurses educated in a country of the EU/EEA are regulated by Section 7 of the Health Care Professional Act. As a rule, the licence process for midwives and general nurses is based on the principle of automatic recognition, similarly to doctors and specialists.

Midwives and general nurses educated in a country outside the EU/EEA are regulated by Sections 11 to 13 of the Health Care Professional Act. Valvira may require that applicants educated in a country outside the EU/EEA pursue additional training before they can be granted a licence. According to Article 2 of the Agreement on Joint Nordic Labour Market for Health Care Personnel and Veterinarians, citizens of the signatory countries may be granted a licence to practise their profession based on an equivalent licence granted in another signatory country.

Processing times and exceptions to the practices

Applications from health care professionals educated in Finland are usually processed within five days from the date that a complete application with all of the required documents is submitted. The processing time for applicants from the EU/EEA is three months, and the processing time for applicants from outside the EU/EEA is four months. Valvira's standard processing times (three to four months) are maximum times, and applications can be processed faster. However, in challenging cases and cases that require extensive additional examination, the duration of the licence process may exceed the standard processing time. Finland has no specific regulations concerning the reception of international assistance that would, for example, enable a doctor to be licensed to practise the profession immediately, without a lengthy licence process. Valvira processes applications in the order they come in. However, in severe emergency conditions or accident situations, it might be possible to give priority to applications from doctors participating in disaster relief and process them considerably faster, even on the same day.²³⁷

In emergency response situations and in the event of imminent danger, various practices have been adopted in rescue services that enable doctors to act immediately, out of necessity, without

²³⁵ Act on Health Care Professionals 28.6.1994/559.

²³⁶ <http://www.valvira.fi/licensing/professional> practice rights (19.12.2013): licenced professionals: physician, dentist, pharmacist, psychologist, speech therapist, dietician, dispenser, nurse, midwife, public health nurse, physiotherapist, medical laboratory technologist, radiographer, dental hygienist, occupational therapist, optician and dental technician.

²³⁷ Interview: Valvira, Heikura 12 July 2013.

following the required licence process.²³⁸ According to Section 5 of Chapter 4 of the Criminal Code of Finland, an act “necessary to ward off an immediate and compelling threat to a legally protected interest is permissible as an act of necessity if the act when assessed as a whole is justifiable”. Necessity means rescuing a legally protected interest (such as life) at the expense of another legally protected interest (such as patient safety and the quality of health care services).

Necessity is assessed case by case, but the general rule is that the legally protected interest that is compromised must be of lesser or equal value than the legally protected interest that is rescued.²³⁹

Human lives are protected as the highest legally protected interest. For this reason, it is always possible for a doctor not licensed to practise in Finland to carry out medical procedures in accident and rescue situations that require immediate attention. However, the regulations concerning necessity cannot be applied more broadly. They pertain to a single act or a limited period of time. This excludes administrative duties, non-urgent rescue operations and many other duties from the state of necessity.

According to the current practice in Finland, the transfer of patients or the acknowledgement and treatment of a foreign doctor bringing in a patient as a competent physician in official contexts is based on a case-specific evaluation. Each individual case is evaluated separately.²⁴⁰ Exceptions to the professional qualification requirements have not been included in standard legislation, and exceptional practices have not been included in the Emergency Powers Act.

Prerequisites for the practising of other professions

According to Section 3 of the Act on the Recognition of Professional Qualifications, the Ministry of Education and Culture is responsible for the consistency of recognition practices at the national level. The National Board of Education is responsible for the recognition of occupational titles and degrees and the evaluation of the equivalence of degrees pursued abroad for the purposes of competence assessment, for example. The National Board of Education is a national agency subordinate to the Ministry of Education and Culture.

The Act on the Recognition of Professional Qualifications regulates qualifications for certain professions on the basis of the relevant EU Directive²⁴¹ in the EU and EEA. The automatic recognition of the professional qualifications of an architect, for example, presupposes that the applicant is entitled to practise the profession in his or her home country.²⁴² If pursuit of the profession is contingent upon possession of certain professional experience, such activity undertaken in another Member State must be recognised in accordance with the recognition regulations.²⁴³

5.3.2.3 Driving licences

Driving licences issued in the EU or EEA and temporary driving licences issued in the Nordic countries entitle their holders to drive a motor vehicle in Finland in accordance with the specifications of their licence. The driver must be at least 18 years of age.²⁴⁴

5.3.3 Cooperation with locals

The IDRL guidelines²⁴⁵ encourage the assisting states and other agencies to consider involving the local population in the relief operation by hiring local people.

²³⁸ Interview: Valvira Heikura 12 July 2013, Henriksson 27 May 2013.

²³⁹ Frände, 2010.

²⁴⁰ Interview: Valvira Heikura 12 July 2013, Henriksson 27 May 2013.

²⁴¹ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

²⁴² Act on the Recognition of Professional Qualifications Section 11.

²⁴³ Act on the Recognition of Professional Qualifications Section 10.

²⁴⁴ www.poliisi.fi > Licences > Driving licences > Foreign driving licence (7 September 2013).

²⁴⁵ IDRL guidelines Item 16.3.

In Finland, there are no obstacles to international agencies hiring Finnish staff. International agencies must register in Finland, either at the Trade Register or the Register of Associations, if the register in the country of origin of the association does not enable the agency to be recognised as a legal person. Absence of legal person status means that a person acting in the name of the agency in fact becomes a contractual party, instead of the agency they represent. If an international organisation wants to hire Finnish people, the employment contracts are governed by Finnish labour regulations. It should also be noted that employers are responsible for statutory social insurance contributions.

5.4 Goods

5.4.1 Import of goods General regulations regarding import

The HNSG guidelines advise Member States to waive customs duties, tariffs and restrictions that could delay international assistance, and reduce checks and other administrative procedures and eliminate or lower fees. The IDRL guidelines include similar suggestions related to import and export.

Finnish Customs under the Ministry of Finance is responsible for controlling the import of goods. Customs clearance procedures apply to goods included in assistance resources that have not been released for free circulation in the EU Member States and that are imported to Finland or transported through Finland from third countries. Goods imported from areas outside the EU customs territory must be cleared. Customs legislation provides simplified customs clearance procedures.

Key EU customs legislation includes the Council Regulation setting up a Community system of reliefs from customs duty (the Customs Regulation)²⁴⁶, the Council Regulation establishing the Community Customs Code²⁴⁷, and the Code's implementing provisions.²⁴⁸ If goods are imported to the EU for free circulation and home use, if in other words, they are not intended to leave the EU customs territory later, they can be granted relief from customs duty for the benefit of disaster victims, when the goods are imported for free circulation by disaster relief agencies in order to meet their needs during the period of their activity or intended for distribution free of charge to victims of disasters.²⁴⁹ The granting of the relief shall be subject to a decision by the Commission, acting at the request of the Member State.²⁵⁰ Pending notification of the Commission's decision, the Member State may authorise the suspension of any import duties chargeable.²⁵¹ The goods intended for the benefit of disaster victims referred to in the Council Regulation on reliefs from customs duty are subject to a transfer restriction provided in Articles 78 to 80 of the Regulation. No relief from customs duty shall be granted for materials intended for rebuilding disaster areas.²⁵² The IDRL guidelines recommend that exemptions are provided from duties on items directly associated with disaster relief and initial recovery assistance.

According to Article 565 of the Commission Regulation laying down provisions for the implementation of Council Regulation establishing the Community Customs Code, "the temporary importation procedure with total relief from import duties shall be granted for materials to be used in connection with measures taken to counter the effects of disasters affecting the customs territory of the Community".

²⁴⁶ Council Regulation (EEC) No 2913/92 establishing the Community Customs Code.

²⁴⁷ Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty.

²⁴⁸ Commission Regulation No 2454/93 laying down provisions for the implementation of the Regulation establishing the Community Customs Code.

²⁴⁹ Customs Regulation, Article 74.

²⁵⁰ Customs Regulation, Article 76.

²⁵¹ If the agency importing the goods commits to paying the duties, no relief shall be granted.

²⁵² Customs Regulation, Article 75.

The temporary import of goods to EU customs territory is subject to the appropriate customs declaration and permission granted by the customs authority. However, the declaration and permission procedure can be simplified. For example, permission can be applied for and granted orally.

When the temporary import of goods is exempt from duty, value-added tax will not be collected. Temporary import of goods is possible on condition that the goods must be intended for re-exportation and exported from EU customs territory within a specified period. The possibility of rescue equipment being destroyed or worn out during temporary importation is not regulated. The returning of goods and other rescue resources that were temporarily exported from Finland to third countries – in this case, Russia or Norway – and that originate in Finland or have otherwise been released for free circulation in Finland is exempt from duty and import tax, provided that the export can be documented. In addition, Finland has ratified the Istanbul Convention on Temporary Admission.²⁵³

In cross-border assistance between Russia and Finland²⁵⁴, both parties are guaranteed exemption from import tax, duties and other fees related to the equipment and supplies of assistance teams. In addition, Finnish and Russian border delegates have agreed on arrangements specific to Border Guard Districts.²⁵⁵ The party providing assistance must take all rescue supplies out of the country after the operation has been completed, with the exception of supplies or equipment that are destroyed or lost. The export of rescue supplies is also exempt from tax and other fees. Rescue supplies must be delivered to those in need or given to the competent authority.

According to the annex to the agreement between Russia and Finland, operators providing assistance can only import rescue supplies and goods intended for personal use. They must not import prohibited supplies or goods, unless otherwise agreed. The customs authorities must be provided with a complete list of the equipment and rescue supplies. After the operation has been completed, any surplus rescue supplies must be given to the competent authority in the country that requested assistance.²⁵⁶

The National Emergency Supply Agency should also be mentioned in connection with goods and supplies. The basic objective of security of supply is to maintain the basic economic functions required for ensuring people's livelihood, the overall functioning and safety of society, and the material preconditions for military defence in the event of serious disruptions and emergencies.²⁵⁷ The stockpiles of the National Emergency Supply Agency are used with a Government decision. However, the stockpiles can be recycled through national or international operations. In the event of an emergency, municipalities and organisations may inquire about the possibility of recycling the stockpile. At the request of the Government, the goods can be transferred to be used by the state, free of charge if so agreed. Other agencies will be charged for goods.²⁵⁸

If necessary, a party required to maintain a mandatory reserve of medical supplies may ask for permission to use some of the reserve supply. Fimea can issue an administrative decision to grant permission.²⁵⁹ Finland and Sweden have entered into a treaty on economic cooperation in the event of international emergencies. In the event of an international crisis, the parties shall endeavour to keep secure their mutual trade, especially with respect to the goods specified in the

253 SopS 96/1999. According to Annex B.9, the term "goods imported for humanitarian purposes" means "medical, surgical and laboratory equipment and relief consignments". The term "relief consignments" means "all goods, such as vehicles and other means of transport, blankets, tents, prefabricated houses or other goods of prime necessity, forwarded as aid to those affected by natural disaster and similar catastrophes".

254 SopS 51-52/1996.

255 A protocol prepared on 12 February 1999 regarding South-Eastern Finland. According to the protocol, no visa requirements apply to rescue service personnel.

256 SopS 51-52/1996.

257 Security of Supply Act 1390/1992.

258 Interview: the National Emergency Supply Agency, Havumäki 8 January 2014.

259 Interview: the National Emergency Supply Agency, Havumäki 8 January 2014.

annex to the treaty.²⁶⁰ Finland and Norway have negotiated a bilateral framework agreement on security of supply. The purpose of the agreement is to ensure mutual availability of goods and services in the event of domestic disruptions and international crises.²⁶¹

5.4.2 Items under special restrictions

5.4.2.1 Medicines and medical supplies

The import of medicines is controlled by the Finnish Medicines Agency (Fimea) and governed by the Medicines Act.²⁶² Section 17 of the Medicines Act lists parties that are permitted to import medicinal products. These mainly include holders of licences on the basis of the Medicines Act.²⁶³ Section 17.4 of the Medicines Act prescribes on the right of businesses to import medicinal substances. An industrial manufacture licence in accordance with Section 8 of the Medicines Act is required for the import of medicinal products from countries outside the European Economic Area.²⁶⁴ Finland does not have an import permit process. Instead, imports are carried out under operating licences.²⁶⁵

According to Section 11a of the Communicable Diseases Act, the Ministry of Social Affairs and Health can decide that a medicinal product for which there is no sales permit granted by the Finnish Medicines Agency or the competent body of the European Union may be used.²⁶⁶ This provision may prove useful in a situation where the provisions of the Medicines Act on special permits could not be applied, and medicines with no sales permit would be imported to Finland to be used in emergency conditions, such as a pandemic or the impact of a nuclear accident.²⁶⁷ Any of the parties specified in Section 17 of the Medicines Act could import products requiring a special permit to Finland.

The Logistics Centre of the Finnish Red Cross has been issued with a wholesale licence in accordance with Section 32 of the Medicines Act.²⁶⁸ The wholesale of medicinal products means all operations with the purpose of receiving and forwarding orders for medicinal products and acquiring and keeping medicinal products in order to distribute them to pharmacies, operating units of social and health care services and other parties. It does not, however, include the sale of medicinal products to the general public, or marketing and invoicing not involving possession or storage of the products. A wholesaler may also export medicinal products. The Finnish Red Cross has been granted a licence that entitles its Logistics Centre to acquire medicines, store them and send them to be used in conjunction with disasters and international catastrophes.

Section 19 of the Medicines Act regulates the import of medicinal products for personal use. It prescribes on the grounds for private individuals' right to import medicinal products to Finland and the permitted amounts.

If the medicinal products are regarded as narcotic drugs, regulations of the Narcotics Act also apply.²⁶⁹ The list of illegal drugs in Finland is valid based on a Government Decree. The Narcotics Act governs the legal import of narcotic drugs, among other issues. According to Section 5, the import of drugs to Finland is prohibited. Deviation from the prohibition is allowed for medicinal use, among other purposes, in accordance with the Narcotics Act and other legislation. Narcotic drugs are subject to a specific permit process of the Finnish Medicines Agency (Fimea). Section 2 governs activity subject to authorisation, including the import of medicinal substances regarded as

260 www.huoltovarmuus.fi > Organisation > International Co-operation > Bilateral co-operation (13 January 2014).

261 The agreement contains restrictive clauses arising from Norway's NATO membership and Finland's EU membership. The purpose of the EU Council Directive 2008/114/EC on the identification and designation of European critical infrastructures is to protect vital infrastructures serving two or more Member States in the fields of energy and logistics.

262 Medicines Act (395/1987).

263 In English: http://www.fimea.fi/download/18580_Laakelaki_englanniksi_paivitetty_5_2011.pdf (19.12.2013) and http://www.fimea.fi/download/18579_Laakeasetus_englanniksi_paivitetty_5_2011.pdf (19.12.2013).

264 Medicines Act Section 17.3 Paragraph 3.

265 Universities, institutions of higher education and scientific research institutions do not have licences, but they may import medicines for their own research purposes. (Medicines Act Section 17.1 Paragraph 5.)

266 Communicable Diseases Act 583/1986.

267 The Medicines Act Section 21(e and f), in English: http://www.fimea.fi/download/18580_Laakelaki_englanniksi_paivitetty_5_2011.pdf (19 December 2013).

268 Interview: Fimea, Autere 19 June 2013.

269 Narcotics Act 373/2008.

narcotic drugs. There is no specific provision on the processing times of permits in accordance with the Narcotics Act²⁷⁰. The permit procedure is subject to the Administrative Procedure Act, according to which a matter shall be considered without undue delay.²⁷¹

According to the cooperation agreement between Finland and Russia on rescue services²⁷², medical supplies regarded as narcotic drugs must be reported to the customs authorities, who must allow them to be imported without hindrance. Such products may only be used by medical personnel in accordance with the regulations of the state providing assistance. After the rescue operations have been completed, the products must be taken out of the country.²⁷³

The import of medicines is based on licences issued by Fimea on the basis of the Medicines Act. No specific import licences are needed, with the exception of medicines regarded as narcotic drugs. Finnish medical legislation does not include exceptions to the licence requirement.²⁷⁴ Any violations of the import practices could be assessed in accordance with Chapter 50 of the Criminal Code of Finland, which prescribes on narcotics offences.

The Medical Devices Act²⁷⁵ applies to medical devices and equipment. The competent authority is the National Supervisory Authority for Welfare and Health (Valvira). The Act is based on an EU Directive issued in accordance with a new approach: advance permits are not needed, but imported devices must comply with the relevant requirements.²⁷⁶

The provisions of Chapter 5 of the Emergency Powers Act also apply to medicines. In accordance with Section 35, a Government Decree could be issued on exceptions to the import of medicines in emergency situations.

5.4.2.2 Import of vehicles

Based on international agreements, vehicles used in rescue operations are often exempt from tax and charges. A military vehicle of a foreign state may not enter Finnish territory without permission.²⁷⁷

According to Article 3 of the Nordic agreement on rescue services, the nation requesting assistance must ensure that vehicles, rescue supplies and other equipment can be transported across the border without import or export formalities, and that they are exempt from tax, duties and fees. The vehicles, rescue supplies and other equipment can be used without a separate permission in accordance with the regulations of the nation providing assistance.

Regardless of the stipulation of the Nordic agreement on rescue services, in situations regarding vehicles registered to a country outside the EU, total relief from import duties can be applied to special vehicles used in rescue operations in accordance with Article 569 of the Customs Code's implementing provisions. This procedure is subject to permission granted by the customs authority, as noted in Chapter 5.4.1.

According to the Customs Regulation, only the fuel contained in the standard tanks of motor vehicles can be admitted free of import duties²⁷⁸. According to Section 9 of the Customs Act, the fuel contained in the fuel tank of a commercial vehicle shall be duty-free only up to 400 litres, and fuel contained by the fuel tank of a special container up to 200 litres.

270 Interview: Fimea, Autere 19 June 2013.

271 Administrative Procedure Act (6.6.2003/434), Chapter 5, Section 23: "A matter shall be considered without undue delay".

272 SopS 51-52/1996, Annex.

273 HE 52/1996: The preamble to the Government Bill on the implementation of SopS 51-52/1996 states that the stipulations of the agreement may be inconsistent with the Medicines Act (395/1987). See Fimea's comments to the draft report, 9 September 2013.

274 Interview: Fimea, Autere 19 June 2013.

275 Medical Devices Act 629/2010.

276 Directive 2007/47/EC of the European Parliament and of the Council amending Council Directive 90/385/EEC on the approximation of the laws of the Member States relating to active implantable medical devices, Council Directive 93/42/EEC concerning medical devices and Directive 98/8/EC concerning the placing of biocidal products on the market. Interview: Fimea, Autere 19 June 2013.

277 According to Section 10 of the Territorial Surveillance Act, the permission is granted by the Defence Staff.

278 Customs Regulation, Article 107.

The Council Directive 2008/118/EC on the general arrangements for the holding and movement of products subject to excise duty was implemented in Finland with the Act on Excise Duty.²⁷⁹ As a rule, products subject to excise tax are taxed in the country where they are released for consumption. The fuels used in professional vessel and air traffic are exempt from tax. The import of vehicles registered in the EU Member States and Russia for temporary use in Finland is duty-free, provided that they are driven by a person not residing permanently in Finland. On certain conditions, rescue vehicles and ambulances are exempt from tax.

5.4.2.3 Food products

The Finnish Food Safety Authority Evira monitors the import of food products and animals. Finnish Customs control the import of food other than foodstuffs of animal origin²⁸⁰. Finnish legislation does not include exceptions to the import of food products in situations of international assistance. Section 35 of the Emergency Powers Act provides regulations related to health care, essential industrial production and military preparedness as well as the prevention of a market disturbance or damage to a specific industry. In other words, special restrictions on food products imported as part of international assistance could be issued in emergency conditions.

The regulation of the import of food products from outside the EU to Finland is based on legislation concerning the EU's single market, and the Member States have limited opportunities for issuing exceptions to such legislation. Animal-based food products, for example, are in EU legislation subject to product-specific regulations. The regulations list the countries from which imports are permitted. The regulations may contain special requirements for certain countries.²⁸¹ Any exceptions would need to be issued by the European Commission, not by an individual state such as Finland.

Regulations concerning the import of animal-based food products to the EU are specific. Food products imported from the EU or Norway and Switzerland are subject to first destination monitoring.²⁸²

5.4.2.4 Animals

Exceptions to the import of animals have not been issued with regard to international assistance. According to Evira, import requirements related to animals would not present problems even in emergency conditions. The import of search and rescue dogs and other animals used in rescue operations would not even in emergency conditions be subject to regulations related to commercial imports. Instead, such dogs could be imported to Finland as pets²⁸³ in accordance with the related regulations. There are no permit procedures or specific processing times. The same would also apply to dogs assisting the authorities, guide dogs and other service dogs.

Import requirements related to animals vary according to the species and their country of origin; general requirements and processing times cannot be given, because each case is dealt with individually. The route selected also has an impact on the inspection: the key is whether the animal is transported to Finland via a Member State or directly from a country outside the EU.

5.4.3 Returning surplus rescue supplies

Some international agreements on rescue services signed by Finland prescribe specifically on returning surplus rescue supplies after international assistance is discontinued. See also Chapter 5.4.1. for information applicable to exporting goods in terms of regulations and international agreements.

279 Act on Excise Duty 182/2010

280 Food Act (23/2006) Section 34.4.

281 Key regulations related to the import of animal-based food products include: Commission Regulation (EU) No 605/2010 concerning raw milk and dairy products, Commission Regulation (EU) No 206/2010 concerning certain animals and fresh meat and Commission Regulation (EC) No 798/2008 concerning poultry and poultry products.

282 Decree of the Ministry of Agriculture and Forestry 118/2008 and Commission Regulation (EC) No 1688/2005.

283 Pets must be microchipped or tattooed, vaccinated against rabies and accompanied by a pet passport. In addition, dogs must be treated against tapeworm causing echinococcosis 1–5 days before import.

According to the cooperation agreement on rescue services between Finland and Russia²⁸⁴, medical supplies regarded as narcotic drugs must be taken out of the country after the rescue operations have been completed.²⁸⁵

According to the Nordic agreement on rescue services, vehicles, rescue supplies and other equipment must be taken out of the country as soon as possible after the rescue operations have been completed. Similar regulations apply to rescue drills.

5.5 Taxation

According to the IDRL guidelines, affected states should provide exemptions for assisting states and eligible assisting humanitarian organisations from value-added and other taxes or duties directly associated with disaster relief.

5.5.1 Individuals

International taxation rules and regulations²⁸⁶ apply to work carried out in Finland in situations connected to two or more countries.²⁸⁷ The Finnish tax system does not apply to the employment relationships of people coming to Finland while being employed by a different state or an organisation based in another country. Employees are taxed in accordance with the regulations of their country of origin. Income and other funds of representatives of the UN and specialised agencies are exempt from tax in Finland.²⁸⁸

5.5.2 Goods

The Customs Regulation covering rescue supplies and the import of supplies used in rescue services causes the import of some products and supplies to Finland to be exempt from tax. The Value Added Tax Act²⁸⁹ includes a direct reference to the "Customs Duty Exemption Regulation" (Article 94.1, Paragraph 12). Articles 61 to 65 of the Customs Regulation concern "basic necessities imported by State organisations or other charitable or philanthropic organisations" and goods intended for "for distribution free of charge to needy persons", among other products. Articles 74 to 80 govern goods imported "for distribution free of charge to victims of disasters", among other purposes. In addition, Articles 66–73 include provisions on articles for the use of handicapped persons. When the temporary import of goods is exempt from duty, value-added tax will not be collected. Council Directive No 2008/118/EC²⁹⁰ and the Finnish Act on Excise Duty apply to products subject to excise duty. Products subject to excise duty, delivered for consumption in Finland are subject to Finnish taxation even if they have already been taxed in another Member State²⁹¹. The Act on Excise Duty includes no separate regulations on exemption from duty for rescue supplies.

The temporary import of equipment included in rescue resources can be entirely exempt from tax in accordance with Community Customs Code and the Code's implementing provisions.²⁹²

Regulations of the Finnish Car Tax Act on permanent or temporary exempt from Car Tax do not take into consideration international assistance duties. In a situation where taxable vehicles²⁹³ are imported to Finland to be used in such operations, the authorities will first have to examine whether temporary exemption from Car Tax can be applied to such a case. If the vehicle is driven

284 SopS 51-52/1996, Annex.

285 HE 52/1996: The preamble to the Government Bill on the implementation of SopS 51-52/1996 states that the stipulations of the agreement may be inconsistent with the Medicines Act (395/1987). See Fimea's comments to the draft report, 9 September 2013.

286 International taxation rules and regulations include national legislation, EU tax law and bilateral and multilateral tax agreements.

287 Act on Relief of Double Taxation 18.12.1995/1552.

288 Convention on the Privileges and Immunities of the United Nations Article II Section 7, Article V Section 18 and Convention on Privileges and Immunities of Specialised Agencies Article III Section 9 and Article VI Section 19, SopS 23–24/1958.

289 Value Added Tax Act 30.12.1993/1501.

290 Council Directive 2008/118/EC of 16 December 2008 concerning the general arrangements for excise duty and repealing Directive 92/12/EEC.

291 Excise Duty Directive 2008/118/EC Article 33 and Act on Excise Duty (182/2010) Section 75.

292 Commission Regulation (EEC) No 2454/93.

293 Car Tax Act 1482/1994 Section 1.

by a person not permanently residing in Finland and the vehicle is used for something other than the operations of a company, international organisation or another association based in Finland, the vehicle can be used in Finland for a maximum of seven months, in accordance with Section 34a of the Car Tax Act. If the vehicle is used by a person permanently residing in Finland, whose place of work is outside Finland, Section 34b of the Car Tax Act states that the vehicle can be used for a maximum of three days at a time. After each three-day period the vehicle has to be exported from Finland.

If the vehicle is used by a person residing in Finland and not working for an organisation based abroad, for example, there are no grounds for exemption from Car Tax in the Car Tax Act. Section 35 of the Car Tax Act governs temporary exemption from Car Tax and it makes no mention of vehicles used for rescue operations. Nor does the Act issue Finnish Customs with any jurisdiction on extending the temporary exemption for vehicles used for purposes other than those specified in the Car Tax Act. However, in such cases it would be possible to apply to Finnish Customs for tax relief.

The UN and specialised agencies are exempt from customs duties and prohibitions and restrictions on imports and exports with regard to goods and publications imported or exported for its official use. Goods imported under such exemption cannot be sold except under conditions agreed with the Government.²⁹⁴

5.6 Transport and travel in the country

5.6.1 Entry by air, sea or land

As the aviation authority, the Finnish Transport Safety Agency Trafi is responsible for regulatory duties within civil aviation; it issues permits and regulations and participates in international cooperation. Finland adheres to the guidelines of the International Civil Aviation Organisation (ICAO). The International Air Services Transit Agreement²⁹⁵ and the Paris Convention are also applied. National entry procedures are defined in the Aeronautical Information Service (AIS).

Permits are not required of airlines based in the EU or the European Economic Area. Airlines not based in the EU or the EEA and wishing to enter Finland or transit through Finland must obtain a permit.²⁹⁶ Application for the permit must be made 48 hours in advance. No special arrangements have been made within the aviation permit process regarding the reception of international assistance.

Airport charges are governed by law.²⁹⁷ International rescue flights are not exempt from statutory charges. According to the valid Commission Regulation on air navigation services²⁹⁸, Members States may exempt humanitarian flights from route charges. Finland has no exemption rule, and humanitarian flights are not exempt from landing and TN charges in the tariff of Finavia.

There are no specific regulations within the maritime sector related to the reception, transit or sending of international assistance. Shipping is based on freedom of navigation, and all vessel-related regulations apply to all ship traffic, transportation of cargo and people. Shipping route and cargo fees can be applied in shipping.

²⁹⁴ Convention on the Privileges and Immunities of the United Nations Article II Section 7, Article V Section 18 and Convention on Privileges and Immunities of Specialised Agencies Article III Section 9 and Article VI Section 19, SopS 23–24/1958.

²⁹⁵ International Air Services Transit Agreement (SopS 5/1957).

²⁹⁶ Instructions for non-EU carriers applying for a flight permit in Finland, Regulation issued by the Finnish Transport Safety Agency Trafi 1 December 2012.

²⁹⁷ The Act on the Airport Network and Airport Charges (11.3.2011/210) implementing the Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on Airport Charges (Text with EEA relevance).

²⁹⁸ Commission Regulation (EC) No 1794/2006 of 6 December 2006 laying down a common charging scheme for air navigation services (Text with EEA relevance) Article 9.

In rail traffic, rolling stock must have a commissioning licence to prove that it complies with the requirements.

A natural person permanently residing in a country that is party to the Geneva²⁹⁹ and the Vienna³⁰⁰ Conventions on Road Traffic may temporarily use a vehicle they have imported to Finland and registered³⁰¹ in a signatory country for their personal use for a maximum of one year after arriving in the country. Vehicles registered abroad and used temporarily in Finland are subject to a flat-rate tax and consumption tax.³⁰²

The Defence Staff decide on the use of vehicles owned by the military forces of another state in international assistance, in accordance with the Territorial Surveillance act and Decree.³⁰³

5.6.2 Transit through Finland to another country

A request to transit through Finland to another country in rescue operations is usually made to a rescue department or other authority and forwarded to the authority responsible for issuing transit permits. Permit issues referred to in Chapter 5.3.1. and governed by the Territorial Surveillance Act are processed and settled by the Defence Staff.³⁰⁴

Unlike other rescue service agreements concerning Finland, the Barents Treaty defines the term "transit state". It refers to "any state, whose Government is a Contracting Party, other than the Requesting Party or the Assisting Party, through whose territory, including air space and/or territorial waters, response teams and emergency response resources are transported". According to the Barents Treaty, "if governmental or military personnel, aircraft, vessels and vehicles requiring a special entry and exit permit have been accepted to take part in a response operation within the territory of the Requesting Party, its relevant authority, as well as the relevant authority of a transit state, shall issue such a permit. The state border shall not be crossed before the necessary permit has been issued". In practice, an officer of the Department for Rescue Services of the Ministry of the Interior or the local rescue authority notifies the Defence Staff of entry or transit in such situations.³⁰⁵

5.6.3 Access to sites of accidents

Finland has no road tolls, and its area is not limited in any other way. For this reason, border crossing formalities and any customs inspections are performed only when entering and leaving the territory of Finland. Finland has made no specific arrangements or assigned any competent authority to take responsibility for the transport and guidance of international assistance teams to the site of accident. According to the preparatory material concerning the Rescue Act, the responsibility would seem to lie with the officer in charge of rescue operations in the area of the accident, but more specific instructions should be issued regarding this, including considerations for other authorities and their fields of operation.

The Finnish Transport Agency manages roads, railways and waterways. Reserving a road, railway line or air traffic lane entirely for the entry of international assistance requires special powers to be issued in accordance with the Emergency Powers Act.³⁰⁶ With regard to air traffic, rescue authorities are in charge of major accidents in Finland. In the case of medical evacuations, air transport equipment of the Finnish Defence Forces would also be deployed.³⁰⁷

299 Geneva Convention on Road Traffic of 1949 (SopS 11/1959).

300 Geneva Convention on Road Traffic of 1968 (SopS 30/1986).

301 Vehicles classified as M1, N1, O1, O2 or L or equivalent vehicles.

302 Car Tax Act 30.12.2003/1281

303 Territorial Surveillance Act 18.8.2000/755 and Territorial Surveillance Decree 16.11.2000/971.

304 According to Section 4 of the Territorial Surveillance Act, "a military person from a foreign state may not enter or stay in Finnish territory without permission unless otherwise provided by an international treaty binding on Finland. The same applies to a military vehicle of a foreign state".

305 HE 139/2011 vp, p. 12

306 Interview: Ministry of Transport and Communications, Pullinen 2 August 2013.

307 Lääkinnällisen evakuoinnin kansallisen toimintavalmiuden turvaaminen ("Ensuring National Preparedness in Medical Evacuation"), working group memorandum, Reports and Memorandums of the Ministry of Social Affairs and Health 2013:3 (2013).

Cooperation between the PCB authorities is governed by law.³⁰⁸ A PCB authority is obligated to temporarily make available to another PCB authority equipment, facilities, personnel resources or special expert services in its possession that are not available to the other PCB authority for use in measures that are necessary for international cooperation, among other things. The assistance may only be provided on the condition that it does not jeopardise the carrying out of the tasks laid down for the authority providing the assistance.³⁰⁹

Aircraft of the Border Guard can be deployed in the transportation of rescue service personnel to the site or area of the accident. The Border Guard can participate in rescue operations and transportation of patients (on-duty helicopters as first response units).³¹⁰ In the Barents Rescue 2013 exercise, for example, with the scenario of the damage caused by an avalanche and tsunami, Finnish Border Guard helicopters would participate in rescue operations at least by providing transportation (rescue, MIRC groups, etc.) and evacuating patients.³¹¹

There are no clear instructions on the issue. However, according to the Ministry of the Interior, guidelines will be prepared in accordance with the HNSG guidelines.³¹² The officer in charge of regional rescue services acts as the contact person (LEMA) in accordance with the Rescue Act.³¹³ The HNSG guidelines state that the host nation should be responsible for the route planning and provision of necessary transport arrangements for the entire operation.

5.7 Communications in accident situations

The HNSG guidelines briefly mention informing the public, and member states are requested to prepare for communications in accident situations that involve international aid. According to the IDRL guidelines, affected states “should waive or expedite the granting of any applicable licenses and reduce any other barriers to the use, import or export of telecommunications and information technology equipment” and grant assisting states and humanitarian organisations “priority access to bandwidth, frequencies and satellite use for telecommunications and data transfer associated with disaster relief operations”.

5.7.1 Finnish authority communications in Finland and abroad

The Emergency Warnings Act³¹⁴ legislates on emergency warnings issued by the authorities to be broadcast on the radio or on television.³¹⁵ Emergency warnings are brief announcements to warn and instruct the public that can be issued by the competent authority³¹⁶ if it is necessary to warn the public when a dangerous incident may threaten the lives or health of people or destroy or severely damage property. Emergency warnings are issued by a competent authority.³¹⁷ Neighbouring countries are notified of nuclear accidents as well as oil and chemical accidents at sea or on boundary waters. International agreements often prescribe the duty to notify neighbouring countries and international agencies, such as the WHO and the IAEA, of threats and dangerous situations. The authorities currently use and continue to develop new methods for utilising the social media in issuing emergency warnings.³¹⁸

308 Act on Cooperation between the Police, Customs and the Border Guard (PCB) 11.9.2009/687.

309 PCB Act, Section 10.

310 Section 26 of the Border Guard Act.

311 Interview: The Finnish Border Guard, Partanen 8 October 2013.

312 Interview: the Ministry of the Interior, Vainio, Kytömaa, 26 May 2013.

313 Rescue Act, Section 34, and HE 257/2010 vp, p. 56.

314 Emergency Warnings Act 10.8.2012/466 (entered into force on 1 June 2013).

315 The Act on Television and Radio Operations prescribes on “obligations to prepare for exceptional circumstances and transmit information from the authorities”. The Act on Yleisradio Oy (1380/1993) legislates on such obligations as they relate to the Finnish Broadcasting Company.

316 Emergency warnings are sent to the authorities listed in Section 5 of the Emergency Warnings Act. the rescue, police or border guard authorities, STUK, FMI, the Finnish Transport Agency, Trafi, Evira, Valvira, Fimea or a ministry.

317 According to Section 5 of the Emergency Warnings Act, an emergency warning may be issued by: the rescues authorities, the police, the border guard authorities, the Emergency Response Centre Administration, the National Police Board or a national unit operating under it, STUK, FMI, The Finnish Transport Agency, Trafi, Valvira, Fimea, a ministry.

318 iSAR+ (Online and Mobile Communications for Crisis Response and Search and Rescue) Project: www.pelastusopisto.fi > Tutkimus- ja tietopalvelut > Tutkimus- ja kehittämispalvelut > Projekti- ja hanketoiminta > Hankkeet 18.12.2013.

The Ministry for Foreign Affairs has an SMS service on which people can register to receive information related to threats and accidents abroad. On its website, the Ministry for Foreign Affairs publishes travel warnings.³¹⁹

Situational pictures related to the administrative sector of the Ministry of Transport and Communications are compiled at the CERT-FI unit of the Finnish Communications Regulatory Authority, the Trafi situation centre and the Finnish Meteorological Institute (LUOVA project).³²⁰

5.7.2 Communication between Finnish authorities and international modules

Finland has not reserved a specific communications network or frequency for international aid operators.³²¹

Finland has ratified the Tampere Convention³²². According to Section 7.7 of the Act on Radio Frequencies and Telecommunications Equipment, "personnel of a foreign State as referred to in the Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations (Finnish Treaty Series 15/2005) do not need a radio licence for the possession and use of a radio transmitter to be used in relief operations and disaster mitigation, as referred to in the Convention, if the Finnish Communications Regulatory Authority has been notified of the possession and use of the radio transmitter and has been given the information requested by it on the configuration of the radio transmitter and the intended use".³²³

The language of international rescue services is normally English.³²⁴ During emergency operations the Requesting Parties shall make all efforts possible to provide the response teams with the appropriate interpretation.

At the national level, the authorities communicate using the VIRVE network, which is based on the TETRA standard. The network covers the entire area of Finland, and access is limited.³²⁵ The network is primarily used by rescue departments, the police, Finnish Customs, the Finnish Border Guard and the Finnish Defence Forces. The Ministry of Transport and Communications decides on the user groups entitled to use the VIRVE network.³²⁶ In the future, the Finnish authorities will also be using a multi-authority command and control system called KEJO for organising operations.

5.7.3 Other issues

International agreements often prescribe on the distribution of information. Rescue assistance teams often have access to confidential information, such as personal health information. Section 24 of the Act on the Openness of Government Activities lists "secret official documents".³²⁷ Authorities in other countries can be provided with confidential information if the cooperation is regulated by an international agreement. Section 86 of the Rescue Act legislates on the nondisclosure obligation of the authorities.³²⁸

The Convention on the Privileges and Immunities of the United Nations and the Convention on the Privileges and Immunities of Specialised Agencies also concern telecommunications. The UN and Specialised Agencies shall enjoy, for their official communications, treatment no less favourable

319 Interview: Ministry of Transport and Communications, Pullinen 2 August 2013.

320 Interview: Ministry of Transport and Communications, Pullinen 2 August 2013.

321 Interview: Ministry of Transport and Communications, Pullinen 2 August 2013.

322 Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, SopS 15/2005.

323 Act on Radio Frequencies and Telecommunications Equipment 16.11.2001/1015.

324 Interview: the Ministry of the Interior, Helismaa 15 July 2013. According to the Barents Treaty, communication languages are English or an official language of a contracting party.

325 Additional information on user groups: www.erillisverkot.fi > Customers (16 January 2014) and a presentation by Suomen Erillisverkot Oy on the parties entitled to use the VIRVE network 26 February 2004.

326 Communications Market Act (23.5.2003/393) Section 99.

327 Act on the Openness of Government Activities 21.5.1999/621.

328 Confidentiality does not apply to situations where the disclosure of information is necessary to save the lives or health of people or prevent considerable damage to property or the environment.

than that accorded by the Finnish Government to any other Government, including diplomatic missions. The equality requirement includes the matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, and press rates for information to the press and radio. No censorship shall be applied to official correspondence and other official communications of the Specialised Agencies.³²⁹

5.8 Currency and bank accounts

The EU regulates the controls of cash entering the Community with legislation. Amounts exceeding EUR 10,000 must be declared to the customs authorities.³³⁰ EU Directives also regulate the obligations of financial and credit institutions to monitor account transactions to combat the financing of terrorism and money laundering.³³¹ The UN and Specialised Agencies may hold funds, gold or currency of any kind and operate accounts in any currency. They may also transfer their funds, gold or currency freely from one country to another and convert any currency into another currency.³³²

Chapter 20.1. of the IDRL guidelines recommends that host nations grant the assisting entities authorisation to operate legally on their territory, enabling them to open bank accounts and so on. Section 9.4.2. of the HNSG guidelines give similar recommendations regarding opening bank accounts. With the Act on Preventing and Clearing Money Laundering³³³, Finland has implemented the relevant EU regulations and fulfilled international contractual obligations. Financial institutions³³⁴ have an obligation to identify their customers and report any suspected money laundering or financing of terrorism. The financial institution shall establish the identity of their customer when the sum of a transaction amounts to EUR 15,000 or more, whether the transaction is carried out in a single operation or in several operations which are linked to each other. This applies to other than regular customers. If the party subject to the obligation to report suspects that the assets involved in a transaction are of illegal origin or that these are used to finance terrorism or a punishable attempt of such an offence, or if the party subject to the obligation to report suspects the credibility or adequacy of the customer's identification data previously verified, they shall report the matter to the Clearing House.³³⁵

No national preparations are in place in the event that rescue agencies would need to open bank accounts in Finland or carry out other financial transactions. Rescue agencies are expected to maintain independence and self-sufficiency for the period of their stay, but arrangements should be made for enabling them to open bank accounts and obtain legal capacity in general, in order to guarantee self-sufficiency. In general, current legislation would seem to provide adequate and reasonable prerequisites for opening bank accounts and managing the financial transactions of rescue teams.

If rescue agencies are able to provide banks or credit institutions with the above information, there should be no obstacles to opening bank accounts. However, regulations and applicable practices should be verified with reference to all potential rescue agencies.

5.9 Overtime work and other labour regulations

Ministries have officers on duty outside office hours in case of disasters and accidents. The Government Situation Centre also operates around the clock. Some border crossing points are also open around the clock to enable international assistance personnel to enter the country.

329 Convention on the Privileges and Immunities of the United Nations Article III Section 9-10 and Convention on Privileges and Immunities of Specialised Agencies Article IV Section 11-12, SopS 23-24/1958.

330 Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community.

331 Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

332 Convention on the Privileges and Immunities of the United Nations Article II Section 5 and Convention on the Privileges and Immunities of Specialised Agencies Article III Section 7, SopS 23-24/1958.

333 Act on Detecting and Preventing Money Laundering and Terrorist Financing 18.7.2008/503.

334 Act on Detecting and Preventing Money Laundering and Terrorist Financing Section 2.

335 Act on Detecting and Preventing Money Laundering and Terrorist Financing Section 7.

The Working Hours Act governs emergency work.³³⁶ According to the Act, “the prescribed or agreed regular working hours can be exceeded as required by said causes, though not longer than two weeks”.³³⁷ The Working Hours Act is applicable to foreign rescue service personnel working under employment contracts, if said personnel fall under the scope of Finnish legislation due to the selection of applicable law under the Rome I Regulation.³³⁸ It is also possible to agree on the issue separately in bilateral agreements. For example, according to the Barents Treaty, “rescue teams shall work (serve)” in the host nation “in accordance with the labour (service) regulations” of their home country.

Section 93 of the Emergency Powers Act regulates exceptions to the provisions of the Working Hours Act on daily rest periods and overtime as well as the provisions of the Annual Holidays Act. This provision can be applied to health care, social services, rescue services, emergency response centre operations and police operations through a Government Decree. Such exceptions can be made to ensure public health care, livelihood or security in the event of a particularly severe disaster, epidemic or similar emergency conditions.

5.10 Responsibilities of host nation and assisting agencies; adequate, timely and appropriate assistance

5.10.1 Responsibilities of host nation on relief operations

States and assisting organisations should cooperate to prevent unlawful diversion, misappropriation, or fraud concerning relief goods and funds. Host nations should use the funds and relief goods in a manner consistent with the expressed intent with which they were given.³³⁹

Many general regulations are in place in Finland that ensure the lawful implementation of relief operations. The Act on State Civil Servants is applied to state and municipal authorities.³⁴⁰ Offences in office are governed by Chapter 40 of the Criminal Code, and the giving and accepting of a bribe, and abuse of public office, among others, are punishable offences in accordance with the Criminal Code. In rescue operations, the authorities are responsible for actions that come under the mandate of the authority, performed by someone else by order of the authorities.

No specific instructions or monitoring have been set up in Finland concerning funds distributed in relief operations. However, the embezzlement and fraud regulations of the Criminal Code could be applied to the misuse of relief funds in a situation where the funds trusted to an actor in charge of distributing the funds were embezzled or hidden, or other unlawful activity took place.³⁴¹ The essential elements of fraud (Section 1 Chapter 36 of the Criminal Code) could be constituted if relief funds were acquired by means of deception and financial damage. Chapter 7 deals with operating conditions for relief operators in Finland.

5.10.2 Responsibilities of assisting agencies

Assisting agencies are also charged with quality requirements and responsibilities, as they can have a significant influence on the receivers of assistance. Assisting agencies have a responsibility to the receivers of assistance, and the host nation should create a comprehensive organisation for realising those responsibilities in terms of operations that do not fall under Finland’s jurisdiction. The Finnish authorities are faced with particular challenges with international financial transactions, and international cooperation is called for in order to create a regulatory base and monitor the use of relief funds.

³³⁶ An unexpected event that has interrupted or seriously threatens to interrupt regular operations or put life, health or property at risk (Working Hours Act Section 21). Work in crisis and accident situations can be considered emergency work.

³³⁷ Working Hours Act Section 21.

³³⁸ Statement of the Ministry of Social Affairs and Health, 5 December 2013.

³³⁹ IDRL guidelines Part I Article 6.

³⁴⁰ Act on State Civil Servants 19.8.1994/750 and Act on Municipal Officeholders 11.4.2003/304.

³⁴¹ The Criminal Code of Finland, Chapter 28, Section 4

There are no specific regulations in place in Finland for guaranteeing the responsibilities of assisting agencies, but applicable regulations concerning liability for damages are included in most agreements on rescue services. Some agreements stipulate specifically on dispute resolution. Normal Finnish legislation may also be applicable, and the issue may be resolved in Finland, provided that the issue is connected to Finland. National regulations of the Criminal Code concerning embezzlement, fraud and money laundering also apply to foreign actors.³⁴² However, if the party liable is abroad, it may not be possible to establish criminal liability. In criminal cases it is possible to ask for the culprit to be extradited to Finland.

5.10.3 Damages

The Tort Liability Act governs the liability for damages of employers and public organisations.³⁴³ According to the Act, “an employer shall be vicariously liable in damages for injury or damage caused by an employee through an error or negligence at work”. The same applies to public corporations “in activities that are not to be deemed the exercise of public authority”. The Act also applies to Finland offering assistance to a contractual party within international rescue operations.³⁴⁴

Furthermore “if a person who on orders of the authorities, as an elected official or on assignment for another is performing a statutory task or a task in employment-like circumstances, and not as an independent entrepreneur, causes injury or damage through an error or negligence, the party on whose behalf the task was being performed shall be liable for damages”.³⁴⁵ However, “an employee shall be liable in damages for injury or damage caused by him/her through an error or omission at work”. Compensation may be adjusted.³⁴⁶

If, in the event of Finland receiving international rescue services, damages are caused to a third party, compensation for actions by an employee or official of another state will be paid out of Finnish public funds. International agreements often include separate regulations that vary according to the type agreement, on the degree of negligence or premeditation that is required for Governmental right of recourse to be applicable to the state providing assistance. In practice, fairly extensive damages or aggravated negligence or premeditation would be required for compensation to be claimed from a state providing assistance.³⁴⁷

5.10.4. Criminal liability of international assistance personnel

Agreements signed by Finland and related to rescue services do not address the criminal liability of rescue service personnel. However, the issue is important, because activities of international rescue personnel may cause damage and may sometimes contain the elements of negligent crimes. In addition, at least in Finland, rescue authorities have the jurisdiction to take action that could impact the use of basic and humanitarian rights of individuals. Although a task involving significant exercise of public powers can only be delegated to public authorities, preparations should be made for situations where external agencies overstep their jurisdiction.³⁴⁸

Important concerns also include distinguishing between actions or acts of neglect occurring at work and during free time. According to the practice adopted by Finland, international relief personnel are often considered to be working 24 hours a day, regardless of the regulations of the Working Hours Act. However, it is possible to imagine situations and incidents where the personnel are taking time off regardless of their rescue duties. Such free time cannot be considered as working or carrying out professional duties. Reference here is made to incidents such as road accidents or drinking and driving.

³⁴² See also chapters 5.10.1 and 5.8.

³⁴³ Tort Liability Act (31.5.1974/412) Chapter 3.

³⁴⁴ HE 139/2011 vp, p. 15.

³⁴⁵ Tort Liability Act, Chapter 3, Section 1.3.

³⁴⁶ Tort Liability Act, Chapter 4, Section 1.

³⁴⁷ Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013.

³⁴⁸ Siviilikriisinhallinnan asiantuntijoiden oikeudellinen asema (“Legal Status of Civil Crisis Management Experts”), 30 June 2011, p. 3.

Finnish law applies to an offence committed in Finland.³⁴⁹ Connection criteria are applied to international connections. Connection criteria make it possible to choose the location of the court proceedings out of the country where the offence took place, the home country of the suspect or the domicile of the victim.³⁵⁰ In situations of international rescue services and assistance, the location may develop into a political issue if the suspect has left the country before the crime is solved.³⁵¹ Action is usually taken to ensure in advance that the country receiving assistance has limited jurisdiction under criminal law over Finnish rescue service personnel and that a single employee or official will not be rendered liable for damages because of their work. It is likely that states and other agencies sending assistance to Finland would take similar action, and definitions of policy should be put in place in preparation for agreements on assistance. The protection of law for the rescue service personnel must also be considered, along with the protection of law prescribed in Section 21 of the Constitution of Finland, and basic and human rights.

Separate regulations may have been issued concerning the liabilities of representatives of foreign states, international intergovernmental organisations and other individuals protected by some degree of immunity.³⁵²

5.11 Safety

5.11.1 Safety of international rescue teams

Guaranteeing the safety of international rescue personnel is the key responsibility of the nation receiving assistance.

In Finland, the police are responsible for the security of society.³⁵³ The duty of the police is to secure the rule of law, maintain public order and security, prevent and investigate crimes, and submit cases to prosecutors for consideration of charges.

The officer in overall charge of the accident situation (the police officer or the officer in charge of rescue operations) has the jurisdiction to order the sealing off of the site, evacuating, and restricting movements in the area of the accident.³⁵⁴

In order to maintain security, the police work in cooperation with other authorities and with local residents and organisations and engage in international cooperation that falls within the scope of the police. In addition, the police can provide the rescue authorities with executive assistance in accordance with Section 49 of the Rescue Act. The police may also be in overall charge of an accident situation, for example in situations caused by acts of terrorism. In accordance with Section 27 of the Police Act, when carrying out official duties, police officers have the right to use necessary forms of force.

The Defence Forces also participate in maintaining security in society, and can provide the police with executive assistance.³⁵⁵ Such assistance can be provided to protect people and property temporarily. To prevent crimes against people under special international protection, the police are entitled to other types of executive assistance.³⁵⁶ To perform tasks of high importance and

349 The Criminal Code of Finland, Chapter 1, Section 1.

350 The Criminal Code of Finland, Chapter 1, Sections 4–6.

351 Action is usually taken to ensure in advance that the country receiving assistance has limited jurisdiction under criminal law over Finnish rescue service personnel and that a single employee or official will not be rendered liable for damages because of his or her work. Countries sending assistance to Finland.

352 See Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Personnel, SopS 62-63/1978, ratified by Finland.

353 Police Act 7.4.1995/493 has been annulled. The new Police Act 872/2011 will take effect on 1 January 2014. Section 1 of the Act.

354 Rescue Act, Section 36.

355 Act on the Provision of Assistance by the Defence Forces to the Police 5.12.1980/781.

356 Act on the Provision of Assistance by the Defence Forces to the Police, Section 1.

urgency, the Defence Forces have the right, under the direction of a police officer, to use necessary forms of force to perform such a task that is mandated by the police and can be considered justifiable in the circumstances.³⁵⁷ Executive assistance may even include the use of military force, if it is necessary to prevent an immediate threat to the lives and health of a large group of people, and the threat cannot be prevented using less severe methods.³⁵⁸

In accident situations, the rescue service authorities have broad jurisdiction in accordance with Section 36 of the Rescue Act to take necessary action within rescue operations in order to prevent accidents, limit damage and prevent dangerous situations from arising. This includes the right to order people to protect themselves and evacuate people and property, order that buildings, communications links and equipment, as well as equipment, supplies, foodstuffs, fuel and lubricants and extinguishing agents required in rescue operations shall be made available.

Finland has no detailed guidelines on the reception of international assistance teams. Consequently, the country has no specific regulations for ensuring the safety of such teams.

5.11.2 Special groups

In accident situations, the authorities must pay special attention to the rights of vulnerable groups such as children, the disabled and the elderly. Finland has ratified the Convention on the Rights of the Child³⁵⁹ and signed the UN Convention on the Rights of Persons with Disabilities, along with its optional protocol.³⁶⁰ Finland has ratified the Convention on the Elimination of Discrimination Against Women.³⁶¹ According to Section 6 of the Constitution of Finland, "no one shall, without an acceptable reason, be treated differently from other persons on the ground of, sex, age" or "disability or other reason that concerns his or her person". The needs and care of special groups is mentioned in the Handbook on Emergency Planning in Social Services.³⁶²

5.11.3 Insurance

According to the Employment Accidents Insurance Act³⁶³, an employer has a duty to take out statutory accident insurance against industrial accidents and occupational diseases. The Act is applied to all work carried out in Finland, unless otherwise stipulated in the EU Regulation concerning social security³⁶⁴.³⁶⁵ Statutory accident insurance may be complemented by voluntary insurance policies. International agreements and mechanisms require that the party sending the rescue service modules take adequate insurance coverage for the modules.³⁶⁶ Insurance policies are usually taken out on both the members of rescue teams and the rescue resources sent. The idea is that damages caused in connection with providing assistance are compensated for without delay and in full, regardless of the negligence and actions of the authorities of the receiving party.³⁶⁷

Insurance of rescue department personnel is based on the statutory accident insurance.³⁶⁸ Full-time and part-time personnel of rescue departments in the rescue service regions are employed by the regional rescue departments and come under their insurance.³⁶⁹

357 Act on the Provision of Assistance by the Defence Forces to the Police, Section 6.

358 Act on the Provision of Assistance by the Defence Forces to the Police, Section 4.

359 SopS 60/1991.

360 30.3.2007.

361 Convention on the Elimination of Discrimination Against Women (SopS 68/1986).

362 Handbook on Emergency Planning in Social Services, Publications of the Ministry of Social Affairs and Health 2008:12, p.20.

363 Employment Accidents Insurance Act 20.8.1948/608.

364 EU Regulation concerning social security 883/2004.

365 Statement of the Ministry of Social Affairs and Health, 5 December 2013.

366 Interview: the Ministry of the Interior, Vainio, Kytömaa 26 May 2013.

367 HE 139/2011 vp, p. 15.

368 www.lsp.fi/ > Etusivu > Liitto > Vakuutukset > TAPATURMAVAKUUTUSTEN LIITTO (extract from the Insurance handbook [in Finnish] 2012 24(110) (12.1.2014).

369 Certain members of the voluntary fire brigade, such as the youth and women's divisions, are not covered by the statutory accident

In Finland, the state authorities are not insured, but the State Treasury³⁷⁰ takes out statutory employment accidents insurance for the personnel at state agencies and institutions.³⁷¹ Municipal personnel have municipal insurance coverage. The state shall pay compensation out of state funds in accordance with the Employment Accidents Insurance Act for an employment accident or industrial disease occurring in state employment. Parties operating by order of the authorities, such as the police, fall within the insurance coverage of the relevant authorities, if they incur accidents while performing the duties assigned to them by those authorities.

Aviation insurance requirement is based on the EU Regulation³⁷² and only state-owned aircraft do not come under the scope of the Regulation.

Railway operators are required to have adequate liability insurance cover.³⁷³ The CUI and ATMF Annexes to the COTIF Convention³⁷⁴ also include regulations on insurance, but they do not apply specifically to vehicles delivering international assistance.

In road traffic, vehicles within the European Economic Area have consistent insurance practices that are based on reciprocal recognition. For vehicles arriving from outside the EEA, a Green Card or frontier insurance issued by the Finnish motor Insurer's Centre is required.

insurance or the Rescue Act. If members of these divisions are also members of the operational section, for these activities they are covered by the statutory accident insurance of the Rescue Act.

370 The State Treasury provide services supporting financial and personnel administration for government organisations, Act on State Treasury 15.2.1991/305.

371 Rescue service employees sent from Finland by the Crisis Management Centre are also covered by so-called war insurance. Interview: CMC, Ehrnrooth 20 August 2013.

372 Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators.

373 Railway Act (304/2011) Section 90.

374 Convention concerning International Carriage by Rail SopS 6/1985.

6. Finnish Red Cross and the Volunteer Rescue Service Vapepa

6.1 Role of the Red Cross in Finland

The Finnish Red Cross is an organisation acknowledged by the State of Finland and governed by public law³⁷⁵. Its operations are based on the four Geneva Conventions³⁷⁶ and their Additional Protocols of 8 June 1977.³⁷⁷ The Finnish Red Cross is non-governmental organisation governed by the Act and the Presidential Decree on the Finnish Red Cross. Some of the provisions of the Associations Act apply to the Finnish Red Cross.³⁷⁸ The Red Cross is a legal person in Finland.

The Finnish Red Cross participates in many administrative sectors by supporting the authorities and performing duties assigned by public-sector organisations through agreements. The Finnish Red Cross is part of the International Federation of Red Cross and Red Crescent Societies and its humanitarian aid system. The duties of the Finnish Red Cross include providing support and assistance to the authorities.

The International Red Cross Movement includes the International Federation of Red Cross and Red Crescent Societies (IFRC), the International Committee of the Red Cross (ICRC) and the national organisations of 189 countries. The ICRC operates in war and conflicts, for which reason regulations concerning its status and competence have been excluded from this report. The IFRC works in aid operations related to catastrophes and is included within the scope of this report.

The Finnish Red Cross cooperates with the authorities in various sectors. The Finnish Red Cross operates in the sectors of rescue services, preparedness and humanitarian aid, providing support and assistance to the authorities in their operations.³⁷⁹ The Finnish Red Cross and the Ministry of Social Affairs and Health have a memorandum of cooperation on first aid operations and preparedness.³⁸⁰ Their cooperation is related to the training of international personnel, preparedness planning in the social services sector and the effective use of medical materials and reserve supplies. The Finnish Red Cross has a long history in cooperation with the Ministry of the Interior. The Finnish Red Cross does not have a separate agreement with the Department for Rescue Services, but has made an agreement with the National Police Board on the search for missing persons.³⁸¹

The refugee work of the Finnish Red Cross includes the reception of asylum seekers and refugees and the reconnection of separated families as well as tracing. When necessary, the Finnish Red Cross represents the UN Refugee Agency in Finland. The reception of refugees comes under the jurisdiction of the Ministry of the Interior, and The Finnish Red Cross and the Finnish Immigration Service have an agreement on support services related to the reception of refugees and asylum seekers. If requested by the Finnish Immigration Service, the Finnish Red Cross can set up reception centres for asylum seekers if the current centres are full.³⁸² The Finnish Red Cross also supports the authorities in situations of extensive immigration.³⁸³ Volunteers of the Finnish Red

375 Act on the Finnish Red Cross 25.2.2000/238.

376 Geneva Conventions for the (I) Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the (II) Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, (III) relative to the Treatment of Prisoners of War and (IV) relative to the Protection of Civilian Persons in Time of War, 12 August 1949, SopS 8/1955.

377 Protocol Additional to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977; Protocol Additional to the Geneva Conventions relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977, SopS 82/1980.

378 Section 4 of the Act on the Finnish Red Cross lists the provisions of the Associations Act (26.5.1989/503) applicable to the organisation.

379 Presidential Decree on the Finnish Red Cross, Section 2.

380 Memorandum of cooperation on first aid operations and preparedness between the Ministry of Social Affairs and Health and the Finnish Red Cross, 17 February 2014.

381 Agreement of collaboration between the police and voluntary organisations, 16 July 2012.

382 Agreement between the Finnish Red Cross and the Finnish Immigration Service on support services related to the reception of refugees and asylum seekers, 25 November 2013.

383 Under its refugee quota, Finland admits 750 refugees annually. The Ministry of the Interior has decided to increase Finland's annual refugee quote to 1,050 refugees due to the conflict and large-scale humanitarian crisis in Syria. The decision is based on the proposal by the UN Refugee Agency UNHCR (Media release of the Ministry of the Interior and Ministry of Employment and the

Cross help refugees with cultural orientation. The agreement between the Finnish Red Cross and the Ministry of Employment and the Economy includes integration support and anti-racism action.

Voluntary rescue services (Vapepa) in general and on land are coordinated by the Finnish Red Cross. The Finnish Lifeboat Institution coordinates voluntary sea rescue services, and the Finnish Air Rescue Society coordinates voluntary air rescue services. In addition, the coordinating organisations monitor the alert response level of the Vapepa organisations, the training provided and the equipment they have available.

6.2 Participation in relief operations in Finland

According to Sections 3-4 of the Decree on the Finnish Red Cross, its activities include upholding its preparedness and carrying out humanitarian assistance work, participating in rescue operations, providing social and health services, training its voluntary personnel, and engaging in economic activities and other acquisition of funds, among other activities.³⁸⁴ In addition, the association may "take other similar measures when necessary to promote or support the purpose of the Society" and acquire new activities.

The authorities are in charge of assistance situations and the volunteers of the Finnish Red Cross and Vapepa provide support and additional resources. However, the Red Cross may also act as an independent organisation and, in addition to the tasks agreed upon with the authorities, independently manage other tasks within its mandate. One example of such tasks is the reception of international assistance from other national organisations of the Red Cross or the Red Crescent. The Finnish Red Cross may ask for additional resources from the International Federation of Red Cross and the Red Crescent (IFRC) in Geneva in the form of Emergency Response Units (ERU) and material assistance.

By international standards, the Finnish Red Cross has a substantial capacity for rapid response through ERU units.³⁸⁵ The Logistics Centre in the Tampere region maintains the material resources of the Finnish Red Cross. Field hospitals, health centres and water purifying equipment are stored there, along with communication, logistics and aid distributions units. In accordance with an agreement with the National Emergency Supply Agency, the Finnish Red Cross maintain the equipment for an emergency shelter camp for 10,000 people.

Vapepa (including the Red Cross) has almost 1,400 response teams nationwide in land operations. Some 20,000 volunteers are involved in the activities. The Finnish Red Cross maintains a pool of more than 9,000 professionals trained in international aid.³⁸⁶

Economy, 30 October 2013).

Next year, the refugee quote will include 500 Syrian refugees, www.intermin.fi/Etusivu > Ajankohtaista > Uutiset > Maahanmuutto > Ensi vuoden pakolaiskiintiössä otetaan vastaan 500 syyrialaispakolaista (1 March 2014).

384 Presidential Decree on the Finnish Red Cross, Section 3.

385 www.redcross.fi > About the Red Cross > Our work around the world > Types of aid > Disaster work > Disaster tools of the Red Cross > Rapid Response Units (11 September 2013).

386 > About the Red Cross > Our work around the world > Types of aid > Humanitarian aid > Emergency Response Units (11 September 2013).

7. National regulations relating to independent operators

The HNSG guidelines of the European Union advise Member States to involve non-governmental organisations in rescue services. The IDRL guidelines list principles that states receiving assistance should take into account in their legislation with regard to organisations and associations in order to ensure appropriate operating conditions and sufficient legal prerequisites.³⁸⁷

7.1 International organisations in Finland

7.1.1 Form of organisation and the humanitarian aid sector

Finnish legislation does not differentiate between humanitarian aid organisations and other forms of organisation. Both companies and associations can engage in humanitarian aid operations. Intergovernmental organisations are regulated by international agreements.

The form of organisation mainly affects taxation. Humanitarian aid operations are regarded as non-taxable income in accordance with Section 22 of the Income Tax Act.³⁸⁸ Associations cannot distribute profits to their members.

If an international association wants to practice relief work as a business in Finland, it must apply for a permit from the Finnish Patent and Registration Office. International associations engaged in business operations can be registered in the public Trade Register if they have a permanent office in Finland.

Freedom of association is a basic right.³⁸⁹ The Associations Act mainly applies to registered associations, but some of its provisions apply to unregistered associations as well. Unregistered associations must be run on a non-profit basis.³⁹⁰ A private trader engaged in business operations must register with the Trade Register, a public register maintained by the authorities.³⁹¹

Three people can establish an association, and an association can be a member of another association. Registered associations are legal persons. Before an association is registered, its members are liable for its commitments individually or collectively. The association is registered with the public Register of Associations maintained by the Finnish Patent and Register Office. The legal capacity and competence of an international association in Finland is evaluated on the basis of the legislation of the country from which the association originates. The public reliability of the register in the country of origin of the association affects the operating conditions of the organisation in addition to other aspects, such as organisational structure.

Unregistered associations are not legal persons, and it is practically impossible for them to engage in business operations or other commercial activities, as their partners would have to enter into commitments with a partner with no legal capacity, which poses a high risk. The risk would be high for the person acting on behalf of the unregistered association as well, because they would be personally liable for its commitments. Certain operations are subject to registration in Finland, such as fundraising and licenced health care operations.

Organisations engaged in humanitarian aid in Finland can fund their operations through money collections and public subsidies, among other means. In Finland, money collection, "an activity in which money is collected without compensation by appealing to the public", is subject to licence.

387 The evaluation criteria include the Code of Conduct for the International Red Cross and Red Crescent Movement and NGOs in Disaster Relief, 1994.

388 Income Tax Act 30.12.1992/1535.

389 The Constitution of Finland 11.6.1999/731, Section 13.

390 Associations Act, Section 59.3.

391 Trade Register Act Section 3.

Money collections “for the purpose of raising funds for non-profit activities” are regulated by the Money Collection Act and the Government Decree on money collections.³⁹²

Associations and organisations can apply for grants³⁹³ to support their operations. In granting subsidies and implementing the reliability liability regulations, the definitions of the authority granting the subsidies for eligible operations are key. It is not the responsibility of the applicant to study the related legislation. The applicant only has to provide correct and accurate information about the project. Private operators can participate in the provision of rescue and health care services. However, the authorities in Finland hold liability for statutory duties in public administration in Finland, and a body governed by public law cannot delegate this responsibility to private operators. The relevant authority is always responsible for carrying out statutory duties.³⁹⁴

7.1.2 Intergovernmental organisations and the IFRC

Assistance within the EU Mechanism is organised between Member States, with EU acting as coordinator. Units of the Mechanism have not been issued with legal person status. The legal person status of the UN is mentioned in its Charter and a statement of the International Court of Justice.³⁹⁵ Generally, the legal person status of an international organisation is based on the organisation consisting of existing international legal subjects. Usually, such organisations are established through intergovernmental agreements and have permanent bodies.³⁹⁶

Based on the agreements, the UN³⁹⁷, the IAEA and the Specialised Agencies of the UN are legal persons in Finland.³⁹⁸ They have the right to enter into agreements, acquire and assign fixed and movable property, and take legal action.

According to its Constitution, the IFRC is legal person.³⁹⁹ The ICRC is a legal person, and its role and duties are governed by the Geneva Conventions and other agreements. They are not intergovernmental or political organisations, and they consist of the national Red Cross and Red Crescent organisations. The IFRC and ICRC are international organisations with independent administration. In addition they have observer status in the UN General Assembly. Neither organisation has accredited representation in Finland. If such representation is necessary, it will be negotiated separately. A nation can only have one national Red Cross organisation, the Finnish Red Cross. Other national Red Cross or Red Crescent organisations will not seek registration in Finland.

International associations engaged in relief operations should be required to register in order to prevent potential misuse of relief funds and equipment and cases of embezzlement or fraud. As a host nation, Finland is responsible for relief operations and thus also for preventing crime related to relief operations. Certain criteria should also be established in advance for the associations, such as making a commitment to the Principles and Good Practice of Humanitarian Donorship.⁴⁰⁰

Finland has not created specific legal conditions to guarantee that international rescue service operators are established as legal persons and thus able to act independently and self-sufficiently and take the required action to provide assistance. The IDRL guidelines advise host nations to grant assisting parties temporary authorisation to operate legally on their territory.⁴⁰¹ The office in charge of rescue operations is responsible for the operating conditions for international teams in

392 Money Collection Act 31.3.2006/255, Government Decree on Money Collections 21.6.2006/503.

393 Grants are subsidies granted on statutory or discretionary grounds by public-sector organisations or other organisation or foundation. Grants here refer to financial support allocated from the general EU budget, budgets managed by the EU or managed for the EU.

394 Mäenpää, 2003.

395 Reparation for Injuries Suffered in the Service of the United Nations (Advisory Opinion), ICJ Reports, 1949; Charter of the United Nations, SopS 1/1956; Convention on the Privileges and Immunities of the United Nations, Article I.

396 Interview:Ministry for Foreign Affairs; Hakapää, 2010

397 The Convention on the Privileges and Immunities of the United Nations, Article I SopS 23-24/1958.

398 UN Convention on the Privileges and Immunities of the Specialised Agencies, Article II SopS 23-24/1958.

399 Constitution, International Federation of the Red Cross and Red Crescent Societies

400 For example, commitment to the recommendations of the IDRL guidelines, see also The Code of Conduct for the International Red Cross and Red Crescent Movement and Non-Governmental Organisations (NGOs) in Disaster Relief (1994).

401 IDRL guidelines 20.1.

Finland, unless otherwise stated in an international agreement.⁴⁰² International rescue modules are often self-sufficient through agreement, and an opportunity to be established as a legal person is not relevant, particularly in short assignments. Issues related to legal competence and other related aspects in long-term accidents or disasters should be resolved by providing clear instructions.

7.1.3 Military forces of foreign states

The armed forces of another country may participate in international rescue services. According to Section 4 of the Territorial Surveillance Act, a military person from a foreign state may not enter or stay in Finnish territory without permission unless otherwise provided by an international treaty binding on Finland.⁴⁰³ A government aircraft of a foreign state may enter Finnish territory and stay in the country only under the terms of an international treaty binding on Finland or on the basis of permission, except for an urgent rescue mission or a mission to prevent environmental damage or to provide assistance in winter navigation.⁴⁰⁴ The same applies to a government vessel of a foreign state, except in cases of innocent passage.⁴⁰⁵ In urgent rescue missions and missions to prevent environmental damage, entry to Finland is permitted if it has been requested by the Finnish authorities. If such a request is made by an authority other than a territorial surveillance authority, the Defence Staff must be notified.⁴⁰⁶ If the request for entry or transit is made in accordance with the Barents Treaty, permission is not needed.

402 HE 257/2010 vp, p. 56.

403 Territorial Surveillance Act 18.8.2000/755.

404 Territorial Surveillance Act, Section 5.

405 "Innocent passage" is defined in Article 19 of the United Nations Convention on the Law of the Sea. Finland has ratified the convention (SopS 50/1996).

406 Territorial Surveillance Act, Section 10.

8. Summary

In general, society in Finland is well organised; a system has been created from the government level to local administration, where the authorities operate in accordance with the duties assigned to them and in good interaction. Society-wide security strategies have been drawn up, and preparations made for disruptions to normal conditions or emergency conditions. The Finnish authorities and other operators in the field are well trained and professional, and they are fairly familiar with legislation and international agreements relevant to their field. Regulations concerning international accidents and disasters have been reviewed in the past years, and Finland is normally up-to-date with implementation of international obligations. In international terms, Finland is also a fairly safe country.

However,

in terms of reception of international assistance, legislation and planning, in particular, are largely inadequate. The Finnish authorities have not envisaged possible situations, where Finland would require international assistance.

If assistance were required, it is thought to be short-term and offered by nations that Finland has invited to help. It is also thought that the assistance would come under one administrative sector. However, in situations of international assistance, it is likely that the expertise of several administrative sectors would be required, and assistance would be requested under several agreement systems and by several authorities. The plans of different administrative sectors have not been examined or harmonised, and the need for comprehensive cross-sectoral cooperation is evident. In addition, the expertise and assistance resources of non-governmental organisations and other aid organisations should not be overlooked, and preparations should also be made for assistance offered by them. In preparedness it is vital to act on the basis of openness from the planning stage on, in order to ensure the coordination of different preparedness plans.

As a concept, international assistance lacks consistency. It needs to cover and combine all relevant legislation and the operation of all relevant authorities. In terms of international assistance, regulations governing rescue services are the most comprehensive, but they are only one part of the collection of regulations applicable to the reception of international assistance. Legislation and the operations of authorities could be made more consistent by creating a more comprehensive set of concepts so as to form the basis for regulating the reception of international assistance. This would ensure that sectors of all authorities and related terminology are covered when preparing national guidelines.

Various administrative sectors are currently running projects on this topic, but there is a critical need for comprehensive and cross-sectoral coordination. Finland is committed to implementing the host nation support activities on a domestic level as obligated by the EU Mechanism. Finland has also signed the petitions for the closest possible compliance with the Guidelines for the Domestic Facilitation and Regulation on International Disaster Relief (the IDRL guidelines).

This report is based on the HNSG guidelines and the IDRL guidelines as well as the Model Act on disaster regulations. They all provide extensive and applicable guidelines that a comprehensive review of the national guidelines can be based on. In addition, Finland has long traditions in, and is internationally recognised for, sending international assistance. These resources and expertise should be utilised in the preparation of national guidelines.

At the moment, plans are being made in Finland for the Barents Rescue exercise to be held in the autumn of 2015 on the basis of the Barents Treaty. The objective of the exercise is to put the host nation support activities to the test in practice.

The authorities have been active participants in the preparation of this report, offering their expertise and time, and have contemplated the questions related to the project. It has been the general consensus that plans need to be made for the reception of international assistance, and the authorities understand the contents of the plans for their respective sectors. However, sector-specific planning is not enough when planning for the reception of international assistance. Individual preparedness plans, terminology and practices can in fact lead to the opposite result; the wrong type of assistance and delays in reaching the destinations.

9. Recommended action

1. Establish a cross-sectoral working group to review the domestic regulations related to the reception of international assistance and examine the compatibility of the procedures and rules of jurisdiction in various sectors.
2. Establish a body or bodies to take national responsibility for providing training for official and private sector agencies in the reception of international assistance. Agencies that need to be trained in the reception of international assistance should be named. Articles 13-15 of Chapter III of the Model Act suggest establishing various specialised task forces of the authorities, for example, the SWIFT team, mentioned in Article 14, to take responsibility for the entry and transport of incoming international relief personnel and goods.
3. The Introduction in the Security Strategy for Society discusses the importance of assessing security in society more comprehensively and from the intersectoral perspective taking into consideration all actors in society. In Finland, all administrative sectors are making preparedness plans, but those plans should be made compatible in order to remove any contradictions on the jurisdictions of authorities, among other issues. In addition, preparations made in accordance with the Emergency Powers Act are not monitored.
4. The concept of rescue services has different meanings in different contexts and covers the jurisdictions – and power issues – of several authorities. One of the key examples is the Civil Protection Mechanism of the EU, covering the consequences of all natural and man-made disasters in the EU and outside, including natural disasters, marine pollution and acute health emergencies as well as the consequences of acts of terrorism. Within the Mechanism, assistance can be requested in situations that have no relation to rescue service operations or the rescue services referred to in regional agreements. The concept should be made more specific in the official national context by describing the operations and duties of authorities that are included in rescue services.
5. There would seem to be a conceptual gap between the concepts used in rescue services, rescue operations and humanitarian aid and social welfare and health care that could lead to contradictions and overlaps in terms of jurisdiction. For example, a request for assistance according to Section 38 of the Rescue Act only refers to international rescue service assistance. The provision could be interpreted to imply that in a multisectoral situation, requesting and defining assistance other than rescue operations would be the responsibility of other authorities. The authorities have general jurisdiction in the sector mandated for them, and they have been issued with the right to request international assistance within several agreement systems. However, in situations of international assistance, centralised operation could be useful when requesting for assistance.
6. In Finnish, the Civil Protection Mechanism is called rescue service mechanism and refers mainly to rescue operations. The English version, the Civil Protection Mechanism, is a wider concept covering several operations in society aimed at protecting the people. Content-wise, the Mechanism covers the consequences of all natural and man-made disasters in the EU and outside, including natural disasters, marine pollution and acute health emergencies as well as consequences of acts of terrorism. When it is possible to request assistance in situations involving no rescue operations or rescue services, the Finnish title should be altered to match the content.

7. The Security Strategy for Society mentions the need to develop the roles of the AVIs and the ELY centres, both of which play key roles in the development of regional preparedness. International guidelines emphasise the significance of local and regional authorities in disaster management. The roles of the AVIs and ELY Centres should be emphasised in evaluating the level of preparedness planning and the harmonisation of the plans at regional administrative level.
8. According to the Security Strategy for Society, ELY centres and municipalities together maintain preparedness plans to set up organisation and reception centres in case of mass immigration. The duties of the ELY centres, AVIs, the Finnish Immigration Service and their support organisations in situations of extensive immigration and in preparing for such events should be clarified to make cooperation between the actors clear.
9. It is recommended that contact point operations are concentrated at the Government Situation Centre, as proposed by the Ministry of the Interior.
10. In situations of cross-border health threats, it is according to relevant legislation not necessary that rescue services or the police are in overall charge of the situation and coordination. The Ministry of Social Affairs and Health can request executive assistance from the rescue or police authorities in evacuations or taking possession of buildings, but discussion should be opened on the possibility to issuing the health authorities with direct jurisdiction in issues concerning their expertise and mandate.
11. Issues related to agreements, legal competence and other aspects of long-term accidents or disasters should be resolved by providing clear instructions. In case of extensive disaster situations, where the presence of international assistance in Finland could be prolonged, issues related to agreements should be solved in advance. For instance, whether agreements (tenancy agreements, etc.) should be made in the name of the module, the Finnish authority or individual people.
12. Spontaneous aid organisations can be challenging, but if used appropriately they could be useful. The need for long-term assistance could attract small actors, consisting of just individual people offering to help. This phenomenon cannot be avoided completely, but by registering individual volunteer actors and managing their assistance under a roof organisation (the Lead Agency model) could prevent potential problems. Decision on the Lead Agency could be made in advance by the State of Finland.
13. With regard to personnel in the modules sent within the Mechanism, potentially applicable immunity issues such as immunity from prosecution have not been resolved. It should be established whether privileges or exceptional juridical procedures would be applied to incoming personnel regarding liability for damages or immunity from prosecution. Liability issues should also be resolved as clearly and unambiguously as possible in other multilateral, regional and bilateral agreements.
14. Questions relating to the international assistance actors' liability for damages and the selection of applicable law in relation to criminal liability should be addressed in advance when preparing plans for the reception of international aid. The elements of negligent crime may sometimes be contained in events such as road accidents, occurring in disaster situations.

15. Requirements regarding the qualifications of professionals working in Finland should be redefined so as to establish expedited procedures for temporary recognition of professional qualifications, for example, for medical personnel. Qualifications of incoming health care professionals could be recognised through an expedited procedure, avoiding reliance on regulations concerning necessity, which includes a significant legal risk in the event of a mistake.
16. At national level, the definition and duration of emergency work prescribed on in the Working Hours Act should be reviewed so that, in the event of receiving international assistance, emergency work could be carried on for more than two weeks without the application of the Emergency Powers Act.
17. The definition of competent authorities according to the agreement on aeronautical and maritime search and rescue in the Arctic should be redefined and made more precise.
18. Consistent criteria and requirements should be established for making the decision to request international assistance. The issues included in the decision should also be specified. These may include the validity of visas for relief workers, removal of unused relief resources, and the validity of the communication networks used in relief operations.
19. The role of the national contact point at the Government Situation Centre should be clarified especially in terms of communications to parties outside the EU Mechanism and systems.
20. Coordination instructions should be made more specific paying particular attention to the details of coordination in multisectoral situations and considering the issues mentioned in Chapter 5.2.2.
21. According to Article 75 of the Customs Regulation, "no relief shall be granted no relief shall be granted for materials and equipment intended for rebuilding disaster areas". The IDRL guidelines recommend that host nations provide exemptions from duties associated with materials and equipment intended for rebuilding disaster areas. An alteration of the Customs Regulation is recommended.
22. Regulations should be issued regarding the import, use, distribution and export of relief supplies. Only some of the agreements on international assistance binding Finland contain specific regulations on relief supplies. The use and distribution of relief supplies is not adequately regulated. The cooperation agreement between Finland and Russia on rescue services contains stipulations on the distribution, use and export of medical supplies regarded as narcotic drugs that may be inconsistent with the Medicines Act (HE 52/1996). National guidelines should be prepared and international agreements reviewed in terms of consistency with national regulations.
23. Regulations of the Finnish Car Tax Act on permanent or temporary exempt from Car Tax do not take into consideration international assistance duties. With regard to situations of international assistance, regulations relating to taxable vehicles should be reviewed with the purpose of making sure that different types of vehicles used in relief operations by various relief operators are exempt from tax during the entire time of the relief operation regardless of the stipulations of the Car Tax Act.

24. With regard to ending international assistance, the procedure and definition should be clarified. Other issues to be clarified include the decision on international presence and the content of the decision, the expiry of relief workers' visas, the collection, cataloguing and/return of unused relief supplies.
25. According to the Finnish Border Guard, changes and concessions to the regulations pertaining to the border crossing of rescue services and formations should be encouraged. The legislation concerning the reception of international aid is not sufficiently clear. According to the Finnish Border Guard, the inclusion of streamlined processes and other exceptions in the Aliens Act should be considered, or a decree should be issued. Such processes and exceptions are related to documents (e.g. using an identity card instead of a travel document), visas (validity of international aid visas and extension of visas) and checks (e.g. checking a group of people using a list of names), among other issues.
26. Finland has issued no general national exceptions for international relief workers coming from countries requiring visas in the manner provided for in the Council Regulation No 539/2001 on visa requirements for nationals of Non-EU Member Countries.
27. Finland has made no specific arrangements or assigned a competent authority to take responsibility for the transport and guidance of international assistance teams to the site of accident. According to the preparatory material concerning the Rescue Act, the responsibility would seem to lie with the officer in charge of rescue operations in the area of the accident, but more specific instructions should be issued regarding this, including considerations for other authorities and their fields of operation.
28. Incoming international relief teams have no access to the official VIRVE network because the current TETRA network system does not support foreign TETRA systems. The TETRA system should be developed so that relief workers from other countries would be able to use their own equipment to communicate with Finnish authorities and other relief operators. The Ministry of Transport and Communications is responsible for restricting the use of the Finnish terminal devices.
29. In terms of insurance, the need of international relief operators for types of insurance should be examined. Ascertaining whether different types of insurance should be required of operators in different fields is recommended, and what the insurance policies of volunteers and other relief organisations should cover.
30. An alteration is proposed to the Act on the Airport Network and Airport Charges (11.3.2011/210) in order to introduce exemption from statutory charges for flights arriving in and transiting through Finland. According to the valid Commission Regulation on air navigation services, Member States may exempt humanitarian flights from route charges. Exemption from all charges imposed on vehicles used in maritime, rail and road traffic is proposed for vehicles used for international assistance.
31. According to the Security Strategy for Society, ELY Centres and municipalities together continue to maintain preparedness plans to set up organisation and reception centres in case of mass immigration. The duties of the ELY Centres, AVIs, the Finnish Immigration Service and their support organisations in situations of extensive immigration and in preparing for such events should be clarified so as to make cooperation between the actors clear.

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- www.energia.fi > Energy and the Environment > energialähteet > ydinvoima (10 March 2014).
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- www.huoltovarmuus.fi > Organisation > International Co-operation > Bilateral co-operation (13 January 2014).
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- www.redcross.fi > About the Red Cross > Our work around the world > Types of aid > Disaster work > Disaster tools of the Red Cross > Rapid Response Units (11 September 2013)
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Interviews:

Interviews were carried out at personal meetings or via email. Some of the interviews were recorded. Researcher Maarit Pimiä can provide more detailed information regarding the interviews.

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Appendices:

- Agreement between the Governments in the Barents Euro-Arctic Region on Cooperation within the Field of Emergency Prevention, Preparedness and Response Sops 23/2012
- Agreement concerning cooperation at the local government level across Nordic national frontiers, SopS 2/1979
- Agreement on cooperation on aeronautical and maritime search and rescue in the Arctic, SopS 3/2013
- Agreement on cooperation regarding rescue services in the border area between Finland and Norway, SopS 17/1986
- Agreement concerning rescue operations in Finnish and Soviet waters, SopS 37/1971
- Agreement between Finland and Sweden on cooperation in maritime and aeronautical rescue services, SopS 27/1994
- Agreement between Finland and Russia on cooperation in the field of search and rescue services in maritime and air transport, SopS 28/1994
- Agreement between Finland and Russia on cooperation for the prevention of accidents and their consequences 52/1996
- Agreement between Finland and Estonia concerning cooperation on maritime and aeronautical search and rescue, SopS 53/1999
- Agreement between Finland and Estonia on cooperation and mutual assistance in cases of accidents, Draft/2014
- Nordic Framework Convention on Health Care (NORDHELS), SopS 8/2004

