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IFRC COVID-19 Emergency Decree Research: Finland

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1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

On 17 March 2020, the Finnish Government, in cooperation with the President of the Republic, declared **a state of emergency** in Finland over the coronavirus outbreak. The Government introduced measures to slow down the spreading of coronavirus and to protect risk groups. These measures taken and are enforced in accordance with the **Emergency Powers Act**¹, **Communicable Diseases Act**² and other relevant legislation.³

On 18 March 2020, the Finnish Government passed Government Decrees concerning the use of **certain powers** under the Emergency Power Act.⁴

The Emergency Power Act and the related Government Decrees do not contain provisions on the coordination between state and non-state actors during the state of emergency. Instead, such cooperation is based on **cooperation agreements** between the state and non-state actors. The Finnish Red Cross operates under the following long-term agreements with the Finnish government:

1. Cooperation Agreement between the Finnish Red Cross and Ministry of the Interior on cooperation in contingency planning and preparedness (2018).⁵
2. Cooperation Agreement between the Finnish Red Cross and Ministry of Social Affairs and Health on preparedness for accidents and first-aid operations (2014).⁶

¹ Emergency Power Act (2011/1552) is available in Finnish at: <https://www.finlex.fi/fi/laki/ajantasa/2011/20111552>.

² Communicable Diseases Act (1227/2016) is available in Finnish at: <https://www.finlex.fi/fi/laki/alkup/2016/20161227> and an unofficial English translation at: <https://www.finlex.fi/en/laki/kaannokset/2016/en20161227.pdf>.

³ More information available in English on the Finnish Government's website at: https://valtioneuvosto.fi/en/article/-/asset_publisher/10616/hallitus-totesi-suomen-olevan-poikkeusoloissa-koronavirustilanteen-vuoksi.

⁴ More information available in Finnish on the Emergency Act and the legislative process available on the Finnish Parliament's website at: https://www.eduskunta.fi/FI/naineduskuntatoimii/kirjasto/aineistot/kotimainen_oikeus/LATI/Sivut/valmiuslain-kaytoonottaminen-koronavirustilanteessa.aspx.

⁵ More information available in English on the website of the Ministry of the Interior at: https://intermin.fi/artikkeli/-/asset_publisher/sisaministerio-ja-spr-tiivistavat-valmius-ja-varautumisyhteistyotaan?_101_INSTANCE_jyFHKc3on2XC_languageld=en_US.

The agreement promotes cooperation between Finnish municipalities and the Finnish Red Cross as well as other non-state actors in state of emergency.

According to these cooperation agreements, the Finnish Red Cross and the respective ministries will separately agree on specific measures as necessary. There is no publicly available information on what has been agreed between the parties under the current circumstances.

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

There is no mention of the role of the Red Cross or other humanitarian actors in the Emergency Powers Act. However, according to the Cooperation Agreement between the Finnish Red Cross and Ministry of Social Affairs and Health on preparedness for accidents and first-aid operations, the Finnish Red Cross can coordinate the activities of other volunteer groups.⁷

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

Staff of international organizations, such as RC, are exempted from the travel restrictions, which came into force on 19 March 2020. There are currently no restrictions on freight and goods traffic.

The travel restrictions in Finland are as follows:

- i. People must not travel abroad at all between 18 March and 13 April. This applies to travel by land, by sea and by air.
- ii. Finnish citizens and permanent residents in Finland are always allowed to return to Finland. Foreign travelers in Finland can leave the country.
- iii. A person returning to Finland from abroad should remain in quarantine-like conditions for 14 days. However, it has been reported that hospital districts and municipalities have issued internal guidelines allowing health care workers to return to work after a quarantine shorter than the suggested 14 days.
- iv. **Necessary travel is allowed** at internal border (between Finland and a Schengen state) and external border (between Finland and a non-Schengen state).
 - According to the Finnish Border Guard's Guidelines for border traffic during emergency conditions, this exception on necessary travel applies to healthcare and rescue service professionals/personnel, health researchers, and elderly care professionals as well as diplomats, staff of **international organisations (such as RC)**, military personnel and humanitarian aid workers in the exercise of their functions.⁸
- v. Freight and goods traffic will continue at all borders.

⁶ More information available in Finnish on the website of the Ministry of Social Affairs and Health at: https://stm.fi/fi/artikkeli/-/asset_publisher/stm-ja-spr-sopivat-yhteistyosta-kuntien-tueksi.

⁷ According to the general Finnish Security Strategy, the Red Cross has a role in e.g. international crisis management, humanitarian assistance and international rescue operations and ensuring the maritime search and rescue capability. The Security Strategy for Society, Government Resolution, 2.11.2017. More information available in English at: https://turvallisuukskomitea.fi/wp-content/uploads/2018/04/YTS_2017_english.pdf.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

No exceptions on the access to vulnerable populations have been put in place by 19 March 2020. However, according to section 63 of the Communicable Diseases Act, people ordered into quarantine are guaranteed necessary medical treatment.

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

No special legal facilities or exemptions have been put in place for the importation of medical aid or other relief or personnel by 19 March 2020.

However, according to paragraph 1 of the section 60 of the Communicable Diseases Act, if there is an obvious risk of the spread of a generally hazardous communicable disease or a disease that is justifiably suspected of being generally hazardous, and the spread of the disease cannot be prevented by other means, the physician in charge of communicable diseases in a public service employment relationship either with the municipality or joint municipal authority for hospital district **may order a person into quarantine for a maximum of one month**. The decision on quarantine can be made for a person who has been exposed, or is justifiably suspected of having been exposed, to a generally hazardous communicable disease.

Paragraph 2 of section 60 provides that the physician in charge of communicable diseases in a public service employment relationship either with the municipality or joint municipal authority for hospital district may order the person referred to in sub-section 1 into quarantine also against his or her will.

Further, according to section 61 of the Communicable Diseases Act, the physician in charge of communicable diseases in a public service employment relationship either with the municipality or joint municipal authority for hospital district may order **baggage, container, or other goods into quarantine for a maximum of two months**, if there is an obvious risk of the spread of a generally hazardous communicable disease or a disease that is justifiably suspected of being generally hazardous, and the spread of the disease cannot be prevented by sanitation or disinfection of the goods or by other measures.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

No restrictions on business operations and opening hours have been issued by 19 March 2020.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

⁸ More information available in English at the Finnish Border Guard's website at: https://www.raja.fi/current_issues/guidelines_for_border_traffic.

The Government's decrees concerning the use of Emergency Power Act concern only the use of powers laid down in sections 86, 87, 88, 93-95 and 109 of the Emergency Powers Act. Relevant content of these provisions is described below.

In general, as of 19 March 2020, the capacity of healthcare and social welfare services will be increased in the public and private sectors. At the same time, non-urgent activities will be reduced. The capacity of the private sector will be mobilised for public use as necessary. Statutory deadlines and obligations will be eased. Arrangements will be made to oblige trained professionals in healthcare and social welfare and internal security, in particular, to perform work as necessary.

Public gatherings are limited to no more than 10 persons, and it is recommended to avoid spending unnecessary time in public places. As a general guideline, persons over 70 years of age must refrain from contact with other persons to the extent possible (quarantine-like conditions), with the exception of members of parliament, the state leadership and elected officials in local government. Visits to elderly homes and homes of other at-risk groups will be prohibited.

For travel restrictions, please refer to response to Question 3.

Relevant provisions of the Emergency Power Act

- Section 86 lays down provisions on the functioning of healthcare and social welfare units.
 - For purposes of securing the health care of the population, the Government may oblige the owner or administrator of a medical or research institution or a local health centre to, for instance, expand or redirect the operations of the institution; relocate the operations of the institution in full or in part outside its regular area of operations or to operate also outside that area; and to relinquish the institution or a part thereof to state authority.
- Section 87 allows to restrict the sale of medicines, goods and services used in healthcare services (*See response to Question 8 below*).
 - For instance, to the extent appropriate, a pharmaceuticals factory or wholesaler, a pharmacy and a corporation or merchant dealing in medical supplies or services or otherwise operating in the field of health care, may be required to expand or redirect its operations or relocate its operations in full or in part outside its regular area of operations.
- Section 88 lays down provisions on healthcare and social welfare services and health protection.
 - The section allows to restrict or prohibit the performance of the statutory duties of municipalities, such as daycare or non-critical medical care.
- Sections 93-95 lay down provisions on derogations from the terms and conditions of employment relationships, restricting the right concerning dismissal and the obligation to work.
- Section 109 lays down provisions on suspension of education.
 - The premises of schools, educational institutions, universities and universities of applied sciences as well as civic education and other liberal education institutes are closed down and teaching at schools is

suspended. As an exception, however, pre-primary education organised in schools and teaching for grades 1–3 will continue for the children of parents working in sectors that are critical to the functioning of society, such as healthcare workers.

The Decrees are to be applied from 18 March 2020 until 13 April 2020.

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

According to section 87 of the Emergency Powers Act, the sale of pharmaceuticals as well as goods and services used in healthcare services may be restricted in the whole country. According to a memorandum on the Decree on the use of powers under section 87 of the Emergency Powers Act, it might become necessary to restrict export of pharmaceuticals. The government of Finland acknowledges that several other European countries have implemented such restrictions but refrains from these measures for the time being.⁹ The Emergency Act allows for further limitations to trade but decrees on the use of such power have not been issued by 19 March 2020.

⁹ More information is available in Finnish at: <https://valtioneuvosto.fi/paatokset/paatokset?decisionId=0900908f8069001a>.