

NB: Unofficial translation
Ministry of Defence, Finland

Act on Military Crisis Management
(211/2006)

Section 1 – *Scope*

- (1) This Act lays down provisions on Finland's participation in international military crisis management, on training and exercises in crisis management and on the status of crisis management personnel.
- (2) Finland may participate in international military crisis management authorized by the United Nations (UN) Security Council, or exceptionally in other international military crisis management, with the purpose of maintaining or restoring international peace and security or supporting humanitarian assistance operations or protecting the civilian population, taking into account the purposes and principles of the Charter of the United Nations (Finnish Treaty Series 1/1956) and other rules of international law (*military crisis management*).
- (3) The implementing party for crisis management referred to in this Act may be the UN, the Organization for Security and Cooperation in Europe (OSCE), the European Union (EU) or some other international organization or group of countries.
- (4) This Act does not apply to Finland's participation in military operations implemented under Article 51 of the Charter of the United Nations.

Section 2 – *Decisions on participation and on making provision*

- (1) The decision on Finland's participation in military crisis management and on the termination of such participation is taken separately in each case by the President of the Republic on the basis of a proposal put forward by the Government. The decision to place a military force on high readiness is also taken by the President of the Republic on the basis of a proposal put forward by the Government (*standby unit*).

- (2) After preparatory discussion of the matter by a joint meeting of the President of the Republic and the Cabinet Committee on Foreign and Security Policy and before the decision referred to in subsection 1 is made, the Ministry of Defence may, on the basis of the discussion, start measures to prepare and make provision for participation.
- (3) The Ministry of Defence may make decisions on minor changes concerning participation.

Section 3 – *Parliament's participation in decision-making*

- (1) Before submitting a proposal referred to in section 2 concerning Finland's participation, the Government must consult Parliament's Foreign Affairs Committee. If the proposal concerns a crisis management operation that presents a particularly demanding military challenge or an operation that is not based on a UN Security Council mandate, the Government must, before submitting its proposal, consult Parliament by providing it with a report on the matter. If the proposal concerns the assignment of no more than ten persons to military crisis management duties, the Government must provide a report on the matter to Parliament's Foreign Affairs Committee before submitting its proposal.
- (2) If plans are made for significant changes to the duties assigned to a Finnish crisis management force during the course of an operation, the Government must consult Parliament or Parliament's Foreign Affairs Committee in accordance with subsection 1.
- (3) Before submitting a proposal concerning the establishment of a standby unit, the Government must consult Parliament by providing it with a report on the matter. Before submitting a proposal on the participation of Finland in crisis management by using a standby unit, the Government must consult Parliament's Foreign Affairs Committee.

Section 4 – *Agreements concerning participation*

In order to implement international obligations, provisions may be issued by decree of the President of the Republic concerning the application of the provisions of the Agreement among the States Parties to the North Atlantic

Treaty and the Other States Participating in the Partnership for Peace regarding the Status of their Forces and its additional protocols (Finnish Treaty Series 65/1997) to a military crisis management operation or related training or exercises. Correspondingly, in order to implement international obligations, provisions may be issued by Government decree regarding the application of the Agreement concerning the status of military and civilian staff seconded to the institutions of the European Union (EU SOFA; Finnish Treaty Series 24/2006) and the Agreement concerning claims introduced by each Member State against any other Member State in the context of an EU crisis management operation (Finnish Treaty Series 25/2006) to a military crisis management operation or related training or exercises.

Section 5 – *Organization and personnel*

- (1) Finland's participation in military crisis management will be within the confines of the appropriations granted for this purpose under the main Budget titles of the Ministry for Foreign Affairs and the Ministry of Defence.
- (2) The Ministry of Defence will assign the duties required for military crisis management to the Defence Forces and will guide and supervise the military crisis management undertaken.
- (3) The Finnish crisis management organization may comprise crisis management forces, individual units and private persons. The crisis management organization is part of the Defence Forces and subordinate to the Defence Staff as provided in this Act. Operationally, the crisis management organization is subordinate to the implementing party referred to in section 1(3). The number of crisis management personnel, excluding rotation personnel and personnel in training, must not exceed 2,000 people.
- (4) Further provisions on the crisis management organization referred to in subsection 3 may be issued by Ministry of Defence decree. The administrative status and powers of the various parts of the organization are subject to confirmation by the Defence Staff.

Section 6 – *Training and exercises*

The training and exercises necessary for establishing the readiness required for military crisis management are arranged by the Defence Forces. Finnish military contingents and individual Finns may take part in training and exercises abroad. Training and exercises may also be arranged in Finland for foreign military contingents and individual foreign nationals.

Section 7 – *Crisis management personnel and required competence*

- (1) Crisis management personnel means persons who have made the service commitment referred to in section 8(1), members of the crisis management organization, rotation personnel and persons specifically assigned to carry out tasks of provision and participation.
- (2) After their service relationship begins, crisis management personnel are employed by the state, which is represented by the Ministry of Defence and the Defence Forces as provided by Ministry of Defence decree.
- (3) Persons chosen for crisis management operations must be Finnish citizens. Provisions concerning the competence required of such persons are issued by Ministry of Defence decree.

Section 8 – *Commitment to enter training or service*

- (1) In order to be accepted for training referred to in section 6 above, persons must voluntarily commit themselves to being on call and to participating in training or entering service within seven days of receiving the call. In addition, crisis management personnel may, on the basis of the commitment they have made, be placed on readiness to depart within five days as a standby unit during a period of high readiness referred to in section 2(1).
- (2) The maximum period of commitment is two years and it may be extended by a maximum of one year at a time. Training is given on a maximum of 45 days in one calendar year, including the day of arrival at and day of discharge from the place of training.
- (3) In addition to the persons referred to in subsection 1, Defence Forces personnel employed in public-service relationships may be assigned to take part in training-related duties, as part of their official duties. Provisions on the

participation of persons serving under the Conscription Act (452/1950) in training and training-related exercises referred to in this Act and in duties supporting training are laid down in the Conscription Act.

Section 9 – *Assignment to duties and commencement of service*

- (1) The crisis management force commander and persons serving in the crisis management organization in the military or service rank of general are appointed by the President of the Republic at a presidential session of the Government on the basis of a proposal put forward by the Government. The service relationship begins on the designated date and continues until further notice. Other personnel are appointed for a maximum period of one year at a time by the Ministry of Defence or, to the extent that the appointment relates to duties specified by the Ministry, by the authority responsible for appointments within the Defence Forces.
- (2) A service relationship begins when the person entering service reports for duty as specified by the Defence Staff. Personnel engaged in tasks of provision and preparation may be employed in a fixed-term service relationship for the duration of the preparations for an operation.
- (3) Unless otherwise ordered by the Defence Staff, the crisis management force commander may, before the termination of a person's service in the force, decide to extend the person's service by a maximum total of six months.
- (4) A person may be ordered to report for service or the person's service relationship may be extended only if his/her consent has been obtained through a commitment referred to in section 8 or in some other way.

Section 10 – *Termination of service*

- (1) The decision to terminate the service relationship of a crisis management force commander or of persons serving in the crisis management organization in the military rank of general is taken by the President of the Republic at a presidential session of the Government on the basis of a proposal put forward by the Government. The service relationship of the crisis management force commander will also terminate when the crisis management force is disbanded.

- (2) The service relationship of crisis management personnel other than the crisis management force commander terminates at the end of the fixed period referred to in section 9(1) or 9(2) or when participation in military crisis management is discontinued.
- (3) The Defence Staff may terminate a service relationship referred to in subsection 2 if the level of participation in crisis management is reduced.
- (4) Furthermore, the authority responsible for appointments referred to in section 9(1) above may terminate a service relationship referred to in subsection 2 of this section if the personnel member so requests for a special reason or does not fulfil his/her duties or acts contrary to them or is otherwise found unsuitable for service, or if his/her service capacity has significantly weakened as a result of illness or injury or for some other reason. Under the same conditions, the crisis management force commander has the right to terminate the service relationship of a person serving in the force.
- (5) If a person who has made the commitment referred to in section 8, having received a call, fails to enter training or service without an acceptable reason or if such a person's training or service relationship is terminated as a result of failure to fulfil obligations or he/she has acted contrary to these obligations, he/she may be obliged to pay compensation to the government as laid down by Ministry of Defence decree, up to a maximum of the compensation paid to such a person for being on call plus half of the training and arrangement costs incurred by the government.

Section 11 – *Effect of discharge on termination of service*

In cases referred to in section 10 above, a service relationship will continue until the personnel member in question has been discharged in Finland as specified by the Defence Staff. The Defence Staff may, on request by the personnel member or for some other special reason, terminate the service relationship before the person is discharged in Finland or authorize the crisis management force commander to issue such an order to a person serving in the force.

Section 12 – *Benefits payable on the basis of service*

- (1) Members of crisis management personnel are entitled to the benefits laid down in sections 13-17 and section 19 for the period of a service relationship referred to in sections 9 and 10. Personnel members are not, however, entitled to pay, daily allowance or other benefit under this Act for periods of time during which they have been absent from service without an acceptable reason or under arrest or in detention under suspicion of a crime for which they have been subsequently sentenced to punishment, or for periods of disability resulting from illness if they have intentionally or through gross negligence essentially contributed to the illness, disability or injury or hampered recuperation.
- (2) Provisions concerning benefits during training and exercises are laid down in sections 18 and 19.

Section 13 – *Basic pay*

- (1) The basic pay for crisis management personnel is determined in accordance with a remuneration system based on the difficulty rating of the duties in question.
- (2) The basic pay under the remuneration system corresponds to at least the average monthly pay based on the job-specific and personal pay components in question as agreed under collective agreements for a corresponding job in the Defence Forces in Finland.
- (3) Provisions on the remuneration system based on difficulty ratings for the duties in question and on basic pay in accordance with the difficulty ratings are issued by Ministry of Defence decree.

Section 14 – *Sick pay and maternity, paternity and parental leave*

Crisis management personnel are entitled to sick pay and maternity, paternity and parental leave under Chapter 2, section 11 and Chapter 4, sections 1-9 of the Employment Contracts Act (55/2001) unless agreement is otherwise reached on the determination of benefits in a generally applicable collective agreement concerning government employees.

Section 15 – *Daily allowance*

- (1) Crisis management personnel are paid a daily allowance determined on the basis of circumstances of service.
- (2) The daily allowance for crisis management personnel is at least 25.00 euros per service day. The amount of the daily allowance may be increased if, in evaluating the circumstances of service at regular intervals, it is found that they differ from ordinary circumstances of service.
- (3) Further provisions on increasing the daily allowance and on evaluation of the circumstances of service are issued by Ministry of Defence decree.

Section 16 – *Payment for extra service costs*

- (1) Crisis management personnel are provided with military accommodation, catering, clothing and equipment required by the assignment unless the remuneration paid by the party implementing the crisis management operation covers the costs of these.
- (2) Travel by the crisis management personnel to the mission location at the start of the service and from the mission location to the discharge location in Finland at the end of the service is arranged by the government. The government will reimburse travel costs if they are not covered by the party implementing the crisis management operation. If supply transportation is not in operation, the government will pay for at least one trip from the service location to Finland and back for each period of six months' service using the most economical flight route for the government.
- (3) Further provisions on payment of service costs in cases referred to in subsections 1 and 2 are issued by Ministry of Defence decree.

Section 17 – *Health care*

Crisis management personnel are entitled to health care as provided in the Act on the Arrangement of Health Care in the Finnish Defence Forces (322/1987).

Section 18 – *Benefits during training and exercise periods*

- (1) For participation in training and exercise referred to in section 6, persons employed by the Defence Forces and the Border Guard in public-service and contractual employment relationships are paid the amount agreed for personnel training periods in the generally applicable collective agreement for government employees.
- (2) Crisis management personnel are entitled to military accommodation, catering and clothing free of charge during training and exercise periods. The cost of travel from the place of residence to the training or exercise location at the beginning of the training or exercise period and back to the place of residence at the end of the training or exercise period is reimbursed on the same grounds that apply to government employees. A daily allowance of at least three quarters of the full daily domestic allowance applicable in Finland is paid for training and exercise periods.
- (3) The crisis management personnel of a standby unit referred to in section 2(1) are entitled to remuneration for military exercises during training and exercise periods under the collective agreement for government employees and to supplementary remuneration as agreed in such a collective agreement.
- (4) Further provisions on benefits payable for training and exercise periods are issued by Ministry of Defence decree.

Section 19 – *Special conditions concerning the service relationship*

If hiring crisis management personnel for service or keeping such personnel in service so requires, or if required for some other weighty reason, the Ministry of Defence may, within the confines of the Budget, order the application of better service relationship conditions than those laid down in sections 12-18.

Section 20 – *Compensation for injury and illness*

Provisions concerning compensation payable to crisis management personnel and persons undergoing training referred to in section 6 for military injuries or illness during service are laid down in the Military Accidents Act (1211/1990).

Section 21 – *Group life insurance*

- (1) If a person in a service relationship referred to in this Act dies, financial support corresponding to that payable under group life insurance will be paid as agreed in the collective agreement for government employees concerning benefit equivalent to group life insurance payable on the death of a government employee.
- (2) If a person in a service relationship referred to in this Act dies and such a person's beneficiaries are, on the basis of the same service relationship, entitled to compensation payable on death by the party implementing the crisis management operation, the support referred to in subsection 1 will only be paid in so far as it exceeds this compensation.
- (3) The support is granted and paid by the State Treasury on application, observing the provisions on granting and paying financial support on the death of a government employee, as applicable.

Section 22 – *Pension rights*

Provisions concerning the right to pension arising from a service relationship referred to in this Act are laid down in the State Employees' Pensions Act (280/1966) and the State Employees' Survivors' Pensions Act (774/1968). Military pension referred to in the State Employees' Pensions Act will accrue for the time served in a service relationship referred to in this Act.

Section 23 – *Service period*

Persons who have served in a service relationship referred to in this Act may count their service as time served in government employment for the purposes of accumulating seniority increment, annual holiday and other similar benefits, or for promotion purposes.

Section 24 – *Holiday compensation*

Persons not in government employment will be paid holiday compensation at the end of a service relationship referred to in this Act as provided in the Annual Holidays Act (162/2005).

Section 25 – *Leave of absence and continuation of contractual or public-service employment relationships*

- (1) Government employees are entitled to leave of absence or release from work for the duration of training or exercises referred to in section 6 or for the duration of a service relationship referred to in sections 9 and 10.
- (2) The contractual or public-service employment relationship of a person accepted for training, exercises or service must not be terminated by the person's employer on the grounds of the training, exercises or service, nor may notice be given during them. When the training, exercise or service ends or is interrupted, the person must be placed in his/her previous job or a similar job, observing the provisions of the Act on the Continuation of Contractual or Public-Service Employment Relationships of Persons Liable for Military Service who are Called to Service (570/1961), as applicable.

Section 26 – *Taxation*

- (1) Taxation of income from service under this Act is subject to the provisions of the Income Tax Act (1535/1992) and the Act on the Taxation of Non-Residents' Income and Capital (627/1978).
- (2) The daily allowance and fringe benefits that crisis management personnel and persons undergoing training or exercises referred to in section 6 are entitled to under sections 13-19 are not taxable income referred to in the Income Tax Act.

Section 27 – *Use of force*

- (1) When carrying out service duties, soldiers serving in a military crisis management operation have the right to use the necessary force for carrying out the duties.
- (2) Force may only be used to the extent necessary and for the duration necessary to carry out the task, in acceptable proportion to the goal of the operation and in accordance with the rules of engagement confirmed for the operation.
- (3) Provisions concerning excessive use of force are laid down in Chapter 4, section 6(3) and section 7 of the Penal Code (39/1889).

Section 28 – *Criminal responsibility*

- (1) Persons engaged in training or exercises referred to in section 6 above or serving in crisis management are subject to the provisions of Chapter 45 of the Penal Code. Offences referred to in the Military Court Procedure Act (326/1983) which are committed by such persons at the service location are not, however, subject to the provisions concerning offences committed during time of war. The provisions of the Military Discipline Act (331/1983) and provisions issued under it will apply to such persons, unless otherwise provided in this section.
- (2) The fixed time period laid down in Chapter 1, section 14(1) of the Coercive Measures Act (450/1987) for dealing with a detention demand concerning an apprehended individual is extended by the time taken to transport the person from the crisis management location to Finland or the time taken for the members of the court to travel from Finland to the mission location.
- (3) For persons serving in crisis management, the one fifth of average total daily pay referred to in section 2 of the Military Discipline Act is considered to be the combined total of the person's full month's service pay subject to withholding tax plus daily allowances and fringe benefits at their taxable value, divided by 150. The daily amount of a disciplinary fine for persons undergoing crisis management training is the amount of the person's daily allowance.
- (4) In addition, the provisions of the Church Act (1054/1993) apply to prosecution of a military chaplain in a general court of law.

Section 29 – *Competent court*

For personnel referred to in section 28 of this Act, the court referred to in section 5(1) of the Military Court Procedure Act is the District Court of Helsinki. When necessary, the court may also hold a session at the mission location of the crisis management organization.

Section 30 – *Compensation for damage*

- (1) Crisis management personnel are entitled to compensation from government funds for damage to their property during service duties if possession of the property was necessary for the service duties.
- (2) If the person suffering the damage has contributed to the damage or if some other circumstance unrelated to the act that caused the damage has also been a cause of the damage, the compensation may be reduced or the right to compensation refused. In addition, anything that the person suffering the damage is entitled to receive on the basis of the damage under some other legislative act or under a voluntary insurance policy may be deducted from the compensation.
- (3) The compensation may cover repair costs of the property and other expenses arising from the damage, as well as the loss in value or the full value of destroyed or lost property.
- (4) Compensation is granted and paid by the crisis management force or the Finnish Defence Forces International Centre. Compensation must be applied for in writing within one year of the occurrence of the damage. A reliable account of the occurrence of the damage must be appended to the application.
- (5) The right to receive compensation from the party responsible for the damage is transferred to the government on the date on which the decision to pay compensation to the party suffering the damage is made. The right to compensation is only transferred up to the amount of compensation that has been granted.

Section 31 – *Purpose of the crisis management personnel register and the keeper of the register*

- (1) The crisis management personnel register is a personal data file maintained through automatic data processing.
- (2) The data held in the register may be used in choosing persons for military crisis management and in planning and arranging training and service.
- (3) The keeper of the register is the Defence Staff.

Section 32 – *Data content and information sources of the register*

- (1) For the purposes of placement and training of members of or persons to be chosen for crisis management personnel, the information that may be entered in the register consists of these persons' personal codes and other necessary identification and contact data, as well as information on their occupation, family relations, civilian and military training and state of health if such information is significant in terms of the service or placement of the member of crisis management personnel concerned, and information on the time and place of completed military service, previous crisis management service and punishments and disciplinary reprimands.
- (2) For the purposes of the crisis management personnel register, the keeper of the register is entitled, secrecy provisions notwithstanding, to obtain data from the register of persons liable for military service and data referred to in section 42c(1) of the Conscription Act from the police, population register authorities and the prison authorities as well as public prosecutors.
- (3) With the express consent of the registered person, data referred to in subsection 1 may also be obtained from other registers than those referred to in subsection 2.

Section 33 – *Surrender of data, period of storage and other processing*

- (1) Crisis management personnel register data may be surrendered to the Ministry for Foreign Affairs, the Ministry of the Interior and the party implementing the crisis management operation for the purpose of choosing persons for military crisis management. Data may also be surrendered by electronic or other technical means.
- (2) Data on persons who have served in a service relationship referred to in this Act is kept in the register for a maximum period of two years after the termination of the person's last service relationship.
- (3) Otherwise, the provisions of section 42d of the Conscription Act apply to secrecy and surrender of data, and the provisions of the Personal Data Act (523/1999) to the handling of personal data.

Section 34 – *Handling of administrative matters*

The Administrative Procedure Act (434/2003) applies to the handling of administrative matters referred to in this Act.

Section 35 – *Reclamation*

- (1) The amount of a benefit based on a decision made in accordance with sections 13-19 or unjustified compensation for damages under section 30 may also be reclaimed by deducting it from a later similar benefit or from pay due to the person from the government, at the time of payment. The decision on the matter is made by the authority which granted the benefit or compensation.
- (2) No more may be reclaimed from pay or daily allowance under subsection 1 than may be recovered by law under debt recovery procedures.
- (3) When the reclamation process is started, the person concerned must be informed of the grounds for it and the amount to be reclaimed.
- (4) The reclamation process must be started in the manner laid down in this section or initiated through some other applicable procedure within three years of the end of the calendar year during which the unjustified amount was paid.

Section 36 – *Request for rectification*

- (1) Persons who consider that a benefit due to them on the basis of a decision made in accordance with sections 13-19 has not been granted to the appropriate extent, or that such a benefit or a benefit based on a decision made under section 30 has been unjustifiably reclaimed in accordance with section 35, may demand in writing rectification from the authorities within whose competence it is to grant the benefit or who have ordered the reclamation.
- (2) Requests for rectification must be made within three years of the end of the calendar year during which the benefit should have been granted or has been reclaimed.

Section 37 – *Appeal*

- (1) Persons dissatisfied with a decision referred to in sections 9(1-3), 10 or 11 or in section 30(4) or issued in respect of a request for rectification referred to in section 36(1) may appeal against such a decision as laid down in the Administrative Judicial Procedure Act (586/1996). However, appeals against decisions made by the Finnish Defence Forces International Centre or a crisis management organization are submitted to the Helsinki Administrative Court.
- (2) No appeal may be made against a decision made under section 8(1) of this Act.

Section 38 – *Entry into force*

- (1) This Act enters into force on 1 April 2006.
- (2) This Act repeals the Act on Peace Support Operations (514/1984) issued on 29 June 1984, as amended.
- (3) This Act also applies to the Finnish peacekeeping and crisis management organization existing at the time this Act enters into force.
- (4) After the entry into force of this Act, reference in some other act or decree to provisions repealed by this Act shall be taken to mean reference to this Act. After the entry into force of this Act, reference to peacekeeping activities in some other act or decree shall be taken to mean reference to military crisis management.