

Unofficial translation

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Act on the Defence Forces 11.5.2007/551

Chapter 1 — General provisions

Section 1 — Scope of application

This Act provides for the duties, authority, organization, administration, military command decision-making system and personnel of the Defence Forces.

Section 2 — Duties of the Defence Forces

The duties of the Defence Forces are:

- 1) the military defence of Finland, including the following:
 - a) undertaking surveillance of Finland's land and sea areas and airspace, and securing the nation's territorial integrity;
 - b) securing the livelihoods and basic rights of the Finnish people and the functioning of government, and defending the lawful social order;
 - c) providing military training, guiding voluntary national defence training, and promoting the will to defend the nation;
- 2) providing support for other authorities, including the following:
 - a) executive assistance to maintain public order and security, to prevent and interrupt terrorist acts, and otherwise to protect society at large;
 - b) assistance in rescue operations by contributing equipment, personnel and expert services;
 - c) participation in assisting another country in case of a terrorist attack, natural disaster, major accident or other similar occurrence; and
- 3) participating in international military crisis management.

Any other duties of the Defence Forces will be provided for separately by law.

Chapter 2 — Authority

Military defence of Finland

Section 3 — *Territorial surveillance*

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

Section 4 — *Securing the livelihoods of the Finnish people and the functioning of government, and defending the lawful social order*

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

Section 5 — *Military training*

The Defence Forces provide military training as laid down in the Conscription Act (452/1950) and the Act on Voluntary National Defence (556/2007). Military training provided at the National Defence University is provided for separately.

Section 6 — *Voluntary national defence*

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

Section 7 — *Military discipline*

The Defence Forces are authorized to use disciplinary measures as laid down in the Military Discipline Act (331/1983).

Section 8 — *Police duties*

The Defence Forces undertake police duties as laid down in the Act on Police Operations in the Armed Forces (1251/1995).

Section 9 — *Health care*

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

Supporting other authorities

Section 10 — Executive assistance to the police and the Border Guard

The Defence Forces provide executive assistance to the police for maintaining public order and security and for preventing and interrupting terrorist acts as laid down in the Act on Defence Forces executive assistance to the police (781/1980). Under the aforementioned Act, the Defence Forces are authorized under police leadership to use military force in assisting the police to prevent or interrupt a terrorist act.

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

Section 11 — Executive assistance to protect society at large

The Defence Forces may provide executive assistance to protect society at large as laid down in the Act on Combating Oil Pollution on Land (378/1974), the Act on the Prevention of Pollution from Ships (300/1979), or any other similar Act.

Section 12 — Assistance to another country

The Defence Forces may assist another Finnish authority in providing rescue or other assistance to another country in case of a terrorist attack, a natural disaster, a major accident or similar occurrence. The Defence Forces may assist by contributing equipment, material or expert assistance. Military force may not be used in providing such assistance.

The decision regarding the participation of the Defence Forces in an operation as described in subsection 1 above is taken by the Ministry of Defence at the request of the competent Ministry, after consulting the Ministry for Foreign Affairs.

If the project is extensive and an important principle is at stake, or if the significance of the matter otherwise requires, the decision regarding the participation of the Defence Forces in an operation as described in subsection 1 above is taken by the Government in general session. If the providing of

such assistance is of major foreign policy importance, the decision is taken by the President of the Republic.

The Defence Forces may not be assigned to the duties referred to in subsection 1 without the decision-making procedure referred to in subsection 2 or 3, unless the authority of the Commander-in-Chief of the Defence Forces allows otherwise.

Participation in military crisis management

Section 13 — *Military crisis management*

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

Using real property, and limitations on real property

Section 14 — *Right to use real property temporarily*

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

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

The decision regarding the temporary use of real property by the Defence Forces referred to in subsection 1 is taken by the Defence Forces' local or regional administrative authority or the leader of the military exercise in question.

The owner or occupier of the real property thus used will be compensated at fair value for any damage caused in using the property. The compensation decision, as well as the decision to temporarily use said real property, may be appealed as laid down in the Administrative Judicial Procedures Act (586/1996). Any appeal notwithstanding, the party entitled to such compensation must be paid any undisputed amount of compensation without delay.

Section 15 — *Prohibitions and restrictions on movement*

If military reasons or the protection of outsiders from harm so requires, a Defence Forces' local or regional administrative authority may prohibit unauthorized persons from accessing an area or property being used by the Defence Forces or may restrict movement there. The penalties for violating such prohibitions or restrictions are provided for in the Penal Code (39/1889).

The leader of a military exercise may impose a prohibition or restriction as referred to in subsection 1 on an area or property temporarily being used by the Defence Forces for an exercise for the purpose of materials storage, troop mustering or other activity which may cause danger to outsiders.

Permission to access or visit such an area or property will be granted if the applicant has a justified reason for accessing or visiting an area being used by the Defence Forces: work-related duties, having a home in the area or similar reason. However, permission to visit will not be granted if there is probable cause to suspect that the applicant would endanger the operations of the Defence Forces or the safety of persons in the area. A person receiving permission to access or visit an area or property used by the Defence Forces may not photograph or record in any other way sites of importance to national defence, such as command posts, radar installations or weapons systems. The permit may include regulations necessary for an operation of the Defence Forces or the safety of the applicant about where and when the permit holder may access the area, and about photography and other means of recording.

Such a permit may be revoked if:

- 1) the permit holder violates the permit regulations;
- 2) the permit holder has given misleading information about his/her reason for accessing the area;
or
- 3) the permit holder no longer fulfils the criteria for being granted a permit.

A permit to access or visit is granted by the authority referred to above in subsections 1 and 2. Decisions made by this authority as referred to in subsections 3 and 4 may be appealed as laid down in the Administrative Judicial Procedures Act. The decision concerning the revocation of the permit must be complied with, however, any appeal notwithstanding, unless the appeal authority forbids enforcement of the decision.

The permit to access or visit will be provided for in more detail by a Decree of the Ministry of Defence.

Where the area referred to above in subsection 1 is a land area, it must be marked. Prohibition notices and any other signs referred to herein may be provided for by a Decree of the Ministry of Defence.

Section 16 — *Permit and supervision register*

The permit and supervision register is a permanent, computerized, nationwide personal register. It may contain information which needs to be processed in order to issue the permits for access and visits referred to in this Act and in order to monitor prohibitions and restrictions.

The following personal information may be entered in the register concerning a person present at or seeking access to a Defence Forces site: full name, date of birth, personal identity number, gender, mother tongue, citizenship, statelessness, nationality, home country, country of birth, municipality of birth, domicile, occupation, address and telephone number or other contact information, information on whether the person is deceased, and travel document data. Information on dangerous items and substances discovered and similar information relevant to the occupational safety of Defence Forces personnel may also be entered in the register.

The following may also be entered in the register: information on whether the person has been issued a Certificate of Security Clearance as laid down in the Act on International Information Security Obligations (588/2004) and information on whether the person has been the subject of a background check as laid down in the Act on Background Checks (177/2002), when the check has been conducted and what level of check it was.

Information in the register may be disclosed for the purpose of carrying out duties specified in the Act on Police Operations in the Armed Forces.

All information on a person will be removed from the register after five years have elapsed from the last entry of information on that person.

Section 17 — *Controller of the register*

The controller of the permit and supervision register is the Defence Command, and also each administrative unit within its area of operation.

Maintaining public order and safety

Section 18 — Maintaining public order and safety in areas permanently used by the Defence Forces

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

Section 19 — Verifying identity, ejecting persons and right of apprehension

An official who is a guard officer or a duty officer has the authority to eject a person from an area permanently used by the Defence Forces and from the area referred to in section 15 if it is obvious that the person in question is not entitled to access the area and if the official has requested the person to leave. An official is also entitled to eject from such an area a person who has a permit to access the area if that person is behaving in a disruptive manner or is endangering his/her own safety or that of others. Moreover, an official discharging the aforementioned duties is entitled to question a person present in or moving in the area in order to establish that person's name, personal identity number or date of birth, nationality and passport information.

A citizen's arrest is provided for in chapter 1 section 1 of the Coercive Measures Act (450/1987). An apprehended person, unless covered by chapter 45 of the Penal Code, must immediately be turned over to the police. This also applies to an apprehended person covered by chapter 45 of the Penal Code if that person has committed a crime other than that referred to in section 2 of the Military Court Procedure Act (326/1983). If the apprehended person cannot be turned over to the police within six hours of being apprehended, the person must be released.

Section 20 — Safety inspection

An official who is a guard officer or duty officer is entitled, in connection with apprehending or ejecting a person, to inspect the apprehended person and the goods on his/her person in order to ensure that the person does not have in his/her possession any items or substances with which he/she could cause danger to himself/herself or to others. The official is entitled to confiscate any dangerous items or substances found in such an inspection. These items or substances must be returned to the inspected person when he/she leaves the area or is released, unless it would be illegal to do so.

Section 21 — *Security inspection*

An official who is a guard officer or a duty officer is entitled, using a metal detector or other technical device or a specially trained animal, to inspect any person present in or entering a Defence Forces facility, vehicle or area and, as necessary, his/her vehicle and the goods with him/her, in order to establish that he/she is not carrying any items or substances which could cause danger to public order and safety, which could be used to damage property, or possession of which is prohibited by law or by a regulation or order based on legislation. A security inspection may also be conducted on a person leaving a Defence Forces facility, vehicle or area and, as necessary, his/her vehicle and the goods with him/her, if conducting such an inspection is important for maintaining public order and safety and if there is reasonable cause to suspect that Defence Forces safety orders have been violated.

An official who is a guard officer or a duty officer is also entitled, using a metal detector or other technical device or a specially trained animal, to inspect a Defence Forces facility, vehicle or area in order to establish that there are no items or substances present which could cause danger to public order and safety, which could be used to damage property, or whose possession is prohibited by law or by a regulation or order based on legislation.

The decision to conduct a security inspection is taken by the commander of the garrison or brigade-level unit in question. The security inspection must be organized so that it does not cause unnecessary inconvenience to the person being inspected or damage to the property being inspected.

In the cases referred to above in subsections 1 and 2, any such goods may be confiscated. A memorandum must be written up concerning such confiscation, and the confiscated goods must be returned to the person in question when that person leaves the Defence Forces facility, unless it would be illegal to do so.

Section 22 — *Forcible means related to maintaining public order and safety*

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

If a person refuses to submit to the security inspection referred to in section 21, he/she may be ejected from or refused access to a Defence Forces facility, vehicle or area. In order to eject such a person from a Defence Forces facility, vehicle or area, any forcible means may be used that may be considered defensible in view of the person's behaviour and other circumstances.

The use of excess force is provided for in chapter 4 sections 6(3) and 7 of the Penal Code.

Section 23 — Use of forcible means by a soldier and a superior officer

A soldier as referred to in chapter 45 section 27 of the Penal Code who is on guard duty or is a duty officer is entitled when met with resistance to use the necessary forcible means to overcome that resistance to such an extent as can be considered defensible in view of the safety of the site or area being guarded, the nature of the soldier's post or assignment and the danger posed by the resistance. Under the aforementioned conditions, a soldier on guard duty is entitled to use forcible means also when a person, despite being ordered to halt, approaches the site or area being guarded to which access is prohibited.

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

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

The use of excess force is provided for in chapter 4 sections 6(3) and 7 of the Penal Code.

Chapter 3 — Organization and administration of the Defence Forces

Section 24 — Command and administrative units of the Defence Forces

The high command of the Defence Forces are provided for in the Constitution. The Defence Forces are administratively subordinate to the Ministry of Defence. The President of the Republic decides on matters of military command and military appointments as provided for in this Act.

The Defence Forces have a Chief of Defence; a Defence Command; an Army, a Navy and an Air Force; regional headquarters; military institutions; brigade-level units and other administrative units and territorial forces; and a National Defence University.

The Defence Forces also have garrisons, which consist of areas used by the Defence Forces and administrative units stationed in those areas.

Section 25 — *Chief of Defence*

The Chief of Defence is the immediate leader and supervisor of the Defence Forces.

The Chief of Defence handles and decides, on presentation by the Chief of Staff of the Defence Command or any official authorized by same, the administrative matters which are prescribed to him. In individual cases, the Chief of Defence may reserve decision-making authority for himself in an administrative matter prescribed for processing by the Defence Command or in a matter concerning assignment to duty prescribed for decision by another Defence Forces authority.

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

If the Chief of Defence is unavailable, the Chief of Staff of the Defence Command acts as his/her deputy. The duties of the Chief of Defence are provided for in more detail as necessary by Government Decree.

Section 26 — *Defence Command*

The Defence Command is a central government agency and the headquarters of the Defence Forces. The Defence Command leads and monitors the execution of the duties prescribed for the Defence Forces, unless otherwise provided for by authority of the Chief of Defence. The head of the Defence Command is the Chief of Staff of the Defence Command.

The Defence Command handles and decides on those Defence Forces matters which are not prescribed for handling and deciding by any other Defence Forces authority. Within the Defence Command, administrative matters are decided by the Chief of Staff of the Defence Command, on presentation, unless otherwise provided for or ordered. Matters which are to be decided in the Defence Command but which are not of material importance to the Defence Forces may be decided by officials at the Defence Command. The grounds for transferring decision-making powers are provided for by Government Decree. More detailed instructions may be issued in the Defence Command working procedures.

The exact composition and duties of the Defence Command are provided for by Government Decree.

Section 27 — *Service branches*

The Army includes Army Headquarters, military provinces, regional offices, military institutions and brigade-level units. The leader of the Army is the Chief of the Army Staff. Matters handled by Army Headquarters are decided on presentation by the Chief of the Army Staff, unless the matter is prescribed or ordered to be decided by another official. However, any matter of importance to the Army must be decided by the Chief of the Army Staff. More detailed instructions on the handling and deciding of matters at Army Headquarters are given in working procedures confirmed by the Chief of the Army Staff.

The Navy includes Navy Headquarters, military institutions and brigade-level units. The leader of the Navy is the Commander Finnish Navy. Matters handled by Navy Headquarters are decided on presentation by the Commander Finnish Navy, unless the matter is prescribed or ordered to be decided by another official. However, any matter of importance to the Navy must be decided by the Commander Finnish Navy. More detailed instructions on the handling and deciding of matters at Navy Headquarters are given in working procedures confirmed by the Commander Finnish Navy. Navy Headquarters control and monitor naval operations and measures promoting it and ensuring its safety.

The Air Force includes Air Force Headquarters, military institutions and brigade-level units. The leader of the Air Force is the Commander Finnish Air Force. Matters handled by Air Force Headquarters are decided on presentation by the Commander Finnish Air Force, unless the matter is prescribed or ordered to be decided by another official. However, any matter of importance to the Air

Force must be decided by the Commander Finnish Air Force. More detailed instructions on the handling and deciding of matters at Air Force Headquarters are given in working procedures confirmed by the Commander Finnish Air Force. The military aviation state authority is located at Air Force Headquarters as laid down in the Aviation Act (1242/2005).

Army Headquarters, Navy Headquarters and Air Force Headquarters are subordinate to the Defence Command in administrative matters pertaining to their respective branches.

Section 28 — *Local and regional administration, and territorial forces*

Finland is divided into military provinces. An operational military province headquarters is a regional administrative authority subordinate to Army Headquarters. A regional military province headquarters and regional office are regional administrative authorities subordinate to the operational military province headquarters. The division of Finland into military provinces and regional offices is provided for by Government Decree.

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

Administrative matters handled by the local and regional administrative authorities referred to above in subsections 1 and 2 are decided on presentation by the commander or head of the local or regional administrative authority, unless the matter is prescribed or ordered to be decided by another official. More detailed orders on handling and deciding matters by the local and regional administrative authorities are given in working procedures confirmed by the commander or head of the local or regional administrative authority in question.

Territorial forces are regional forces which are part of the Defence Forces. They are formed from persons liable for military service who are in the reserves and who volunteer for duty and from other volunteers who have made a commitment to the Defence Forces as specified in the Act on Voluntary National Defence. Territorial forces may be used when the Defence Forces provide executive assistance.

Section 29 — *Deciding on structure and chain of command*

The Ministry of Defence decides, on submission from the Chief of Defence or the Defence Command:

1) the placement of the Defence Command, the service branch headquarters and the National Defence University, and the establishment, placement and disbanding of military province headquarters, military institutions, brigade-level units and other units; and

2) any other changes in the structure or chains of command that have major social, financial or personnel impact.

The Chief of Defence is entitled to decide on detailed structure and chains of command in all other respects. The Ministry of Defence must be kept informed about preparations for such decisions. The division of authority between the Ministry of Defence and the Chief of Defence may be provided for in more detail by a Decree of the Ministry of Defence.

The decisions referred to above in subsections 1 and 2 may not be appealed.

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

Section 30 — *Internal organization of the Defence Forces, and military command matters*

The Defence Forces follow a military internal organization. An official holding a military post presents military command matters to be decided by the Chief of Defence or other superior officer and confirms the decision made by that superior officer.

Section 31 — *Authority of the President of the Republic in military command matters*

The President of the Republic decides on the main principles of national military defence, significant changes in military defence capability, the principles of implementing military defence, and any other extensive or fundamental military command matters involving the military operations and organization of the Defence Forces.

The President of the Republic also decides on promotions of military rank as military command matters, as provided for in this Act.

The President of the Republic may adopt decision-making power in a military command matter prescribed for the Chief of Defence or other superior officer to decide. The Chief of Defence must keep the President and the Minister of Defence informed about significant military command matters under the authority of superior officers.

Section 32 — *Decision-making procedure in military command matters*

The President of the Republic decides on the main principles of national military defence as referred to in section 31(1) on presentation by the Minister of Defence insofar as they are related to the strategic planning of the Ministry of Defence. These decisions are confirmed by the Minister of Defence. The Prime Minister and the Chief of Defence are entitled to be present and to voice their opinion on the matter in question.

The President of the Republic decides other military command matters on presentation by the Chief of Defence. These decisions are confirmed by the Chief of Defence. When a military command matter is being presented to the President, the Minister of Defence is entitled to be present and to voice his/her opinion on the matter in question. By contrast, when the Chief of Defence presents a military command matter as referred to in section 31(1), the Minister of Defence must be present and voice his/her opinion on the matter in question. The Prime Minister is entitled to be present and to voice his/her opinion on the matter in question.

The President of the Republic can, on his/her own initiative or on submission from the Minister of Defence, transfer a military command matter to be decided by the President in Government session. In such a case, the President decides the matter on presentation by the Minister of Defence without a recommendation from the Government. When a military command matter is being presented to the President in Government session, the Chief of Defence is entitled to be present and to voice his/her opinion on the matter in question.

Section 33 — *Decision-making of the Chief of Defence and other superior officers in military command matters*

The Chief of Defence decides all military command matters not prescribed to be decided by the President of the Republic, unless they are prescribed or ordered to be decided by another superior officer. A superior officer may adopt decision-making power for a military command matter prescribed for his/her subordinate to decide.

The division of authority between the Chief of Defence and lower superior officers in military command matters is provided for by a Decree of the President of the Republic.

Section 34 — *Safeguarding the interests of the State in the Defence Forces*

Safeguarding the interests of the State in matters concerning the Defence Forces are provided for by Government Decree.

Section 35 — *Emblem of the Defence Forces*

The emblem of the Defence Forces is provided for by a Decree of the President of the Republic.

The Chief of Defence may authorize a person or body outside the Defence Forces to use the emblem. Unauthorized use of the emblem is prohibited.

Chapter 4 — Defence Forces personnel

Section 36— *Personnel*

The Defence Forces employ personnel in military posts and in civilian posts. The Defence Forces may further employ personnel in fixed-term civil service employment relationships and in ordinary employment relationships. For the purposes of this Act, a ‘professional soldier’ is a person who has a military post or who is assigned to military duty in a fixed-term civil service employment relationship in the Defence Forces.

Posts in the Defence Forces are provided for in more detail by Government Decree.

Section 37 — *Qualifications for Defence Forces posts*

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

A person appointed to a military post in the Defence Forces must also have completed military service either as a conscript or in women’s voluntary military service in the Finnish Defence Forces or Border Guard and must be suitable for the post in terms of his/her health and physical condition.

More detailed requirements on special qualifications required for officials in the Defence Forces, such as training, experience and leadership skills required for superior officers' posts, are provided for by Government Decree.

Section 38 — *Appointing to a post and assigning to a duty*

The President of the Republic appoints to a post and assigns to a duty the Chief of Defence, the Chief of Staff of the Defence Command, Generals, Admirals, the Defence Forces Chief Engineer, the Defence Forces Surgeon General and the Chaplain General. The President takes the decision on appointment and assignment at a Government session on the recommendation of the Government. The President similarly assigns Defence Forces officers or special officers to the duties of Defence Attaché, Deputy Defence Attaché, Military Representative and Deputy Military Representative, and similar international duties.

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

The authority to assign to a duty officers other than those referred to in subsections 1 and 2 and to appoint and assign to a duty other Defence Forces officials is provided for by Government Decree.

Section 39 — *International duties: compensation and status*

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

The entitlement of the persons referred to above in subsection 1 to a local increase, representation allowance and relocation compensation is determined on the basis of sections 4, 6 and 7 of the Act on Compensation of Foreign Representation. The equivalence of Defence Forces posts or duties to the foreign affairs administration posts and duties is provided for in more detail by a Decree of the Ministry of Defence. Compensation is decided by the Defence Command, unless the authority is

delegated by a Decree of the Ministry of Defence to one of the service branches referred to in section 27 of this Act.

The status of the persons referred to above in subsection 1 is provided for in the Foreign Service Act (204/2000).

Section 40 — *Promoting in military or service rank*

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

Military ranks and service ranks, promotion of military rank and the granting of service rank, and the authority to promote officers to military ranks other than those referred to in subsection 1 and to grant the corresponding service rank are provided for in more detail by a Decree of the President of the Republic.

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

Section 41 — *Transferring an official to another post or duty*

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

If the transfer to another post or assignment to another duty requires the official to relocate, the official must be notified at least three months in advance.

Decisions concerning transferring to another post or assigning to a duty that would require an official to relocate may be appealed as laid down in the Administrative Judicial Procedures Act. However, the decision must be complied with the appeal notwithstanding, unless the appeal authority determines otherwise. Decisions concerning transferring to another post or assigning to a duty that do not require an official to relocate may not be appealed.

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

Section 42 — *Code of conduct*

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

Section 43 — *Soldier's basic skills and condition*

Professional soldiers are required to maintain the basic military skills and physical condition commensurate with their duties. The basic skills required for specific posts, and physical condition and fitness tests, may be provided for by a Decree of the Ministry of Defence.

Section 44 — *Reporting for duty*

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

When threats against the vital functions of society or special situations related thereto, or exceptional circumstances as laid down in the Readiness Act (1080/1991) or threat of same so require, officials must report for duty if so ordered, even if they are on annual holiday or leave of absence. Whenever such a threat or situation is apparent, officials must immediately contact their service location. The orders referred to above are issued by a competent authority in the Defence Forces.

Section 45 — *Using official dress and military uniform*

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

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

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

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

Section 46 — *Training allowance and service period compensation for persons in fixed-term military posts*

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

If a person who has been paid training allowance or service period compensation is appointed to another, permanent Defence Forces post on the basis of training provided by or fully paid for by the Defence Forces within one year of the end of the fixed-term employment relationship, up to one

half of the benefits paid may be reclaimed as laid down in sections 60 and 61 of the State Civil Servants Act (750/1994).

Section 47 — *Compulsory retirement age and right to continue service beyond compulsory retirement age*

The compulsory retirement ages for various military posts are:

- 1) 63 years for the Chief of Defence;
- 2) 60 years for the Chief of Staff of the Defence Command, Generals, Admirals, Colonels and Captains (Navy), and other military posts comparable to these as provided for in more detail by Government Decree, except in case of posts requiring pilot training 55 years for Generals and 52 years for Colonels; and
- 3) 55 years for other military posts, except in the case of posts requiring pilot training 45 to 50 years depending on the training and experience of the person in question.

How training and experience should be taken into account in determining the compulsory retirement age is provided for in more detail by Government Decree. The Chief of Defence specifies which posts require pilot training, based on principles confirmed by the Ministry of Defence. The Defence Command decides on the compulsory retirement age for persons holding such posts.

The Defence Command may, for compelling reasons and with the agreement of the official in question, decide that an official may continue serving in his/her present post for a predetermined period beyond the compulsory retirement age, though no further than when he/she turns 68 in the case of an official or 55 in the case of an official in a military post.

The decision to allow an official to continue serving as referred to above must be made before the official in question reaches the compulsory retirement age. In this case, the employment relationship will expire without notice being given once the predetermined period referred to in subsection 3 has expired.

Section 48 — *Suspending a professional soldier from duty*

A professional soldier who substantially or repeatedly violates or neglects his/her official duties may be suspended for a period of no less than one month and no more than six months, unless a

caution or other measure is considered sufficient with regard to the seriousness or repetition of the act or negligence in question. Pay is discontinued for the duration of the suspension.

Suspension is decided by the authority who made the appointment to the post. If that authority is the President of the Republic or the Government, suspension is decided by the Ministry of Defence. The competent authority must file for suspension within three months of being made aware of the existence of circumstances that might constitute grounds for suspension of the official in question.

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

The appeal procedure for a decision concerning the suspension referred to in subsection 1 is provided for in the State Civil Servants Act.

Chapter 5 — Penalties

Section 49 — Unlawful use of the Defence Forces emblem

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

Chapter 6 — Entry into force and transitional provisions

Section 50 — Entry into force and transitional provisions

This Act enters into force on 1 January 2008.

Measures necessary for the implementation of this Act may be taken before the Act enters into force.

By way of derogation from the provision of section 37(2), a person holding a Defence Forces military post on 31 December 2007 may continue to serve in that post even if he/she has not completed

military service as a conscript or women's voluntary military service in the Finnish Defence Forces or the Border Guard.

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

References in other acts or decrees to an Army Command or its headquarters shall be construed after the entry of this Act into force to refer to the operational military province headquarters, while references to a military province headquarters shall be construed to refer to a regional military province headquarters or regional office.

Section 51 — *Repealing clause*

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

Section 52 — *Decrees remaining in force*

The following Decrees issued on the basis of the Act hereby repealed will remain in force:

- 1) Decree of the Ministry of Defence on compensating training expenses (77/2002); and
- 2) Decree on the National Defence University (668/1992).

(HE 264/2006, PuVM 2/2006, EV 298/2006)