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Act on Voluntary National Defence (556/2007)

**Administrative sector: Ministry of Defence
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Act on Voluntary National Defence (556/2007)

Chapter 1 — General provisions

Section 1 — Purpose of the Act

This Act provides for voluntary national defence organized under the supervision and guidance of the authorities, and intended to develop the capability of citizens and the authorities to participate in aiding society at large in cases of serious disruption and exceptional circumstances. The Act is further intended to promote national defence capacity.

Section 2 — Military training and training contributing to military capability

Military training as referred to in this Act means training provided to improve military skills and unit operations in combat or other armed conflicts, using Defence Forces weapons, ammunition or explosives.

Training contributing to military capability as referred to in this Act means other voluntary national defence training.

Chapter 2 — Organizational provisions

Section 3 — Management and supervision by the authorities

Voluntary national defence and the coordination of voluntary national defence measures in various administrative sectors fall within the purview of the Ministry of Defence.

It is the duty of the Ministry of Defence to manage and supervise voluntary military training.

It is the duty of the Defence Command of the Defence Forces to manage the military duties involved in voluntary national defence training and to control, support and supervise all other activities involved.

The Border Guard may participate in promoting voluntary national defence.

Section 4 — Advisory Board

In coordinating, controlling and developing voluntary national defence, the Ministry of Defence is assisted by an Advisory Board for Voluntary Defence, which operates in connection with the Ministry.

The Government appoints the chair and deputy chair of the Advisory Board and its other members and personal deputy members for each term of office. The current balance of parties in Parliament must be taken into account in the composition of the Advisory Board.

The Advisory Board may invite permanent expert members to join it and may appoint regional or sector-specific advisory boards. The duties, composition and organization of the Advisory Board and the regional and sector-specific advisory boards are provided for by Government Decree.

Section 5 — Cooperation agreements

The authorities and organizations participating in voluntary national defence cooperate with the Ministry of Defence. The authorities and organizations may enter into agreements concerning the terms and procedures of this cooperation.

Chapter 3 — National Defence Training Association of Finland

Section 6 — National Defence Training Association and its purpose

The National Defence Training Association of Finland (MPK) is an association under public law and the nationwide coordinating body for voluntary national defence.

The purpose of the National Defence Training Association is to promote national defence through training, publicity and education. The association may have local and regional units.

The National Defence Training Association may obtain rights, make commitments and appear before a court or other authority as a party as provided for in the case of a registered association in section 6(1) of the Associations Act (503/1989).

Section 7 — Duties

The public administration duties of the National Defence Training Association are:

- 1) to organize military training and training contributing to military capability as part of voluntary national defence, and to provide publicity and education related to voluntary national defence;
- 2) to improve the potential for women to participate in voluntary national defence and to organize military training and training contributing to military capability to this end;
- 3) to control, support and coordinate national defence training provided by its member organizations.

In addition to the duties specified above, the Association may organize security, preparedness, leadership and instructor training, submit initiatives and otherwise contribute to national defence as its by-laws stipulate.

Section 8 — *Members*

A general meeting of the National Defence Training Association may accept as a member of the Association any nationwide association whose duties or sphere of operations include or closely involve the promotion of national defence.

Section 9 — *Governing bodies*

The governing bodies of the National Defence Training Association are the general meeting and the board of directors. The Association has an executive director.

The board of directors consists of a chair, a deputy chair and seven other members. The chair and four of the ordinary members are appointed by the Government in general session. The general meeting of the Association elects the deputy chair and the other ordinary members on a motion by the member organizations of the Association. A personal deputy member is appointed or elected for each member. The chair, deputy chair and other members are appointed or elected for a term of two calendar years, though any individual person may not be a member of the board of directors for more than two consecutive terms.

The Association has a central office. It may also have regional offices and training and support units.

Section 10 — *Duties of the governing bodies*

At a general meeting of the Association, the following must be decided:

- 1) approval of the general principles of the Association's operations and finances;
- 2) approval of the annual accounts, and discharge from liability granted to the members of the board of directors and the executive director;
- 3) the membership fee, if any, for the following year;

- 4) approval of the annual report, accounts and auditors' report for the preceding year, and the operating plan and budget for the following year;
- 5) election of the deputy chair of the board of directors and those ordinary members who are elected by the general meeting of the Association as per section 9(2);
- 6) election of the auditor and deputy auditor;
- 7) the fees of the chair, deputy chair and members of the board of directors and of the auditors for the following year;
- 8) accepting and dismissing members of the National Defence Training Association;
- 9) confirming the by-laws and working procedures of the National Defence Training Association.

The duties of the board of directors are:

- 1) to prepare matters on the agenda of the general meeting of the Association and to implement the decisions of that meeting;
- 2) to hire and dismiss the executive director and other senior officials, to determine their pay and to appoint a substitute executive director;
- 3) to exercise the highest decision-making power in the National Defence Training Association in any matters which do not come under the competence of the general meeting of the Association as per subsection 1.

The duties of the executive director are:

- 1) to lead and develop the Association and its operations in accordance with the working procedures;
- 2) to ensure proper management of the assets and finances of the Association;

- 3) to prepare and present matters on the agenda of meetings of the board of directors;
- 4) to implement decisions taken by the board of directors;
- 5) to carry out any other executive duties that do not come under the competence of the board of directors.

The duties of the general meeting of the Association and the board of directors may be further specified in the by-laws of the Association.

Section 11 — *Funding*

The central government budget contains an annual appropriation for providing government grants to the National Defence Training Association for operating costs incurred in its management of public administration duties under section 7(1). Government grants will not be provided to cover costs incurred through military training commissioned by the Defence Forces. Government funds must be accounted for separately from the Association's other funds.

The government grants provided to the National Defence Training Association are governed by the Act on Discretionary Government Transfers (688/2001). The State aid authority is the Ministry of Defence.

The training activities of the National Defence Training Association are financed with funds obtained from output fees and eventual membership fees and from other funds allocated to this purpose.

The National Defence Training Association may charge fees for its outputs. The imposing of fees and the general basis for the level of those fees are governed by the Act on Criteria for Charges Payable to the State (150/1992).

Section 12 — *Liability for damage of board members, officers and employees of the Association*

In addition to what is provided for in section 39 of the Associations Act, any board member, officer or employee of the National Defence Training Association must compensate for damage caused to

the Association, one of its members or any other party through violation of the provisions of this Act or any legislation or regulations issued on the basis of it.

In all other respects, the provisions of chapter 4 of the Tort Liability Act (412/1974) regarding an employee's liability for damage apply to a board member, officer or employee of the National Defence Training Association.

Section 13 — *Procedure in public administration duties, and official liability under criminal law*

The execution of public administration duties of the National Defence Training Association must comply with the Administrative Procedure Act (434/2003), the Language Act (423/2003), the Act on the Openness of Government Activities (621/1999) and the Archives Act (831/1994).

When board members, officers or employees of the National Defence Training Association are executing public administration duties entrusted to the Association under this Act, the provisions regarding official liability under criminal law apply to them.

Section 14 — *Applying the provisions of the Associations Act*

The provisions of sections 6(2), 8, 9, 11 to 17, 20, 22, 24, 25(2), 26 to 34, 35(1-2), 36, 37 and 39 of the Associations Act also apply to the National Defence Training Association as applicable.

Section 15 — *Audits and accounting*

The provisions of the Accounting Act (1336/1997) apply to the bookkeeping and accounts of the National Defence Training Association.

The administration and accounts of the National Defence Training Association must be audited by two auditors who are either Authorized Public Accountants (KHT) or auditing firms or Chartered Public Finance Auditors (JHTT). One of the auditors is elected by the general meeting of the Association, and the other is appointed by the Ministry of Defence. A deputy auditor is elected or appointed for both auditors. In other respects, the provisions of the Audit Act (936/1994) apply to audits of the Association.

Section 16 — *Fiscal supervision*

The Ministry of Defence controls and supervises the finances of the National Defence Training Association.

The National Defence Training Association draws up an operational and financial plan to support the effectiveness of its operations which are financed with government grants and a description of the impact of the transfer expenditure allocated to it and of the effectiveness of the operations financed with it.

Regarding its duties specified in section 7(1), the National Defence Training Association is subject to the supervision and inspection of the bodies generally responsible for supervising and inspecting central government finances.

Chapter 4 — Voluntary military training

Section 17 — *Providing military training*

The Defence Forces may provide military training to volunteers aged 18 or more by organizing exercises or by obtaining services from the National Defence Training Association as agreed separately. However, military training for formations larger than a basic unit, coaching units for operations, and the organization of combat target practice may only be provided by the Defence Forces. A basic unit is a company-level unit.

Voluntary military training must be held on training grounds used by the Defence Forces.

More detailed provisions regarding the practical organization of military training may be given by a Decree of the Ministry of Defence.

Section 18 — *Voluntary exercises organized by the Defence Forces and the Border Guard*

In addition to the reservist training and extra service referred to in the Conscription Act (1438/2007), persons liable for military service in reserve and women who have completed military service as per the Act on Voluntary Military Service for Women (194/1995) may participate in vol-

untary exercises organized by the Defence Forces. During this service, provisions regarding soldiers in other legislation apply to them. (1140/2007)

The purpose of voluntary exercises is to maintain military skills and knowledge gained during military service, to train persons liable for military service for more demanding duties, to instruct persons liable for military service in changes that have occurred in national military defence, and to exercise troop formations in their designated structure.

The Border Guard may also organize voluntary exercises as referred to in subsection 2. The provisions of this Act regarding the Defence Forces also apply to the Border Guard as applicable.

Section 19 — *Right to participate in voluntary exercises*

Women who are at least 18 but not yet 60 years of age and who in terms of their health and other personal characteristics are suitable may participate in the voluntary exercises organized by the Defence Forces referred to in section 18. Similarly, men who are at least 18 but not yet 60 years of age and who in terms of their health and other personal characteristics are suitable may participate in the voluntary exercises organized by the Defence Forces even if they have not completed military service or are no longer in the reserve.

The persons referred to in subsection 1 above are engaged in the exercises in duties requiring special expertise and in supply, health care, communications, training, clerical and similar support duties.

Section 20 — *Military training and training contributing to military capability organized by the National Defence Training Association*

The National Defence Training Association organizes military training commissioned by the Defence Forces. Any training where Defence Forces weapons, ammunition or explosives are used must be conducted by Defence Forces personnel and must comply with all current Defence Forces ordinances, safety regulations and other standing orders.

Also, the National Defence Training Association may organize training contributing to military capability for persons aged 18 or more.

The National Defence Training Association may agree with its member organizations on the organizing of other kinds of training.

Section 21 — Instructors and field shooting practice leaders in military training organized by the National Defence Training Association

Only Defence Forces personnel or persons approved as instructors by the Defence Forces may act as instructors and leaders of field shooting practice. The Defence Forces may approve as instructors or leaders of field shooting practice for occasions referred to in section 20(1) persons who have leadership or instructor training obtained through the Defence Forces or activities of the National Defence Training Association and have demonstrated in practice that they are qualified to organize field shooting practice in the Defence Forces and are otherwise considered suitable for these duties. Such persons may also be authorized to use Defence Forces combat materiel in exercises. This materiel includes automatic weapons, mines, rocket launchers and similar light weapons. Military training and field shooting practice using Defence Forces weapons must in all cases be conducted under the management and supervision of military authorities.

Section 22 — Training notification

The National Defence Training Association must submit a notification on the organizing of any training of the kind referred to in section 20, and similar training organized by its member organizations, annually to the competent military authority as agreed in the training plan that must be drawn up. The Defence Forces are entitled to receive from the aforementioned organizations information concerning their training activities for the purpose of carrying out their duties under this Act.

The notification obligation does not apply to normal competitions, sports events or educational events, nor to training and instruction related to the internal affairs of the organizations.

Chapter 5 — Other voluntary national defence activities

Section 23 — Participating in the providing of executive assistance by the Defence Forces

Persons who have made the commitment referred to in chapter 6 of this Act may be used by the Defence Forces for the rescue assignments referred to in the Act on the Defence Forces (551/2007) and when providing executive assistance to the police as per the Act on Defence Forces executive assistance to the police (781/1980).

The executive assistance detachment must be led by a person holding a military post with the Defence Forces.

However, persons who have made the aforementioned commitment may not be used for duties specified in section 4 of the Act on Defence Forces executive assistance to the police.

Persons participating in providing executive assistance are subject to the provisions of chapter 45 section 1(1) and 1(2) paragraph 2, and chapter 45 sections 2 to 8, of the Penal Code (39/1889). These provisions apply to these persons from the moment the executive assistance assignment begins to the moment it ends.

Section 24 — *Other assistance*

The use of volunteers, both persons and organizations, in rescue and salvage duties and to assist the police is provided for in section 7 of the Rescue Act (468/2003), section 6 of the Maritime Rescue Act (1145/2001) and section 45a of the Police Act (493/1995).

Section 25 — *Other activities of organizations*

The National Defence Training Association and its member organizations may, according to their by-laws, organize educational events on security matters, organize fitness training and provide other necessary preparedness and leadership training in their respective domains.

Voluntary national defence organizations maintain national defence will and skills and also uphold the legacy of the war veterans.

Section 26 — *Preparedness*

The Defence Forces and other competent authorities may agree with the National Defence Training Association and its member organizations on preparedness activities aimed at their members. In relation to this, organization members may be requested to assist the authorities in their duties.

Section 27 — *Readiness*

The Government may decide in general session that the Defence Forces may order into extra service and service during mobilization as per the Conscription Act any persons referred to in section 19 who have professional expertise or voluntarily obtained training for a specific duty in exceptional circumstances and who have given a commitment to the Defence Forces as per section 28, even if they have not completed military service as a conscript or women's military service as per the Act on Voluntary Military Service for Women.

The National Defence Training Association will continue its operations in the exceptional circumstances referred to in section 2 of the Readiness Act (1080/1991).

Chapter 6 — Commitment provisions

Section 28 — *Commitment to training and assignments*

A Finnish citizen may submit a written commitment to the Defence Forces whereby he/she will participate in voluntary exercises organized by the Defence Forces and training commissioned by the Defence Forces from the National Defence Training Association, and in the duties specified in sections 23 and 27 above, for a fixed period of no less than two years and no more than six years at a time. Persons making a commitment to training and support duties of the Association or to duties of member organizations of the Association submit the commitment to the Association. A person must be 18 years of age or older in order to make a commitment. Persons aged more than 60 years may not make a commitment to Defence Forces duties.

Persons who wish to make the commitment referred to in subsection 1 may notify either the Defence Forces or the National Defence Training Association, which must duly pass on the notification to the Defence Forces.

Volunteers only have an obligation to undertake duties within Finland's territory. A volunteer may only be assigned to executive assistance duties outside Finland's borders with the consent of the volunteer himself/herself.

Section 29 — *Accepting the commitment*

The Defence Forces or the National Defence Training Association approve, at their discretion, the commitment referred to in section 28(1). The content of this commitment and how it is to be submitted is provided for in more detail by a Decree of the Ministry of Defence.

The Defence Forces may subject a person submitting a commitment to a health examination or otherwise determine that person's fitness for service as per the Conscription Act. A person submitting a commitment must submit relevant information on his/her state of health to the Defence Forces for the purpose of determining fitness for service.

If the Defence Forces or the National Defence Training Association decide to deny a submitted commitment, they must give the reasons for doing so. Decisions regarding a commitment, whether accepting or denying, may not be appealed.

Section 30 — *Cancelling a commitment and acceptance of a commitment*

A person submitting a commitment as referred to above in section 29(1) is entitled to cancel the commitment effective one month from submitting the cancellation. However, a commitment may not be cancelled during exceptional circumstances as defined in section 2 of the Readiness Act.

The party accepting the commitment may cancel the acceptance if the person in question clearly has not fulfilled his/her duties under the commitment or has acted materially in breach of them or is observed to lack essential prerequisites needed to carry out the duties.

A decision concerning the cancellation of the acceptance of a commitment may be appealed as per the Administrative Judicial Procedure Act (586/1996).

Section 31 — *Reserving and assignment*

The Defence Forces may reserve and assign a person whose commitment has been accepted to duties in a wartime formation of the Defence Forces. The Defence Forces may further reserve and assign to appropriate duties in exceptional circumstances any persons proposed by the National Defence Training Association and its member organizations who are involved in their activities.

Commitment to voluntary national defence as referred to in this Act does not prevent the person submitting the commitment from being reserved for duties under other legislation.

Chapter 7 — Rights and obligations

Section 32 — Obligations of persons who have made a commitment

A person whose commitment has been accepted is obliged to comply with a summons to exercises issued by a military authority and any similar order, if there is no legal obstacle to doing so. If the exercise takes place during working hours, the person must submit written approval from his/her employer as necessary.

A person whose commitment has been accepted is obliged to perform his/her duties appropriately and without delay and to comply with any instructions and orders pertaining to it. He/she must also conduct himself/herself in a manner consistent with his/her duties.

A person whose commitment has been accepted may not use to his/her benefit or unlawfully disclose to others any information which by law must be kept confidential and which he/she obtains while performing duties specified under this Act.

Section 33 — Equipment issued for personal use

The Defence Forces may issue persons whose commitment has been accepted personal equipment for the purpose of carrying out duties specified in this Act, but not Defence Forces weapons, ammunition or explosives. Equipment issued for personal use must be maintained with care and must be returned when the commitment period expires.

The person is liable to compensate for any damage caused to the equipment if he/she has not maintained or used the equipment with such care as can be reasonably required of him/her considering the circumstances.

Section 34 — *Financial benefits*

Persons participating in voluntary exercises organized by the Defence Forces, in training commissioned by the Defence Forces from the National Defence Training Association, and in duties referred to in sections 23 or 27 are entitled to:

- 1) military quartering, meals and clothing free of charge;
- 2) a daily allowance for each service day of training, exercise, or duties as per section 23 or 27, at least equal to the minimum daily allowance payable to conscripts in military service; moreover, persons participating in executive assistance as per section 23 are entitled to compensation for each service day equal to the reservist's pay paid to persons participating in reservist training as per the Conscription Act;
- 3) travel provided by the government to the service location at the beginning of the service and from the service location to the point of discharge, or compensation from the government for travel costs if the person organizes transport himself/herself.

Voluntary national defence training provided or commissioned by the authorities is free of charge for participants.

The amount of the daily allowance, the manner of its payment and the compensation for travel costs are provided for in more detail by a Decree of the Ministry of Defence.

Section 35 — *Social benefits*

Persons participating in voluntary exercises organized by and field shooting practice supervised by the Defence Forces and in training commissioned by the Defence Forces from the National Defence Training Association, and in duties referred to in sections 23 or 27, are entitled to:

- 1) health care as per the Act on Arranging Health Care in the Defence Forces (322/1987);
- 2) compensation for an accident or service illness as per the Military Accidents Act (1211/1990);
- 3) financial support equivalent to the benefit from group life insurance as per the Act on financial support payable on the death of a person liable for military service (1309/1994).

The National Defence Training Association must otherwise ensure that participants in training or exercises organized by the Association have sufficient insurance cover.

Section 36 — *Reclaiming benefits*

Any unfounded benefits paid under section 34 may be reclaimed. No more may be distrained from the daily allowance than may by law be distrained from wages.

When reclaiming action is being initiated, the justification for it and the sum being reclaimed must be communicated to the person in question.

The authority that paid the benefit must initiate reclaiming action within three years of the end of the calendar year during which the unfounded benefits were paid. After this, the right to reclaim expires.

Section 37 — *Compensation for damage incurred in connection with training and certain other duties referred to in this Act*

Liability for damage caused during voluntary exercises organized by and field shooting practice supervised by the Defence Forces, training commissioned by the Defence Forces from the National Defence Training Association, and duties referred to in sections 23 or 27 of this Act remains with the government as per the Tort Liability Act.

The provisions of chapter 4 of the Tort Liability Act concerning the liability for damage of persons liable for military service apply to the liability for damage of persons participating in the training and other activities referred to above in subsection 1.

Section 38 — *Incentive system*

Participation in voluntary training or in executive or other assistance duties may be taken into account when promotion and other forms of recognition are being considered. More detailed instructions on an incentive system for volunteers may be given by an order of the Defence Command.

Chapter 8 — Registration

Section 39 — *Entry in the register of persons liable for military service*

Information on persons who notify the Defence Forces as per section 28(2) and who submit a commitment as per section 28(1) concerning participation in voluntary exercises organized by the Defence Forces and training commissioned by the Defence Forces from the National Defence Training Association, and in duties referred to in sections 23 and 27, is entered into the register of persons liable for military service referred to in chapter 10 of the Conscription Act. Unless otherwise provided in this Act, the provisions of chapter 10 of the Conscription Act apply to this registration. (1140/2007)

Information concerning a commitment is removed from the register no later than one year after the person in question is no longer in the reserve or the home reserve. Information concerning a commitment by a person referred to in section 19 is removed no later than one year after the expiry of the commitment period.

Section 40 — *Entry in the register of the National Defence Training Association*

The National Defence Training Association keeps a register of persons who have submitted a commitment to the duties of the Association and persons who have participated in training. The Association may enter in the register, for the purposes of managing its duties as per section 7, 27 or 28, a person's basic information: full name, personal identity number, gender, mother tongue, citizenship, occupation, education, participation in training and other activities organized by the Association, family status, provision for under-aged children, home municipality, address and telephone number or other contact information, military rank, service branch, specialization, valid permits and rights, driving licence, special skills, leisure pursuits relevant for the Association's activities, availability, membership of national defence organizations, and decorations.

Unless otherwise provided in this Act, the processing of personal data is governed by the Personal Data Act (523/1999) and the Act on the Openness of Government Activities.

Information concerning a commitment is removed from the register no later than one year after the commitment period has expired.

The categories of information and the keeping of the register specified in subsection 1 may be provided for in more detail by a Government Decree.

Section 41 — *Disclosure of information*

The National Defence Training Association is entitled, in addition to what is provided in other legislation, to obtain basic information on persons liable for military service from the register of persons liable for military service, confidentiality provisions notwithstanding, for the purpose of organizing voluntary national defence training.

In addition to what is provided in the Act on the Openness of Government Activities, basic information on persons participating in voluntary national defence and information on their assignments may be disclosed from the register of the National Defence Training Association, confidentiality provisions notwithstanding, to the Defence Forces and the rescue authorities for the purpose of assessing the assignment of those persons under exceptional circumstances.

The controllers of the registers referred to above in subsections 1 and 2 are entitled to obtain information from one another over a technical link without charge or at cost price with regard to the cost of extracting said information, as agreed with the controller in question. Before disclosing information over a technical link, the controller must be presented with a report on how the information will be safeguarded as per section 32(1) of the Personal Data Act.

Chapter 9 — Miscellaneous provisions

Section 42 — *Annual report*

The Defence Command must submit to the Ministry of Defence and to the Advisory Board on Voluntary Defence referred to in section 4 an annual report on the voluntary training and the use of volunteers in providing executive assistance provided for in this Act. For this purpose, the Defence Command is entitled to obtain information necessary for supervision from the National Defence Training Association, confidentiality provisions notwithstanding.

Section 43 — *Entry into force*

This Act enters into force on 1 January 2008.

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

Section 44 — *Transitional provisions*

When this Act enters into force, the member organizations of Maanpuolustuskoulutus ry. [also known in English as the National Defence Training Association] may, without submitting a separate application, become members of the National Defence Training Association. Member organizations must notify the Association of this within three months of the entry of this Act into force.

The National Defence Training Association continues the activities of Maanpuolustuskoulutus ry. in accordance with this Act. The Association assumes all the assets, liabilities, agreements, other commitments and other rights and obligations of Maanpuolustuskoulutus ry.

Personnel employed by Maanpuolustuskoulutus ry. will become personnel employed by the National Defence Training Association, with their benefits and obligations intact.

Helsinki, 11 May 2007