

Emergency Powers Act

(1080/1991; AMENDMENTS UP TO 696/2003 INCLUDED)

Chapter 1 — Purpose of the Act

Section 1

- (1) The purpose of this Act is to secure the livelihood of the population and the national economy, to maintain legal order and constitutional and human rights, and to safeguard the territorial integrity and independence of Finland in emergency conditions. (198/2000)
- (2) The present Act shall only apply during a state of defence, as referred to in the State of Defence Act (1083/1991), in so far as the State of Defence Act does not otherwise provide for wartime conditions.

Section 2

For the purposes of this Act, emergency conditions are:

- (1) an armed attack against Finland, as well as war and the aftermath of war;
 - (2) a serious violation of the territorial integrity of Finland and a threat of war against the country;
 - (3) war or a threat of war between foreign countries and a serious international crisis implying the threat of war and requiring immediate action for the increase of the defensive readiness of Finland, as well as other specific conditions outside Finland having a comparable effect, if they may pose a grave danger to the foundations of national existence and well-being referred to in section 1(1); (198/2000)
 - (4) a serious threat to the livelihood of the population or the foundations of the national economy brought about by hampered or interrupted import of indispensable fuels and other energy, raw materials and goods or by a comparable serious disruption of international trade; and
 - (5) a catastrophe,
- provided the authorities cannot control the situation with regular powers.

Chapter 2 — Decision-making

Section 3

- (1) In emergency conditions the Government may be authorised by Presidential Decree to use the emergency powers provided in chapter 4. (198/2000)
- (2) The Decree shall be issued for a fixed period which may not exceed a year at a time. The Decree shall indicate the emergency powers that the Government is authorised to use and, if they are not to be used throughout Finland, their territorial limits.
- (3) The Decree shall be immediately submitted to the Parliament. The Parliament shall decide whether the Decree is to apply as such or whether it is to be repealed in full or in part and whether it is to remain in force for the period provided or for a shorter period.
- (4) When the Parliament has made the decision referred to in paragraph (3), the Government may begin to use the emergency powers in so far as the Parliament has not decided that the Decree is to be repealed.

Section 4

- (1) If the procedure provided in section 3(3) and (4) cannot be complied with without seriously compromising the achievement of the purpose of this Act, it may be provided by Presidential Decree that the Government may immediately begin to use the emergency powers indicated in the Decree. (198/2000)
- (2) Such a Decree shall not remain in force for longer than three months and it shall be immediately submitted to the Parliament. If the Decree has not been submitted to the Parliament within one week of its issue, the Decree shall lapse. The Decree shall be repealed if the Parliament so decides.

Section 5 (198/2000)

If the emergency conditions continue and it is necessary for the achievement of the purpose of this Act to extend by Presidential Decree the period during which the Government is authorised to use the emergency powers, and if the Parliament has not made a decision referred to in section 3(3) on the new Decree before the period provided in the Decree in force ends, even though the new Decree has been submitted to the Parliament at the latest two weeks before the said time, the Government may use all the emergency powers provided in the new Decree. After the Parliament has made a decision on the new Decree, the provisions in section 3(4) shall apply.

Section 6 (198/2000)

The Government Decrees and Decisions, issued in the events referred to in sections 3—5 of this Act and relating to the use of the emergency powers provided in chapter 4, shall be immediately submitted to the Parliament. They shall be repealed if the Parliament so decides.

Section 7 (198/2000)

- (1) The Presidential Decree referred to above in sections 3—5 and the Government Decrees and Decisions referred to in section 6 shall be repealed after the end of the emergency conditions.
- (2) If the preconditions for the use of a given emergency power provided in chapter 4 cease to exist, the provisions in the Presidential Decree authorising its use and the corresponding provisions in the Government Decree shall be repealed.
- (3) When a Government Decree referred to in section 6 is repealed in full or in part, also the decisions which are based on it shall cease to apply.

Chapter 3 — **General Principles**

Section 8

The Government shall be authorised to use only those emergency powers that are indispensable for the achievement of the purpose of this Act. The emergency powers shall be used and implemented only in ways that are indispensable for the achievement of the purpose of this Act.

Section 9 (198/2000)

- (1) In emergency conditions the constitutionally protected or other rights of a person shall not be restricted more than what is absolutely necessary for dealing with the situation.
- (2) In the Presidential Decrees and Government Decrees relating to emergency powers based on this Act and in the use and implementation of those emergency powers no one shall without an acceptable reason be differentiated on the basis of sex, age, origin, language, religion, conviction, opinion, state of health, handicap or other personal reason.
- (3) The constitutionally protected right to life and personal integrity and freedom of religion and conviction shall not be restricted on the basis of this Act nor shall anyone be treated in a manner degrading their human dignity.
- (4) The constitutionally protected freedoms of speech, assembly, demonstration and association, the secrecy of correspondence, telecommunications and other confidential messages, the right to use one's own language before the authorities

and the right to a fair trial shall not be restricted on the basis of this Act except in the event of an armed attack against Finland and in time of war. Personal liberty shall not be restricted on the basis of this Act, except for sections 22, 22a and 23.

Section 10

The application of this Act shall be subject to the restrictions of the scope of the law of Finland based on international agreements binding on Finland and on the generally accepted rules of international law.

Chapter 4 — **Emergency Powers**

Supervision and Regulation

Section 11 (696/2003)

- (1) For the purposes of sections 12 and 12a of this Act:
 - (1) *a resident of Finland* means natural or legal persons whose place of residence is in Finland, as well as foreign subsidiaries located in Finland;
 - (2) *a resident of a foreign country* means natural or legal persons whose place of residence is not in Finland, as well as Finnish subsidiaries located in a foreign country;
 - (3) *currency* means bank notes, coins commonly used in payment transfers, electronic money, bank drafts, cheques and other comparable payments, and *foreign currency* means currency which is in foreign denomination or comprises the right to pay in foreign currency;
 - (4) *a security* means a security referred to in the Securities Markets Act (495/1989) and a standardised derivatives contract, a comparable derivatives contract as well as other derivatives contracts referred to in the Act on Trading in Standardised Options and Futures (772/1988); and *a foreign security* means a security issued by a resident of a foreign country and the right pertaining to such securities;
 - (5) certificates of claim mean promissory notes, bills of exchange, certificates of deposit, bankbooks and other comparable bonds.
- (2) The Government may issue decrees according to which an international financial or other institution whose place of residence is in Finland may also be defined as a resident of a foreign country.
- (3) The provisions in sections 12 and 12a of this Act on securities shall be applied correspondingly to book entries referred to in the Act on the Book-Entry System (826/1991).

Section 12 (696/2003)

- (1) The Government may issue decrees:
 - (1) to prohibit the export and import of securities, currency and bonds or that they shall be allowed under the conditions set by Government and only on the authorisation of a specified state authority;
 - (2) to oblige a resident of Finland, in return for compensation, to hand over or transfer in the manner confirmed by the Government all foreign currency owned or administered by him/her, currency located abroad in Finnish denominations, foreign securities and receivables from residents of a foreign country to the specified state authority (*duty of repatriation*), and that the specified state authority may grant exemptions from the duty of repatriation under the conditions set by the Government;
 - (3) to prohibit actions which alter or may alter the amount or nature of foreign currency, securities or bonds owned or administered by a resident of Finland, and that actions between a resident of Finland and a resident of a foreign country which alter or may alter the amount or nature of the assets or debts of a resident of Finland shall be prohibited, or that the actions referred to above shall be allowed under the conditions set by the Government and only on the authorisation of the specified state authority.

- (2) The Government may issue decrees according to which the Bank of Finland, the Financial Supervision Authority, the Insurance Supervisory Authority or other state authority may be authorised to attend to the enforcement of the provisions issued under this section.
- (3) Whether the compensation for the duty of repatriation referred to in subsection 1(2) shall be paid in Finnish currency or in the repatriated foreign currency and whether the transferor or the assignor has the right to choose between the two shall be provided by Government decree. The current exchange rate of the Bank of Finland shall be observed in determining the compensation. The compensation shall be paid in accordance with the principles provided in section 37.

Section 12a (696/2003)

- (1) In emergency conditions referred to in section 2(1–4), the Government may supervise and regulate the financial and insurance markets and issue decrees regarding:
 - (1) the interest rates applicable in the financial and insurance markets;
 - (2) the limitations on the use of index clauses;
 - (3) the obligations and restrictions on lending and their collateral as well as on the deposits of a resident of Finland and on other repayable assets acquired from the general public;
 - (4) the obligations and restrictions on the investments made by credit and financial institutions, mutual fund companies and investment firms as well as insurance companies and pension institutions;
 - (5) the restrictions on the issue, trade and transfer of securities as well as on the issue and transfer of life-insurance policies, such as restricting or prohibiting the trade in securities and restricting or prohibiting the issue of unit-linked life insurance policies;
 - (6) the restrictions on payment transfers, such as restricting or prohibiting payment transfers;
 - (7) the suspension or restriction of the book-entry register or clearing and settlement operations concerning the trade in securities;
 - (8) the exemptions from the statutory solvency requirements of credit institutions, investment firms as well as insurance companies and pension institutions;
 - (9) the accounting and financial statements as well as the reorganisation, winding up and bankruptcy of credit and financial institutions, investment firms, mutual fund companies, the Stock Exchange, the Central Securities Depository and option corporations as well as insurance companies and pension institutions;
 - (10) the exemptions from the obligations concerning the Deposit Guarantee Fund, the Investor Compensation Fund, the Registration Fund and clearing funds, such as exemptions from the obligations to augment the fund or to pay compensations from the fund assets;
 - (11) other bans, exemptions and restrictions concerning the activities and rates of credit and financial institutions, mutual fund companies and investment firms as well as other companies operating in the financial markets;
 - (12) the exemptions from the requirements concerning the calculation and cover of technical provisions and the pension liability of insurance companies and pension institutions;
 - (13) the exemptions from the validity, terms and surrender of life-insurance policies and non-life insurance policies as well as insurance premiums and compensations;
 - (14) the sharing of costs between insurance companies arising from compensations which, by virtue of section 13 of this Act or section 37a of the Insurance Contracts Act (543/1994), have been paid more extensively than agreed upon in the terms of contract;
 - (15) other bans, exemptions and restrictions concerning the activities of insurance companies and pension institutions as well as other companies operating in the insurance sector.

- (2) The provisions on life-insurance policies in this section shall be applied correspondingly to other pension insurance policies with the exception of statutory pension insurance.
- (3) The Government may issue decrees according to which the Bank of Finland, the Financial Supervision Authority, the Insurance Supervisory Authority or other state authority may be authorised to attend to the enforcement of the provisions issued under this section.

Section 12b (696/2003)

- (1) In emergency conditions, the Government may, under its terms and conditions and without requiring counter securities, issue guarantees to a non-life insurance policy issued by an insurance institution in case the cost of the damages sustained supersedes the maximum amount defined in the warranty in the occurrence of an insured event (*insurance guarantees in emergency conditions*). The Government shall confirm the general terms of contract which shall be applied to insurance guarantees in emergency conditions. Insurance guarantees in emergency conditions may be issued only if:
 - (1) a non-life insurance policy may be deemed necessary for securing the livelihood of the population or national economy in emergency conditions; and
 - (2) taking the nature of the emergency conditions into account, no appropriate reinsurance cover is available.
- (2) The insured property or party in a non-life insurance policy referred to in subsection (1) above may include:
 - (1) a Finnish commercial vessel, aircraft, vehicle or track-guided vehicle;
 - (2) goods being transported on the vessel, aircraft or in the vehicle referred to in paragraph (1);
 - (3) a foreign commercial vessel, aircraft, vehicle or track-guided vehicle and transported goods when the goods in question are important for Finland;
 - (4) a person working on the vessel, aircraft or in the vehicle referred to in paragraphs (1) and (3) when the person in question is covered by workers' compensation insurance;
 - (5) other interest necessary for securing the livelihood of the population or national economy.
- (3) A premium may be charged for insurance guarantees in emergency conditions. In determining the premium, the nature of the emergency conditions and, if possible, the nature and scope of risk to the state shall be taken into consideration. In addition, a handling fee may be charged for decisions concerning insurance guarantees in emergency conditions. The handling fee shall be equivalent to the average costs incurred from processing the insurance guarantees. The Government may issue further provisions by decree regarding the principles according to which the premium and the handling fee shall be determined.
- (4) The liability for insurance guarantees in emergency conditions referred to in this section shall not exceed 200 million euros per each damage nor 2,000 million euros combined for all damages per calendar year.
- (5) The Government may decide that granting and administering insurance guarantees in emergency conditions shall be referred entirely or in part to the insurance guarantees commission in emergency conditions referred to in section 40b.
- (6) The provisions on state guarantees as referred to in the Act on State Lending and State Guarantees (449/1988) shall otherwise be applied to insurance guarantees in emergency conditions.

Section 13 (696/2003)

- (1) The Government may issue decrees to extend the duties and powers of the Bank of Finland, the Financial Supervision Authority, the Insurance Supervisory Authority or other state authority to the extent required for the enforcement of the provisions laid down in sections 12 and 12a.
- (2) Before issuing a decree regarding the Bank of Finland, the Government shall request a statement from the Parliamentary Supervisory Council of the Bank of Finland. It is not necessary to request the statement, however, if the Parliamentary

Supervisory Council has made a proposal to the Government to extend the duties and powers of the Bank of Finland.

Section 14

- (1) The Government may supervise and regulate the import and export of goods.
- (2) If required for the performance of an important procurement contract, the Government may issue import and export orders necessary for the performance of the contract and binding on importers and exporters dealing in the relevant goods.

Section 15 (198/2000)

- (1) The Government may supervise and regulate the production and supply of goods and construction work, and issue Decrees to the effect:
 - (1) that the producers and suppliers of goods and constructors be under the obligation to perform certain tasks and to attend to certain production, supply or construction work;
 - (2) that certain goods may be produced, manufactured or refined only subject to the conditions and restrictions laid down by the Government;
 - (3) that certain goods not be kept for sale, offered for consideration, conveyed, procured, stored or received, or that they may be kept for sale, offered for consideration, conveyed, procured, stored, received, transported and used only subject to the instructions and conditions laid down by the Government;
 - (4) that construction work not be commenced or continued without a specific permit issued in accordance with the criteria laid down by the Government; and
 - (5) that the protective structures and equipment necessary for the safeguarding of people or property be constructed or installed.
- (2) If orders on the conveyance of goods have been issued by virtue of paragraph (1)(3), they shall apply correspondingly where a merchant takes goods from inventory for personal use, unless otherwise stated in a Government Decree.

Section 16

- (1) The Government may supervise and regulate wages and salaries in public and private service relationships and issue orders on other conditions of service, working hours and occupational safety.
- (2) The Government may supervise and regulate benefits and support falling within the scope of statutory insurance schemes and social welfare, and lay down exceptions, by Decree, to the criteria and implementation of the same. Exceptions may also be laid down by a Government Decree on the rectification and appeal mechanisms relating to such benefits and support. (198/2000)

Section 17

- (1) The Government may supervise and regulate prices and payments and, if necessary for price regulation, also the quality of goods.
- (2) The Government may supervise and regulate rents on buildings and parts of buildings, as well as other comparable or connected payments and compensations, issue orders on rights of termination and other conditions of tenancy, and on the use of buildings and parts of buildings and the assignment of buildings and parts of buildings to the use of others.

Section 18

The Government may supervise and regulate transport and traffic, issue orders on the use of means of transport and temporarily revoke licenses granted to Finnish vessels for entry into foreign shipping registers, as well as restrict communications.

State Finances

Section 19

The Government may decide that a proposal on budgetary additions and alterations submitted to the Parliament be applied until the Parliament has made a decision on a supplementary budget.

Section 20

For purposes of securing the liquidity of the state, the Government may issue orders on the timing of the payment of state expenditure the payment schedule of which has been laid down by an Act or Decree and which has not yet become due. The payment of the expenditure may be postponed by at most two weeks at a time.

Use of Labour

Section 21

- (1) The Government may introduce compulsory manpower placement in order to procure labour that is necessary for the achievement of the purpose of this Act. In this event employers may employ only job seekers who have been designated by the employment authorities.
- (2) In emergency conditions referred to in section 2(1)—(3) and, as regards health care, also in section 2(5), the Government may restrict the right to terminate employment relationships and for a special reason prohibit the exercise of this right.

Section 22

For purposes of securing the health care of the population, the Government may order that all Finnish residents over 16 and under 65 years of age and working or trained in the field of health care or otherwise suitable for duties in that field be obliged to perform tasks necessary for the achievement of the purpose of this Act, within the limits of their training and experience.

Section 22a (198/2000)

For purposes of improving rescue services, it may be laid down by a Government Decree that any Finnish resident over 16 and under 65 years of age be obliged to perform work necessary for civil defence.

Section 23

If, in emergency conditions referred to in section 2(1)—(3), measures provided in section 21 are insufficient, the Government may order that all Finnish residents over 16 and under 65 years of age be obliged to work, as necessary for the achievement of the purpose of this Act.

Section 24

- (1) A Finnish resident may be obliged to work by virtue of sections 22, 22a and 23 only within the limits of his skills and strength. When issuing a compulsory work order, the age, family situation and state of health of the person concerned and the other circumstances shall be taken into account. (198/2000)
- (2) The remuneration and other benefits of a person in compulsory work shall be governed by the collective bargaining agreement in force in the field in question. If this basis cannot be applied, the remuneration and other benefits due to the person shall reasonably correspond to the tasks entrusted to him.
- (3) Otherwise the provisions on employment and service relationships and work performed in such relationships shall apply, to the extent appropriate, to compulsory work and tasks performed therein.
- (4) A current service relationship of the person concerned shall not break by virtue of a compulsory work order.

Organisation of Administration

Section 25

The Government may order a person in state or municipal service to perform another office or task, order an office or institution to relocate and at the same time restrict the right to resign from state or municipal service.

Section 25a (198/2000)

For purposes of improving rescue services, exceptions may be laid down by a Government Decree to the duties of the rescue service authorities and the lines of command and control of civil defence.

Section 26

- (1) The Government may issue instructions on the procedure to be observed in the implementation of orders issued by virtue of this Act, entrust the implementation of the orders to a state or municipal authority designated by it and set up implementing bodies to operate subject to official responsibility, or order municipalities to set up such bodies.
- (2) For the implementation of the orders the Government may change, for a set period or for the time being, the limits of the ambit and competence of administrative authorities and the procedure otherwise to be observed by them, as well as restrict or prohibit the performance of the statutory duties of municipalities.
- (3) In the event of war, the Government may entrust the implementation of wartime provisions in other Acts to a state or municipal authority designated by it and set up implementing bodies to operate subject to official responsibility, or order municipalities to set up such bodies.

Section 27

- (1) If necessary owing to the number of the matters or for another reason, the Government may set up boards to consider complaints arising from orders issued by virtue of this Act or, in the event of war, by virtue of another Act applicable in wartime. At the same time the Government shall issue instructions on appeal against decisions of the boards.
- (2) The procedure in a board shall conform, to the extent appropriate, to the regular rules of judicial procedure.
- (3) The chairman of a board shall have a University degree in law.

Special Powers relating to Municipal Administration

Section 28

The Government may order that a municipal government is to set up an emergency committee to assist it. The task of the committee is to coordinate the operations of state and municipal authorities and those of business and non-governmental organisations. The Government shall issue more detailed instructions on the tasks, organisation and operations of the committee.

Section 29

The Government may order: (198/2000)

- (1) that municipal elections are to be postponed for a set period or for the time being;
- (2) that a municipal council is to have a quorum when over one half of the members are present;
- (3) that the summons to a meeting of the municipal council is to be given at another time or in another manner than that provided or ordered;
- (4) that the competence of a municipal council is in certain matters to be transferred to the municipal government;
- (5) that the competence of the municipal government is in certain matters to be transferred to the mayor or another senior official excluding, however, matters where competence of the council has been transferred to the municipal government by virtue of sub-paragraph (4); and (198/2000)
- (6) that the competence of a board is in certain matters to be transferred to the chairman or to a municipal official.

Other Emergency Powers

Section 30

- (1) For purposes of securing the health care of the population, the Government may oblige the owner or administrator of a medical or research institution or a local health centre:
 - (1) to expand or redirect the operations of the institution;
 - (2) to relocate the operations of the institution in full or in part outside its regular area of operations or to operate also outside that area;

- (3) to accept patients to the institution regardless of what has been provided, ordered or agreed; and
 - (4) to relinquish the institution or a part thereof to state authority.
- (2) the provisions in paragraph (1)(1) and paragraph (1)(2) shall apply, to the extent appropriate, also to a pharmaceuticals factory or wholesaler, an apothecary and a corporation or merchant dealing in medical supplies or services or otherwise operating in the field of health care.

Section 31

For purposes of safeguarding the economy and energy supply of the country, the Government may issue orders on the extraction of minerals and peat and on the procurement of lumber by cutting.

Section 32 (198/2000)

For purposes of securing the appropriate performance of official duties or of civil defence, the Government may issue Decrees on the requisitioning of:

- (1) buildings and premises; and
- (2) transport, rescue, firefighting, clearance, first aid and communications equipment, computers and other supplies indispensable for the performance of official duties or of civil defence.

Section 33

- (1) In emergency conditions referred to in section 2(1)—(3), the Government may: (198/2000)
- (1) as required for economic and military preparedness, oblige a person to relinquish goods to the state and to perform work, services, transportation or other necessary tasks;
 - (2) issue orders on communications and alterations to communications networks;
 - (3) declare a curfew, if the protection of the population or targets important to the national defence so necessitates; and
 - (4) entitle the Ministry of Defence and the Ministry of Transport and Communications to temporarily requisition real estate, buildings and premises necessary for the raising of defensive readiness. (198/2000)
- (2) In addition to what is provided in paragraph (1), it may be ordered by a Government Decree, if the situation referred to in section 2(5) so requires, that, for purposes of successful civil defence, the right to stay at a given locality in Finland or to leave there is countermanded or restricted. (198/2000)

Section 34

In addition to the provisions above in this chapter, the Government may issue orders necessary for the implementation of orders based on this Act on the confiscation and requisitioning of goods for use, production or consumption and on the maintenance of confiscated or requisitioned goods.

Section 34a (198/2000)

It may be ordered by a Government Decree, if the performance of rescue services so requires, that the population of a given area, a part of the population, the manufacturing installations or property are to be transported away from that area to the extent necessitated by the emergency conditions.

Section 34b (198/2000)

In order to carry out the arrangements referred to in section 34a, it may be ordered by a Government Decree that the authorities may requisition property necessary for the accommodation, food supply and other maintenance of the transported population.

Section 35

- (1) The Government may:
- (1) grant debtors extensions on the due dates of their debts, as well as releases from the regular penalties of non-payment;

- (2) postpone the maturity of bills of exchange and extend the time limits for measures on which the retention of rights based on bills of exchange and cheques depends;
 - (3) issue orders on the time limits for appeals against decisions of courts and other authorities and for measures necessary for the acquisition or retention of rights, not, however, compromising the legal protection of a person deprived of his liberty or suspected or convicted of an offence; and
 - (4) issue orders on advance or subsequent extensions on time limits provided or ordered also for other measures.
- (2) The provisions in paragraph (1) shall not apply to remuneration for work or pensions, nor to other comparable debts based on an Act or agreement.

Restrictions on the Emergency Powers

Section 36

When emergency powers provided in this chapter are being used, the regulation, confiscation or requisitioning orders shall not without a compelling reason restrict the right of a person professionally engaged in transport or agriculture to possess fuels and lubricants, the right of the owner or possessor of real estate to possess heating fuel or the right of a private individual or the owner or administrator of an emergency shelter to possess materials necessary for the subsistence of the population, in so far as these have been stockpiled in advance for the purpose of emergency use in transport, agriculture, heating, maintenance of households or maintenance of people in emergency shelters.

Chapter 5 — **Compensation**

Section 37

- (1) When a person has sustained loss as a result of an order issued by virtue of section 15(1)(1), section 30—32, section 33(1), or section 34a or 34b of this Act and that loss is not compensated by virtue of another Act, he shall be fully compensated for the loss from state funds. (198/2000)
- (2) If the loss is to be deemed of minor significance in view of the financial situation of the person sustaining the loss and other circumstances, or if reasons of state finances or the national economy, owing to the great number of losses, inevitably so necessitate, the loss shall be reasonably compensated.
- (3) Where necessary, the Government shall issue more detailed orders on the principles and procedure to be observed in the assessment of the compensation.

Section 38

Where necessary, the Government shall issue orders on the compensation from state funds also for orders issued on the basis of chapter 4 other than those referred to in section 37. However, the starting and maintenance costs deriving from a task entrusted to a municipality shall be governed by the provisions on state subsidies and grants to municipalities.

Section 39

Compensation shall be paid from state funds for an accident at work or an occupational illness arising from duties performed on the basis of an order issued by virtue of this Act, as provided in the Accident Insurance Act (608/1948), unless a higher compensatory amount is laid down by another Act or agreement.

Chapter 6 — **Preparedness**

Section 40

- (1) The Government, the state administrative authorities, state businesses and other state authorities as well as municipalities shall ensure, by means of emergency plans, prior preparation of emergency operations and other measures, that their

duties will be performed with the least amount of disruption also in emergency conditions.

- (2) Preparedness for emergency conditions shall be managed, supervised and coordinated by the Government and by each Ministry in its field of operations.

Section 40a (198/2000)

- (1) The state health care commissioner shall assist the Government and direct the preparedness of the health care services for emergency conditions. The state health care commissioner shall see to it that the necessary plans for health care in emergency conditions are in existence and that they have been aligned with the other plans relating to preparedness for emergency conditions.
- (2) The Secretary-General of the Ministry of Social Affairs and Health shall serve as the state health care commissioner. In wartime or for another special reason the Government may release him or her from the position of state health care commissioner and appoint another person, who has a suitable background in health care.
- (3) On the proposal of the Ministry of Social Affairs and Health, the Government may appoint, for a term not exceeding five years at a time, a consultative committee for health care services in emergency conditions to plan and prepare health care in emergency services.
- (4) Further provisions on the composition and tasks of, and the procedure in, the consultative committee for health care services in emergency conditions may be issued by Government Decree.

Section 40b (696/2003)

- (1) The Government shall appoint an insurance guarantees commission in emergency conditions for a maximum period of three years at a time. The commission shall consist of a chairman, a deputy chairman and at least three other members. The chairman and at least two other members shall possess the expertise in the insurance market deemed necessary in the light of the nature and scope of the activities conducted by the commission.
- (2) If the chairman, the deputy chairman or other member of the commission resigns or dies during his/her term of office, the Ministry of Social Affairs and Health shall determine a new chairman, a deputy chairman or member in his/her place for the remainder of the term in office.
- (3) The commission constitutes a quorum when the chairman of the meeting and at least half the other members are present. In the commission, decisions shall be reached by a simple majority. In case of a tie, the vote of the chairman shall be decisive. An election, however, shall be decided by lot.
- (4) The commission shall have the right to hear experts.
- (5) The Ministry of Social Affairs and Health shall confirm the fees of the chairman, other members and the experts of the commission.

Section 40c (696/2003)

- (1) The duties of the insurance guarantees commission in emergency conditions shall be:
 - (1) to monitor and evaluate in cooperation with the Ministry of Social Affairs and Health the factors which have an effect on the security of supplies in questions regarding the application of section 12b;
 - (2) to draft the general terms and conditions which shall be applied to insurance guarantees in emergency conditions referred to in section 12b;
 - (3) to draft the criteria for the premium and the handling fee referred to in section 12b(3);
 - (4) to attend to other investigative, research-related and preparatory duties regarding the insurance guarantees in emergency conditions determined by the Ministry of Social Affairs and Health;
 - (5) to grant and administer the insurance guarantees in emergency conditions according to the decisions made by the Government by virtue of section 12b(5).
- (2) The commission shall submit an annual report on its activities to the Ministry of Social Affairs and Health by March at the latest.

- (3) In managing and administering the insurance guarantees in emergency conditions, the commission shall observe the provisions laid down in the Administrative Procedure Act (598/1982) and the Language Act (148/1922).

Section 40d (696/2003)

- (1) The insurance guarantees commission in emergency conditions shall have the right to receive the necessary information for granting and administering the insurance guarantees in emergency conditions from authorities as well as insurance and pension institutions, notwithstanding the provisions laid down on confidentiality and disclosure of information in other acts.
- (2) The provisions laid down on public liability apply to the members of the commission, experts and other persons who attend to the duties of the commission while they attend to the duties of the commission.
- (3) In addition to the provisions laid down in the Act on the Openness of Government Activities (621/1999), the provisions in section 18(6), (6b) and (6c) of the Insurance Companies Act (1062/1979) shall be applied, where appropriate, to the openness of the commission activities referred to in this Act. The commission shall disclose information necessary for the purpose of performing the duties laid down in this Act or acts regarding insurance activities to the Government, the Ministry of Social Affairs and the Insurance Supervisory Authority within the period of time determined by them.
- (4) Further provisions on the administration and the organisation of the commission shall be issued by Government decree.

Chapter 7 — **Enforcement**

Section 41

The authority concerned may conduct inspections for the purpose of performing its tasks as provided in this Act or in orders issued by virtue of this Act.

Section 42

The police and the other authorities shall extend official assistance for the implementation of this Act and provisions and orders issued by virtue of this Act.

Section 43 (465/2003)

Publishers and broadcasters are obliged to publish or broadcast without compensation notices regarding the application of and compliance with this Act issued by the Government, a Ministry, a State Provincial Office and municipal board as well as military or rescue authorities which shall be brought to the attention of the entire population or residents in a certain region in order to achieve the purpose of this Act. Such notices shall be published or broadcast unchanged and without delay in the appropriate periodical publication, on-line publication or programme.

Section 44

The Government may issue orders on the duty of a corporation, a foundation and a private individual to provide the authorities with such information and accounts as required for implementation of the orders issued by virtue of this Act and control of compliance with them. The Government may also issue orders on the duty of an authority to provide such information to other authorities.

Section 45 has been repealed.

Section 46

A clause in a contract or undertaking or a specific agreement shall not be applied or performed in so far as it is contrary to orders issued by virtue of this Act or designed to evade them.

Section 47

- (1) If municipal elections have been postponed by virtue of section 29(1), the term of the councillors and the alternates shall continue, until new elections have been held and new councillors returned. If so ordered by the Government, also the terms

of the other elected municipal officials shall continue in a similar manner, for a set period or for the time being. In addition, the Government may order that a sufficient number of alternates are to be elected for those officials. They shall be elected by the same body that elects the regular officials.

- (2) If elections have been postponed, new elections shall be held as soon as possible at a time laid down by the Government.

Chapter 8 — Appeals

Section 48

- (1) An administrative decision made on the basis of an order issued by virtue of this Act shall be subject to appeal in accordance with the general provisions on appeals against the decisions of the authority concerned. However, decisions of authorities subordinate to a County Government shall be subject to appeal in the County Administrative Court. If no appeal provisions have been enacted, the appeal shall be addressed to the Supreme Administrative Court.
- (2) The administrative decision shall be immediately executed, unless otherwise ordered by the appellate authority.
- (3) An administrative decision of the Government which is by virtue of section 6 to be submitted to the Parliament shall not be subject to appeal.
- (4) Appeal instructions shall be appended to the Government and Ministry decisions which according to this Act are subject to appeal.

Chapter 9 — Penal Provisions

Section 49 (885/2001)

Penalties for violations of official regulation orders issued by virtue of this Act and for attempts thereof are provided in chapter 46, sections 1—3, of the Penal Code (39/1889).

Section 50

- (1) A person who fails to comply with or otherwise violates orders issued by virtue of section 21 of this Act or the obligation provided in section 24(2) shall be sentenced for a *labour violation in emergency conditions* to a fine.
- (2) A person who fails to appropriately perform compulsory work ordered by virtue of sections 22, 22a, 23 or 25 of this Act shall be sentenced, unless the act is punishable as failure to comply with official responsibility, for *failure to perform compulsory work in emergency conditions* to a fine. (198/2000)
- (3) A person who fails to comply with or otherwise violates or attempts to violate orders issued by virtue of sections 30—32, section 33(1)(1), 33(1)(2) or 33(1)(4), or section 34 or 34b of this Act shall be sentenced for *non-compliance with requisitioning* to a fine.
- (4) A person who fails to comply with or otherwise violates or attempts to violate orders issued by virtue of section 33(1)(3) or 33(2) shall be sentenced for a *curfew violation* to a fine.

Section 51 has been repealed.

Chapter 10 — Miscellaneous Provisions

Section 52

- (1) In this Act “goods“ means all movable property with the exception of money and other means of payment, bonds and securities. The provisions in this Act on goods shall apply, to the extent appropriate, to services.
- (2) In this Act “payment“ means the consideration for transport of persons or goods, for use of real estate, facilities, goods or other property belonging to another and for other benefit or performance, except for rent, remuneration or compensation based on a tenancy relationship referred to in section 17(2), or remuneration based on a

public service relationship or an employment relationship governed by the Contracts of Employment Act (320/1970), or a payment or remuneration the quantity of which has been laid down by an Act or Decree.

Section 53

- (1) The provisions in this Act on the state or state authorities shall apply, to the extent appropriate, to an independent state institution governed by public law.
- (2) The provisions in this Act on a municipality shall apply, to the extent appropriate, to a confederation of municipalities, a central hospital district maintaining a University Hospital and an independent municipal institution.

Section 54

- (1) This Act shall enter into force on 1 September 1991.
- (2) This Act shall repeal the Act on the Safeguarding of the Subsistence of the Population and the National Economy in Exceptional Conditions (407/1970) and the Compulsory Work Act (418/1942), both as later amended, as well as the Act on Labour Camps (912/1943).