

**NB: Unofficial translation,
legally binding only in Finnish and Swedish**
Ministry of Defence, Finland

Territorial Surveillance Act (755/2000, amendments up to 846/2006 included)

Chapter 1 General provisions

Section 1 *Purpose of the Act*

This Act contains provisions on the surveillance and protection of Finland's territorial integrity (*territorial surveillance*).

Section 2 Definitions

In this Act:

- 1) *Finnish territory* refers to land and water territories within the land and sea borders and the outer boundary of territorial waters and the air space above them;
- 2) *surveillance of Finland's territorial integrity* refers to the activity of the territorial surveillance authorities which is carried out primarily at Finland's borders to prevent, expose and investigate territorial offences and territorial violations;
- 3) *protection of Finland's territorial integrity* refers to the use of force or other means adopted by the Defence Forces and other territorial surveillance authorities to prevent or repel territorial violations;
- 4) *military person* refers to an armed or unarmed person wearing a uniform who is a member of a national armed force;
- 5) *military unit* refers to two or more military persons serving under joint command;
- 6) *military vehicle* refers to a vehicle belonging to a state and bearing military markings or built or equipped specifically for a military purpose;
- 7) *government aircraft* refers to a military, frontier guard, police or customs aircraft or an aircraft which is used by a state for transport, courier, survey or other corresponding flights;
- 8) *military aircraft* refers to an aircraft bearing national military markings and belonging to a national armed force;
- 9) *government vessel* refers to a military, frontier guard, police or customs vessel or a vessel which is mainly used for government purposes other than merchant shipping;
- 10) *warship* refers to a vessel belonging to a national armed force and bearing national military markings, commanded by a military person assigned by the

state and with a crew subject to military discipline;

11) *innocent passage* refers to innocent passage as referred to in the United Nations Convention on the Law of the Sea (Finnish Treaty Series/ SopS 49-50/1996).

Section 3

Other legislation and international obligations

In addition to this Act, entry into, stay in and departure from Finnish territory is governed by separate provisions or international treaties binding on Finland.

Chapter 2

Entry into and stay in the country by military persons, military vehicles, government aircraft and government vessels

Section 4

Military persons and military vehicles

A military person from a foreign state may not enter or stay in Finnish territory without permission unless otherwise provided by an international treaty binding on Finland. The same applies to a military vehicle of a foreign state.

A military person from a foreign state may not carry a firearm in Finnish territory unless permission has been granted or unless otherwise provided by an international treaty binding on Finland.

Section 5

Government aircraft and government vessels

A government aircraft of a foreign state may enter Finnish territory and stay in the country only under the terms of an international treaty binding on Finland or on the basis of permission, unless otherwise provided in sections 2 and 3. The same applies to a government vessel of a foreign state, except in cases of innocent passage.

A government aircraft or government vessel carrying the head of a foreign state making an official visit to Finland may enter and stay in Finnish territory without the permission referred to in paragraph 1. In such a case, advance notification must be made to the Defence Staff on the entry and stay of the aircraft or vessel in Finland.

At the request of a territorial surveillance authority or another authority, a government aircraft or a government vessel of a foreign state may enter Finnish territory for an urgent rescue mission or for a mission to prevent environmental damage or to provide assistance in winter navigation. The Defence Staff must be notified immediately of such a request, if made by an authority other than a territorial surveillance authority.

Before a government aircraft of a foreign state may enter Finnish territory, the area control centre must be supplied with a flight plan related to the aircraft and complying with the Finnish aviation regulations. A government vessel of a foreign state entering Finnish territory for a purpose other than innocent passage must notify the territorial surveillance authority of the time and location of their crossing the boundary of

Finland's territorial waters.

Section 6

Special restrictions applying to government aircraft

Without permission, a government aircraft of a foreign state may not:

- 1) carry ammunition or warfare agents;
- 2) carry equipment used for military intelligence;
- 3) land an armed military person or military unit.

Paragraph 1, sub-paragraph 2, shall not apply to a government aircraft staying in Finnish territory carrying out a mission referred to in section 5, paragraph 3, at the request of the territorial surveillance authorities.

Section 7

Special restrictions applying to government vessels

Without permission, a government vessel of a foreign state may not:

- 1) use any on-board aircraft, underwater vehicle or research equipment in Finnish territory;
- 2) land any diver or any armed boat or other armed vehicle or a boat or other vehicle manned with armed military persons in Finnish territorial waters;
- 3) land an armed military person or military unit in Finnish territory.

Section 8

Special restrictions applying to submarines

A submarine or other underwater vehicle of a foreign state must navigate on the surface in Finnish territorial waters unless it has been granted permission to dive.

Section 9

Military manoeuvres

A military person or military unit of a foreign state may not participate in or execute a military manoeuvre in Finnish territory without permission unless otherwise provided by an international treaty binding on Finland. The same applies to government aircraft and government vessels of a foreign state.

Section 10

Permit authorities and permit and notification procedures

The permission matters referred to in sections 4 to 8 above are handled and decided on by the Defence Staff. The permission matters referred to in section 9 are handled by the Ministry of Defence, which may also retain the right to decide on a matter which would otherwise be settled by the Defence Staff under this paragraph. Further provisions on the submission of a permit application and of a notification referred to in section 5, paragraph 2, any documents to be appended to the application and the notification, and the period of validity of the permit and other provisions related to permissions shall be issued by Government Decree.

Section 11

National flags

A government vessel of a foreign state must indicate its nationality by displaying its national flag.

Chapter 3

Exploration and survey of the sea bottom, exploration of the soil, and aerial photography from aircraft

Section 12

Exploration and survey of the sea bottom

Exploration of the formation, structure or composition of the sea bottom or sediments through geological or geophysical surveys is not allowed without permission in Finnish territorial waters, nor is systematic measurement and recording of the topography of the sea bottom.

Submission to the approving authority of any recordings made on the basis of a permit may be ordered in order to verify compliance with the stipulations of the permit.

Section 13

Soil exploration from aircraft

Measurement of magnetic fields, radiation or electrical conductivity or any comparable exploration of the soil or bedrock from an aircraft flying at a height of under 150 metres may not be conducted in Finnish territory without permission.

Section 14

Aerial photography

Unless otherwise required by international treaties binding on Finland, a device used for recording electromagnetic radiation may not be used without permission on board an aircraft or other airborne craft during a flight in Finnish territory to record:

- 1) areas where aviation is permanently restricted under section 7(1) of the Aviation Act (281/1995);
- 2) fortified areas, fortresses or garrison areas;
- 3) naval ports or military airports;
- 4) depots or storage areas of the Finnish Defence Forces;
- 5) signal stations, antenna farms or defence equipment or devices of the Defence Forces;
- 6) field exercises of the Defence Forces or the Frontier Guard.

The stipulations of paragraph 1 do not apply to the taking of photographs for private

purposes from an aircraft flying in an airway.

Submission to the approving authority of any recordings made on the basis of a permit may be ordered in order to verify compliance with the stipulations of the permit.

Section 15

Exceptions applying to authorities

The provisions of sections 12 to 14 shall not apply to an authority performing its duties if performance of such duties requires exploration or photography referred to in the said sections and if the information obtained and recordings made through such exploration or photography are to be used only for official purposes. An approving authority referred to in section 20 must, however, be notified of activities of an authority other than a territorial surveillance authority before said activities begin.

Chapter 4

Restricted sea areas and special restrictions applied thereto

Section 16

Restricted areas

Restricted areas the boundaries of which are carefully determined may be established in parts of Finnish territorial waters by Government Decree if such areas are important for the arrangement of national security and territorial surveillance, and movement and other activities in such areas shall be restricted in accordance with the provisions of this Act. A restricted area may not be any larger than is necessary in order to arrange for national security and territorial surveillance.

The restricted areas shall be marked on Finnish sea charts.

Section 17

Restrictions in a restricted area

Without permission, the following activities are not allowed in a restricted area:

- 1) scuba diving or other underwater activity which does not normally form part of navigation;
- 2) fishing with fishing tackle dragged along the bottom or heavy tackle anchored at the bottom, such as a seine, trawl or large bow net;
- 3) anchoring a vessel other than a pleasure craft outside an anchorage marked on Finnish sea charts, unless this is necessary for reasons of navigational safety, force majeure or an emergency;
- 4) movement in a public water area outside a public fairway within 100 metres of land areas which are used by the Defence Forces and where landing is marked as forbidden by law.

The stipulations of paragraph 1 shall not apply to authorities carrying out their official duties. Nevertheless, the approving authority referred to in section 20 shall be notified of any activities carried out by an authority other than the territorial surveillance authority.

Section 18

Intensification of territorial surveillance in a restricted area

If necessary in order to secure Finland's territorial integrity, territorial surveillance in a restricted area may be intensified by a Decree of the President of the Republic by ordering activities subject to permission in the restricted area as referred to in section 17 to be suspended, unless specific permission is granted for the activity to continue.

The Decree may be in force for a maximum of three months at a time and must be repealed immediately after the need for intensified territorial surveillance has passed.

While the Decree is in force, movement outside public fairways, and anchoring or stopping except to allow access to a dwelling or holiday home is not allowed except for a compelling reason.

Chapter 5

Permit matters

Section 19

Issue and cancellation of permits

Permission for exploration and survey of the sea bottom as referred to in section 12, for exploration of soil as referred to in section 13, aerial photography as referred to in section 14 and activities as referred to in section 17, paragraph 1, shall be issued if the activity in question does not put Finnish territorial surveillance at risk or if such risk can be materially reduced by the stipulations of the permit.

A permit may contain stipulations on the activity and equipment used in the activity, and the area and duration of the activity if such stipulations are considered necessary for territorial surveillance and the safety of the applicant.

A permit may be cancelled if

- 1) the applicant for the permit violates the permit stipulations;
- 2) the applicant for the permit has provided the permit-issuing authority with misleading information on the activity or its purpose;
- 3) the circumstances related to issue of the permit have altered materially since the permit was issued.

Section 20

Approving authority and permit application

Matters related to the issue of a permit for an activity referred to in sections 12 to 14 shall be handled and decided on by the Defence Staff. Matters related to the issue of a permit for an activity referred to in section 17 shall be handled and decided on by a military unit of the Defence Forces.

Matters related to cancellation of a permit are decided by the Defence Staff.

However, matters related to the issue or cancellation of a permit for an activity in a frontier zone as referred to in section 14(1)(1) are handled and decided by the Frontier Guard.

A permit application must include a document describing the activity and the equipment and devices to be used in it.

Further provisions on the approving authority, the application for a permit, the documents to be appended to the application which are necessary before the permit can be considered and the period of validity for the permit shall be issued by Government Decree.

Section 21

Freedom from charge of the permit

No charge shall be made for a permit allowing activities referred to in section 17.

Section 22

Appeal

A decision made by the Defence Staff, the headquarters of a military unit, or the Frontier Guard Headquarters on a permit matter referred to in this chapter may be appealed in accordance with the provisions of the Administrative Judicial Procedure Act (586/1996).

A decision on cancellation of a permit shall be complied with regardless of appeal unless the appellent authority forbids execution of the decision.

Chapter 6

Territorial surveillance authorities, their duties and spheres of competence

Section 23

Territorial surveillance authorities

The territorial surveillance authorities are the military, frontier guard, police and customs authorities and officials assigned to territorial surveillance.

The Finnish Maritime Administration shall act as the territorial surveillance authority within its sphere of competence and shall be considered equal to the territorial surveillance authorities referred to in paragraph 1 unless otherwise provided hereinafter.

The Ministry of Defence shall direct and coordinate the activities of the territorial surveillance authorities in matters falling under this Act, subject to the competence of the Supreme Commander of the Defence Forces.

Section 24

Duties of a territorial surveillance authority

The military authorities are responsible for the implementation of territorial surveillance and the cooperation of the territorial surveillance authorities.

The Frontier Guard are responsible for territorial surveillance at the national borders and in other areas where their activities are focused, as referred to in section 4 of the Frontier Guard Act (578/2005).

Other territorial surveillance authorities shall participate in territorial surveillance in conjunction with their duties. They shall report any territorial offence or territorial violation or any threat thereof to a military or Frontier Guard authority and, using all means available to them, take measures to prevent such territorial offence or territorial violation.

Section 24 a

Territorial surveillance duties of the Finnish Civil Aviation Authority

The Finnish Civil Aviation Authority assists the territorial surveillance authorities by conducting territorial surveillance duties as provided for herein within its sphere of competence, as separately agreed in an agreement between the Finnish Civil Aviation Authority and the Ministry of Defence. Such an agreement may not assign duties to the Finnish Civil Aviation Authority that would require extensive exercising of public authority.

The Finnish Civil Aviation Authority must inform military or Frontier Guard authorities of any territorial offence or territorial violation or any threat thereof and, using all means available, take action to prevent such territorial offence or territorial violation.

Section 25

Admonitions, warnings and orders by the territorial surveillance authorities

A territorial surveillance authority performing its duties under this Act has the right to admonish or, if necessary, warn anyone who violates or risks violating provisions or regulations contained in this Act or issued on the basis of this Act.

If, regardless of an admonition or warning referred to in paragraph 1, a person disregards the prohibition or order which the admonition or warning relates to, the territorial surveillance authority has, in each individual case, the right to

- 1) order the person violating the provisions or regulations to be complied with in the restricted area to leave the restricted area;
- 2) order a military person, military unit, military vehicle, government vessel or government aircraft which is illegally in Finnish territory to leave Finnish territory;
- 3) order a vehicle or vessel to be stopped or an aircraft to land if such action is necessary to prevent or investigate a territorial offence or a territorial violation;
- 4) order a vehicle, aircraft or vessel to be removed if such action is necessary to prevent continuance of or to investigate a territorial offence or territorial violation.

Section 26

Temporary suspension of waterborne traffic

The Ministry of Defence may, for reasons necessary for national security, prohibit

waterborne traffic in a restricted part of Finnish territorial waters for a maximum of seven days at a time if the use of military force by a territorial surveillance authority in such waters or the effects of the use of military force may endanger the safety of seafarers.

Before a decision referred to in paragraph 1 is made, the navigational authorities must be heard. The navigational authorities are responsible for notifying the parties concerned of the decision, and participate in execution of the decision.

Section 27

Establishing the identity of and apprehending a person

A territorial surveillance authority performing a duty provided by this Act has the right to obtain information on the name, identity number or, if a person has no identity number, the date of birth and nationality of any person, and the address where he can be reached.

A territorial surveillance authority referred to in section 23 above has the right to apprehend a person

- 1) who refuses to supply the information referred to in paragraph 1 or supplies information which is likely to be false; or
- 2) whose apprehension is necessary in order to prevent continuation of or to investigate a territorial violation.

An apprehended person must be released as soon as the necessary information referred to in paragraph 2, sub-paragraph 1, has been obtained or the purpose referred to in paragraph 2, sub-paragraph 2, has been achieved. The apprehended person must nevertheless be released within 24 hours of being apprehended unless he is arrested in accordance with the Coercive Measures Act (450/1987).

An apprehended person must be immediately informed of the reason for his apprehension. Provisions on the treatment of an apprehended person can be found in the Act on Treatment of Persons in Police Custody (841/2006).

Section 28

Security control

In conjunction with apprehending a person as referred to in section 27, a territorial surveillance authority has the right to search him if the search is necessary in order to establish that he is not carrying objects or substances that he might use to attempt to avoid apprehension or to pose a danger to himself or others.

Dangerous objects and substances must be removed from the person being searched, if necessary. They shall be returned to him in conjunction with his release unless their return is prevented by law.

Section 29

Removal of a vehicle or vessel

A territorial surveillance authority has the right to remove a vehicle, aircraft or vessel if said removal is necessary for the execution of an order referred to in section 25,

paragraph 2, sub-paragraph 4.

Section 30

Technical surveillance

The Defence Forces and the Frontier Guard have the right to carry out technical surveillance of any building other than a permanent dwelling or other building or area entitled to domestic peace in any area controlled by the Defence Forces and on the coast and at sea as a part of territorial surveillance and in order to prevent criminal acts referred to in section 44 herein and in chapter 17 section 7b of the Penal Code (39/1889), to identify persons suspected of such criminal acts and to guard specific targets of surveillance.

Technical surveillance means observing or listening to unspecified persons in conjunction with surveillance of sea traffic or a specific target, and automatic recording of sound or image by means of a technical device. Any recordings made in connection with technical surveillance which have not been included in pre-trial investigation material must be destroyed within one year at the latest from the date on which the material is no longer likely to be used for the purpose for which it was intended.

No separate notification need be made of technical surveillance at sea and from coast to sea. Other technical surveillance shall be indicated with an appropriate sign. Provisions on technical surveillance by the Frontier Guard can be found in the Frontier Guard Act (320/1999).

Section 31

Use of forcible means

In performing a duty prescribed in this Act, a territorial surveillance authority referred to in section 23, paragraph 1, above has, in order to break down resistance, remove a vehicle, aircraft or vessel or execute an order referred to in section 25, the right to use such necessary force as may be considered justified in view of the importance and urgency of the matter, the danger posed by the resistance, the resources available and other aspects affecting assessment of the overall situation.

Any use of force shall be decided on by the territorial surveillance authority conducting the territorial surveillance, unless otherwise provided by section 33 or 34.

Excessive use of forcible measures is provided for in the Penal Code chapter 4 section 6(3) and section 7. Self-defence is provided for in chapter 4 section 4 of the Penal Code, and necessity in chapter 4 section 5 of the Penal Code.

Section 32

Measures preceding use of force

Before using force, a territorial surveillance authority must issue the admonition referred to in section 25, paragraph 1, and a warning that force may be used. A warning may, if necessary, be made more effective by opening warning fire. A decision to make a warning more effective by opening warning fire may be taken on by the official carrying out territorial surveillance.

Section 33

Use of military means of force

The Defence Forces and the Frontier Guard may use the military means of force needed to protect Finland's territorial integrity. The term 'military means of force' refers to the use of armed force with armaments which is more powerful than the use of a personal weapon by a military person.

The use of military means of force shall be decided by the Ministry of Defence subject to the competence of the Supreme Commander of the Defence Forces unless otherwise provided by section 34.

Section 34

Repelling hostile activity

The Defence Forces and the Frontier Guard are responsible for taking necessary action without delay to repel any hostile activity which poses an immediate and grave threat to national security. In such a case, such military means of force must be used as may be considered justified in view of the danger of the activity and other aspects affecting assessment of the overall situation. The Ministry of Defence must be immediately notified of such action.

The term 'hostile activity' refers to:

- 1) armed military activity illegally targeted at Finnish territory or performed in Finnish territory by a foreign state;
- 2) entry of an armed warship or military aircraft of a foreign state or a military vehicle of a foreign state into Finnish territory in spite of a warning given by a Finnish territorial surveillance authority;
- 3) entry of a submarine or other underwater vehicle of a foreign state into Finnish territorial waters without permission otherwise than on the surface;
- 4) intelligence operations and electronic interference illegally targeted by a foreign state at objects in Finnish territory which are important for national security;
- 5) electronic jamming illegally targeted by a foreign state at a Finnish government vessel or government aircraft;
- 6) unlawful use of Finnish territory by a foreign state in an activity referred to in subparagraphs 1 to 5 against a third state.

Section 35

Investigation of a territorial offence and a territorial violation

The territorial surveillance authority shall be responsible for preliminary investigation of a territorial offence or territorial violation. If necessary, further investigation into the matter shall be referred to a military or Frontier Guard authority.

Pre-trial investigation of a territorial offence or territorial violation shall be conducted by the police or by the Frontier Guard in accordance with the Frontier Guard Act.

Section 36

Registration of measures

Minutes must be taken or a corresponding entry must be made in another document if a person is apprehended as referred to in section 27 above and his belongings are seized as referred to in section 28 above, in accordance with further provisions of a Government Decree.

Section 37

Disclosure of secret information to another territorial surveillance authority

A territorial surveillance authority may disclose information on a secret document to another territorial surveillance authority if the information is necessary for performance of a duty by an authority as prescribed in this Act.

Section 38

Further provisions on the exercise of powers and force

Further provisions on giving an admonition or a warning, and on using the powers and force referred to in this chapter and the equipment employed in the use of force shall be issued by Government Decree.

Chapter 7

Miscellaneous provisions

Section 39

Permission for the movement of a submarine otherwise than on the surface

A submarine or underwater vehicle other than referred to in section 8 must remain on the surface in Finnish territorial waters unless it has been granted permission to dive. Matters related to the issue or cancellation of a permit shall be handled and decided on by the Defence Staff. The grounds for granting a permit, the provisions on submitting an application, the permit proceedings and appeal are subject to the provisions of sections 19 and 22, where applicable.

Section 40

Distribution of costs

Each territorial surveillance authority shall pay the costs incurred from territorial surveillance from funds allocated to the authority in the Budget.

Section 41

Compensation for inconvenience and damage

The owner or occupant of an area shall be paid compensation at the current price for any inconvenience and damage that he may have suffered from a restriction referred to in section 17, paragraph 1.

Section 42

Agreements on international cooperation concluded by authorities

In matters which do not fall within the sphere of legislation or otherwise require the consent of Parliament, a competent ministry may enter into cooperation agreements of a technical nature related to the practical implementation of territorial surveillance with authorities responsible for the territorial surveillance of Finland's neighbouring countries and the coastal states of the Baltic Sea unless significant aspects of foreign or security policy are connected with the agreement.

Section 43

Neutrality provisions

Neutrality provisions to be applied to foreign states at war with each other shall be issued separately.

Section 44

Penal provisions

A person who deliberately

- 1) pursues an activity referred to in section 12 to 14 without a permit provided by section 19,
 - 2) pursues an activity referred to in section 17, paragraph 1, sub-paragraph 1 or 2, without a permit provided by section 19,
 - 3) anchors a vessel other than a pleasure craft outside an anchorage marked on Finnish sea charts in a restricted area without a permit provided by section 19,
 - 4) without a permit provided by section 19 moves in a public water area in a restricted area outside a public fairway within 100 metres of a land area which is being used by the Defence Forces and where landing is by law marked as forbidden;
 - 5) disregards the provision of a Decree referred to in section 18 on suspending an activity referred to in section 17 in a restricted area,
 - 6) moves, anchors or stops in a restricted area in violation of section 18, paragraph 2, while a Decree referred to in section 18 is in force,
 - 7) disregards an order issued by a territorial surveillance authority by virtue of section 25, paragraph 2,
 - 8) moves by submarine in Finnish territorial waters otherwise than on the surface without a permit provided by section 39, or
 - 9) violates the stipulations of a permit issued on the basis of section 19 or 39,
- shall be sentenced to a fine for a *territorial offence*.

Provisions on territorial violations are given in chapter 17, section 7b, of the Penal Code.

Section 45

Further provisions

Further provisions on the enforcement of this Act shall be issued by Government Decree.

Chapter 8

Entry into force

Section 46

Provision on entry into force

This Act comes into force on January 1, 2001.

This Act repeals

- 1) section 2a of the Act on the Defence Forces (402/1974), issued on May 31, 1974, as it appears in Acts Nos. 572/1988 and 1045/1997;
- 2) section 79 and section 89, subparagraph 19, of the Aviation Act (281/1995), issued on March 3, 1995;
- 3) the Decree on aerial photography of certain areas and targets (858/1993), issued on October 11, 1993;
- 4) the Decree on Suomenlinna fortress and fortress perimeter (18/1929), issued on January 25, 1929, and later amendments.

Measures needed to enforce this Act may be taken before it comes into effect.