

Translation from Finnish

Legally binding only in Finnish and Swedish

Ministry of the Interior, Finland

Government Decree on the Border Guard

(651/2005; amendments up to 561/2017 included)

By decision of the Government on presentation by the Ministry of the Interior, the following is enacted under the Act on the Administration of the Border Guard (577/2005) and the Border Guard Act (578/2005)

Chapter 1

General provisions

Section 1

Definitions

In this Decree:

1) *detailed composition of the Border Guard* means the organisation, the chain of command, and the human resources specific to each administrative unit, which are necessary for performing the duties laid down for the Border Guard;

2) *detailed composition of an administrative unit* means a specific component of the detailed composition of the Border Guard in each administrative unit;

3) *assignment* means the appointment of those employed by the Border Guard to a position specified in the detailed composition of the Border Guard or another position defined by the appointing authority;

Paragraph 4 was repealed by Decree 1354/2010.

Paragraph 5 was repealed by Decree 1314/2013.

6) *student* means those following the basic course for border guards or other training at the Border and Coast Guard Academy; (1314/2013)

7) *District* means Border Guard Districts and Coast Guard Districts.

Chapter 2

Chief of the Border Guard and the Border Guard Headquarters

Section 2

Duties of the Chief of the Border Guard

Matters related to the Border Guard's mandate and considered by the Minister of the Interior are presented by the Chief of the Border Guard to the Minister of the Interior, and matters related to the Border Guard and considered by the Ministry of the Interior's management group are presented by the Chief of the Border Guard to the management group, unless otherwise provided by law or ordered by the Minister of the Interior. (1314/2013)

Besides other legal provisions on the duties of the Chief of the Border Guard, within the Border Guard, the Chief of the Border Guard:

1) is responsible for the performance and general policies and objectives of the operation of the Border Guard in accordance with the performance targets adopted by the Ministry of the Interior; (1314/2013)

2) decides administrative matters that have far-reaching effects or are of fundamental importance to the Border Guard;

3) approves the detailed composition of the Border Guard;

4) issues further orders on the duties of administrative units and on handling and deciding administrative matters;

5) approves key documents related to the Border Guard's performance guidance and accountability;

6) controls and supervises the operation of administrative units;

7) confirms the dates of annual holidays for heads of administrative units.

(1128/2009)

The Chief of the Border Guard may transfer for his or her own decision a matter from a subordinate and may transfer a matter that was for his or her own decision to the Deputy Chief for decision. Decision-making power may not, however, be transferred regarding matters that relate to the provision of a statement or report or the submission of a proposal to the President of the Republic, a ministry, the Supreme Court, the Supreme Administrative Court, the Chancellor of Justice or the Parliamentary Ombudsman, unless the matter is of minor significance. Separate provisions are issued on military command matters.

Section 3 (1128/2009)

Composition and duties of the Border Guard Headquarters

The Border Guard Headquarters comprises the Personnel Division, Legal Division, Border and Coast Guard Division, Technical Division, and the Planning and Finance Unit.

Where necessary, the Border Guard Headquarters may have units separate from the divisions. Besides the provisions laid down on supervision within the Border Guard, the divisions and units attend to necessary supervision within their mandate and to direction and supervision concerning the use of their information systems.

The Border Guard Headquarters:

1) performs its administrative and military duties as the supreme headquarters of the Border Guard and as the Border Guard Department of the Ministry of the Interior; (1314/2013)

2) supervises the proper performance of the duties of the Border Guard, directs and controls the operation of its subordinate administrative units, and plans and develops the operation of the Border Guard;

3) attends to the implementation of decisions made by the Chief of the Border Guard and the preparation and implementation of matters considered by the Deputy Chief of the Border Guard;

4) adopts the rules of procedure of the Districts and the Air Patrol Squadron, unless otherwise provided by law or the adopted rules of procedure; (1314/2013)

5) acts as a plaintiff or defendant on behalf of the State in matters related to the Border Guard and protects the rights and interests of the State in courts and other authorities, unless otherwise provided.

Provisions on the duties and chain of command of the Border Guard Headquarters and on considering and deciding matters at the Headquarters are laid down in the rules of procedure of the Border Guard Headquarters adopted by the Chief of the Border Guard, unless otherwise provided. When performing the duties of the Border Guard Headquarters as the Ministry of the Interior's Border Guard Department, the rules of procedure of the Ministry of the Interior shall be observed. (1314/2013)

Section 4 (1128/2009)

Section 4 was repealed by Decree 1128/2009.

Section 5

Decision-making at the Border Guard Headquarters

Decisions on matters falling under the responsibility of the Border Guard Headquarters are made, on presentation, by the Deputy Chief of the Border Guard, unless otherwise provided in an act or decree.

Section 6 (1128/2009)

Section 6 was repealed by Decree 1128/2009.

Section 7

Duties of the Deputy Chief of the Border Guard

Provisions on the position of the Deputy Chief of the Border Guard as the head of the Border Guard Headquarters, as deputy to the Chief of the Border Guard and as a Director General at the Ministry of the Interior are laid down in sections 3 and 5 of the Act on the Administration of the Border Guard (577/2005). The Deputy Chief of the Border Guard: (1314/2013)

1) is responsible for the performance of the operation of the Border Guard Headquarters;

2) directs the development activities of the Border Guard;

3) is responsible for the preparation of matters considered by the Chief of the Border Guard;

4) directs the operational planning of the Border Guard and participates in performance target negotiations with the Permanent Secretary of the Ministry of the Interior on matters involving the Ministry; (1314/2013)

5) monitors the implementation of decisions made by the Chief of the Border Guard and the Border Guard Headquarters;

6) decides the dates of annual holidays for the chiefs of divisions and heads of separate units of the Border Guard Headquarters;

7) adopts the rules of procedure of the divisions and separate units of the Border Guard Headquarters;

8) decides on the detailed composition of his or her administrative unit within the framework set by the detailed composition of the Border Guard;

9) acts as the employer's representative in matters involving the administrative unit.

(1128/2009)

The Deputy Chief of the Border Guard may in individual cases transfer for his or her own decision a matter that is the responsibility of a subordinate and may transfer a matter that was for the Deputy Chief's decision to his or her deputy for decision. Decision-making power may not be transferred regarding matters that relate to the provision of a statement or report or the

submission of a proposal to the President of the Republic, a ministry, the Supreme Court, the Supreme Administrative Court, the Chancellor of Justice or the Parliamentary Ombudsman, unless the matter is of minor significance.

Section 8 (1354/2010)

Standing and authorisations

In matters falling under the responsibility of the Border Guard, public officials of the Personnel Division and Legal Division of the Border Guard Headquarters with a master's degree in law, other than a master's degree in international and comparative law have the right to protect the rights and interests of the State and exercise the right to be heard in courts and other authorities and procedures. In matters subject to oversight of legality, this right is held by public officials of the Legal Division of the Border Guard Headquarters with a master's degree in law, other than a master's degree in international and comparative law. In matters considered by the Market Court, this right is also held by the Head of Procurement of the Border Guard Headquarters. The Head of Procurement and, at the Air Patrol Squadron, the Squadron Commander and the Flight Technical Director also have the right to approve end user certificates for the Border Guard's procurement. (1314/2013)

In matters and procedures related to property management that fall under the responsibility of the Border Guard, the Chief and Property Manager of the Technical Division of the Border Guard Headquarters have the right to protect the rights and interests of the State and exercise the right to be heard. The Chief and the Property Manager of the Technical Division also have the right to exercise the right to be heard for procurement related to property management within the Border Guard.

In matters falling under the responsibility of the Border Guard, the Border Guard Headquarters may authorise heads of other administrative units or persons designated by them, for a maximum period of one year:

- 1) in simple or minor matters, to protect the rights and interests of the State in courts and exercise a right of action;
- 2) in simple and clear cadastral procedures, property management procurement and tenancy matters, to protect the rights and interests of the State and exercise a right of action.

In individual matters falling under the responsibility of the Border Guard, the Chief or Deputy Chief of the Legal Division of the Border Guard Headquarters may authorise persons designated by him or her to exercise the State's right of action in courts, other authorities and procedures. In technical matters, this right is also held by the Chief and Deputy Chief of the Technical Division of the Border Guard Headquarters.

Chapter 3

Provisions on other administrative units

Section 9

Districts

In addition to the Border Guard Headquarters, Border and Coast Guard Academy and Air Patrol Squadron, the Border Guard's administrative units comprise the following Districts: (1314/2013)

- 1) Southeast Finland Border Guard District;
- 2) North Karelia Border Guard District;
- 3) Kainuu Border Guard District;
- 4) Lapland Border Guard District;
- 5) Gulf of Finland Coast Guard District;
- 6) West Finland Coast Guard District.

Section 10 (1314/2013)

Composition of the Districts, Border and Coast Guard Academy and Air Patrol Squadron

The Districts and the Air Patrol Squadron are headed by a Commander and the Border and Coast Guard Academy by a Director. The Commanders and the Director of the Academy are assisted by the headquarters of the administrative unit.

The headquarters of the Districts and the Air Patrol Squadron are headed by a Deputy Commander and that of the Border and Coast Guard Academy by a Deputy Director. When the Commanders and the Director of the Academy are prevented, they are deputised for by the Deputy Commanders and the Deputy Director of the Academy, respectively.

Section 11 (1314/2013)

Duties of the Districts, Border and Coast Guard Academy and Air Patrol Squadron

The Districts are responsible for the performance of the duties laid down for the Border Guard, and the Air Patrol Squadron is responsible for the aviation at the Border Guard referred to in section 75 of the Border Guard Act, within their areas of operation in accordance with directions, instructions and orders issued by the Chief of the Border Guard and the Border Guard Headquarters and in compliance with the rules of procedure. The Border and Coast Guard Academy is responsible for the duties laid down in chapter 3 of the Act on the Administration of the Border Guard in accordance with adopted performance targets, policies and rules of procedure.

Section 12

Duties of Commanders and the Director of the Academy

Commanders and the Director of the Academy lead the operation of their administrative unit and are responsible for its performance. Unless otherwise provided or ordered, they attend to the duties within their administrative unit that under section 7, paragraphs 8 and 9 belong to the Deputy Chief of the Border Guard as regards the Border Guard Headquarters. (1128/2009)

Commanders of Border Guard Districts act as border delegates referred to in the agreement concerning the régime of the Finnish-Soviet State Frontier and the procedure for the settlement of frontier incidents (Finnish Treaty Series 32/1960), while Deputy Commanders of Border Guard Districts act as their deputies.

Each Commander and the Director of the Academy may, in individual cases, transfer for his or her own decision a matter that is the responsibility of a subordinate. The Commander or Director may, in individual cases, transfer a matter that is the responsibility of the head of the administrative unit led by him or her to his or her deputy for decision, unless otherwise provided by law or the rules of procedure.

Section 13 (1314/2013)

Duties of the headquarters of the Districts, Border and Coast Guard Academy and Air Patrol Squadron

The headquarters of the Districts, Border and Coast Guard Academy and Air Patrol Squadron:

- 1) develop, direct and oversee the operation of their administrative unit and the regional and operational units under it;
- 2) attend to the preparation and implementation of matters considered by Commanders and the Director of the Academy.

Section 14

Duties of Deputy Commanders and the Deputy Director of the Academy

Deputy Commanders and the Deputy Director of the Academy:

- 1) direct the operation of the headquarters of their administrative unit;
- 2) deputise for Commanders or the Director of the Academy when they are prevented;
- 3) present key matters considered by Commanders or the Director of the Academy;
- 4) monitor the implementation of decisions complied with in their administrative unit;
- 5) act as the employer's representative in matters involving the administrative unit.

Deputy Commanders and the Deputy Director of the Academy may, in individual cases, transfer for his or her own decision a matter that is the responsibility of a subordinate. They may, in individual cases, transfer a matter that is the responsibility of the chief of the headquarters led by him or her to his or her deputy for decision, unless otherwise provided by law or the rules of procedure.

Section 15 (1314/2013)

Rules of procedure of the Districts, Air Patrol Squadron and Border and Coast Guard Academy

Further provisions on the chain of command of the Districts and Air Patrol Squadron and the duties of their units are issued in the rules of procedure of the relevant administrative unit adopted by the Border Guard Headquarters. Further provisions on the chain of command of the Border and Coast Guard Academy and the duties of its units are issued in the rules of procedure adopted by the Chief of the Border Guard.

Chapter 4

Areas of operation

Section 16 (122/2015)

Areas of operation of administrative units

The area of operation of the Border Guard Headquarters, Border and Coast Guard Academy and Air Patrol Squadron is Finland's national territory and the exclusive economic zone referred to in the Act on the Exclusive Economic Zone of Finland (1058/2004).

The areas of operation of the Districts are as follows:

- 1) The Southeast Finland Border Guard District covers the state local districts of Hamina, Imatra, Juva, Kouvola, Lappeenranta, Mikkeli, Pieksämäki and Savonlinna; however, the sea areas of the state local district of Hamina are included in the area of operation of the Gulf of Finland Coast Guard District, and, in the state local district of Imatra, the waters of Lake Pyhäjärvi in the municipality of Parikkala are included in the area of operation of the North Karelia Border Guard District.
- 2) The North Karelia Border Guard District covers the state local districts of Iloantsi, Joensuu, Kitee, Koillis-Savo, Kuopio, Lieksa, Nurmes, Sisä-Savo, Varkaus and Ylä-Savo, and, in the state local district of Imatra, the waters of Lake Pyhäjärvi in the municipality of Parikkala.
- 3) The area of operation of the Kainuu Border Guard District covers the state local districts of Kajaani, Kuhmo, Kuusamo, Pudasjärvi and Suomussalmi.

4) The area of operation of the Lapland Border Guard District covers the state local districts of Inari-Utsjoki, Kittilä, Koillis-Lappi, Käsivarsi, Ranua-Posio, Rovaniemi, Sodankylä and Tornionlaakso.

5) The area of operation of the Gulf of Finland Coast Guard District covers the state local districts of Espoo, Forssa, Heinola, Helsinki, Hyvinkää, Hämeenlinna, Keski-Uusimaa, Kotka, Lahti, Lohja, Loviisa, Orimattila, Porvoo, Raseborg, Riihimäki, Vantaa and Vihti, and the sea areas of the state local district of Hamina.

6) The area of operation of the West Finland Coast Guard District covers the state local districts of Alavus, Haapajärvi, Haukiputaa, Ikaalinen, Jakobstad, Jyväskylä, Jämsä, Kaarina, Kangasala, Kankaanpää, Kauhajoki, Kaustinen, Kemi, Keuruu, Kokemäki, Kokkola, Korsholm, Kyrönmaa, Lapua, Liminka, Loimaa, Mänttä, Nokia, Närpes, Oulu, Pori, Raahe, Raisio, Rauma, Saarijärvi, Sab, Seinäjoki, Tampere, Tornio, Turku, Turunmaa, Vaasa, Vakka-Suomi, Valkeakoski, Vammala, Ylivieska and Äänekoski, and the Province of Åland.

The area of operation of Coast Guard Districts also covers the economic zone off their area of operation. The Border Guard Headquarters decides cooperation between administrative units across the boundaries of areas of operation.

Chapter 5

Public posts and positions of the Border Guard

Section 17 (1128/2009)

Officer posts

The military posts referred to in section 9 of the Act on the Administration of the Border Guard include the officer posts of Chief of the Border Guard, Deputy Chief of the Border Guard, general, admiral, colonel, captain (N), senior staff officer and junior officer.

Section 18

Other public posts

Other public posts referred to in section 9 of the Act on the Administration of the Border Guard comprise:

- 1) Chief of Legal Division;
- 2) Senior Adviser, Legislative Affairs;
- 3) Border Guard Chief Superintendent;
- 4) Detective Chief Superintendent;
- 5) Senior Officer;
- 6) Head of Negotiation;
- 7) Head of Procurement;
- 8) Engineer;
- 9) Flight Technical Director;
- 10) Head of Finance;
- 11) Senior Engineer; (1314/2013)

Paragraph 12 was repealed by Decree 1314/2013.

(1128/2009)

There may also be public posts other than those referred to above in the Border Guard.

Section 19 (1128/2009)

Establishing, terminating, retitling, modifying, transferring and placing under administrative units of public posts

Separate provisions are issued on establishing, modifying and terminating the posts of Chief of the Border Guard, Deputy Chief of the Border Guard, general and admiral (*itemised public offices*).

Decisions on establishing, terminating, transferring, retitling and placing under administrative units public posts other than itemised public offices are made by the Chief of the Border Guard. However, decisions on the transfer and placement under administrative units of public posts to which appointments are made by heads of administrative units are made by the Border Guard Headquarters. (1314/2013)

The conditions under which persons may be appointed to a fixed-term public service employment relationship or to a public post for a fixed period are decided by the Chief of the Border Guard, unless otherwise provided.

Section 20

Non-filling of public posts

Decisions on the non-filling of public posts of the Border Guard are made by the appointing authority, unless otherwise provided.

Decisions on the non-filling of itemised public offices are made by the Minister of the Interior. Decisions on the non-filling of other officer posts and the posts of Chief of Legal Division and Senior Adviser, Legislative Affairs are made by the Chief of the Border Guard. (1314/2013)

Section 21

Appointments to public posts

Provisions on appointment to itemised public offices and other officer posts of the Border Guard are laid down in section 12 of the Act on the Administration of the Border Guard.

Appointment to other public posts is made as follows:

1) Appointments to the posts of Chief of Legal Division and Senior Adviser, Legislative Affairs are made by the Government.

2) Appointments to the posts of Border Guard Chief Superintendent, Detective Chief Superintendent, Head of Negotiation, Head of Procurement, Head of Finance and Senior Engineer are made by the Chief of the Border Guard. (1314/2013)

3) Appointments to other public posts are made by heads of administrative units, unless otherwise provided.

(1128/2009)

Section 22 (259/2006)

Appointment to public posts or public-service employment relationships for a fixed term

Appointments to public posts or public-service employment relationships for a maximum period of one year are made by heads of administrative units. Appointments to public posts or public-service employment relationships for a fixed term exceeding one year are made by the appointing authorities. However, if the President of the Republic is the one who makes the appointment, appointments to public posts or public-service employment relationships for a fixed term exceeding one year are made by the Government.

Section 23 (1354/2010)

Establishment, termination and transfer of and assignment to positions

Decisions on the establishment, termination, transfer and titles of positions are made by the Chief of the Border Guard, unless otherwise provided. However, decisions on transferring and placing under administrative units positions to which persons are assigned by heads of administrative units are made by the Border Guard Headquarters. (1314/2013)

Public officials of the Border Guard are assigned to their position by heads of administrative units. However, Commanders and Deputy Commanders, the Director and Deputy Director of the Academy, Chiefs and Deputy Chiefs of Division of the Border Guard Headquarters, chiefs of separate units, colonels, captains (N) and Border Guard Chief Superintendent are assigned to their position by the Chief of the Border Guard. Public officials appointed by the Government are assigned to their position by the Government.

Section 24

Reassignment of pilots

Public officials assigned to a position that requires pilot training may only be reassigned to a position other than one that requires pilot training with their consent.

Section 25

Reassignment of public officials

Unless otherwise provided, decisions on the reassignment of persons within administrative units are made by heads of administrative units within the framework set by the detailed composition of the Border Guard.

Decisions on the reassignment of persons from one administrative unit to another are made by the Border Guard Headquarters. However, decisions on the reassignment of public officials assigned to a position by the Government are made by the Government and decisions on the reassignment of officials assigned to a position by the Chief of the Border Guard are made by the Chief of the Border Guard.

Provisions on the obligation to transfer to another position and the right to request a review of a reassignment decision are laid down in section 14 of the Act on the Administration of the Border Guard. Furthermore, in reassignment to public posts other than those of the Border Guard, the provisions of the Act on Public Officials in Central Government (750/1994) and the Decree on Public Officials in Central Government (971/1994) shall be observed.

Chapter 6

Special qualification requirements for public posts at the Border Guard

Section 26

Special qualification requirements for officers

At the Border Guard:

- 1) the qualification requirements for junior officers are an Officer's Degree or a Master or Bachelor of Arts in Military Science and military professional studies; (1314/2013)
- 2) the qualification requirements for senior staff officers are, in addition to the degree required for junior officers, the successful completion of the first year of studies for the General Staff Officer's

course included in an officer's postgraduate degree, or the senior staff officer course together with service experience in the post of junior officer in one of the administrative units and proven leadership skills; (561/2017)

3) the qualification requirements for colonels and captains (N) are, in addition to the degree required for junior officers, the General Staff Officer's Degree included in an officer's postgraduate degree, service experience in two administrative units and proven leadership skills;

4) the qualification requirements for the Chief and Deputy Chief of the Border Guard and generals and admirals are, in addition to the General Staff Officer's Degree, leadership experience as a head of an administrative unit or in an international position of at least the same rank related to the maintenance of border security and good leadership skills proven in Border Guard service. (1128/2009)

Section 27

Special qualification requirements for special officers

The qualification requirements for the Border Guard's special officers are a suitable academic degree or specialised training, and also the training given to at least the rank of non-commissioned officer in the reserve.

Section 28 (259/2006)

Special qualification requirements for warrant officers

The qualification requirements for warrant officers are a Warrant Officer's Degree or a lower or higher Diploma Examination of Warrant Officer.

Section 29 (1314/2013)

Special qualification requirements for border guards and coast guards

The qualification requirements for border guards are the successful completion of the matriculation examination, the general upper secondary syllabus or at least a vocational upper secondary qualification, and the successful completion of the basic course for border guards. However, those appointed to the post of border guard for a fixed term to work as an assistant instructor in the

training of conscripts at the Border Guard are not required to complete the border guard basic course.

Section 30 (1314/2013)

Special qualification requirements for other public posts

At the Border Guard:

1) the qualification requirements for the post of Chief of Legal Division of the Border Guard Headquarters are a master's degree in law, other than a master's degree in international and comparative law, a good familiarity with administrative duties, proven leadership skills and experience in law drafting;

2) the qualification requirements for the post of Senior Adviser, Legislative Affairs are a master's degree in law, other than a master's degree in international and comparative law, and a good familiarity with administrative duties and law drafting;

3) the qualification requirements for the post of Border Guard Chief Superintendent are a master's degree in law, other than a master's degree in international and comparative law, and familiarity with the scope of the post;

4) the qualification requirements for the post of Detective Chief Superintendent are a master's degree and familiarity with the scope of the post;

5) the qualification requirement for the post of Head of Negotiation is a master's degree in law, other than a master's degree in international and comparative law;

6) the qualification requirement for the post of Senior Officer is a suitable master's degree;

7) the qualification requirement for the post of Head of Procurement is a master's degree in law, other than a master's degree in international and comparative law, or another suitable academic degree;

8) the qualification requirements for the post of Engineer are a Master of Science in Technology or a Bachelor of Engineering and familiarity with the scope of the post;

9) the qualification requirements for the post of Flight Technical Director are a Master of Science in Technology and familiarity with aircraft engineering;

10) the qualification requirements for the post of Head of Finance are a suitable academic degree and familiarity with the administration of public finances;

11) the qualification requirements for the post of Senior Engineer are a Master of Science in Technology and familiarity with marine engineering.

Chapter 7

Outside employment, leave of absence and termination of public-service employment relationships

Section 31

Procedure in matters concerning outside employment

Outside employment permits for the Chief of the Border Guard are granted by the Minister of the Interior. Outside employment permits for heads of administrative units are granted by the Chief of the Border Guard. Outside employment permits for other persons in an employment relationship with the Border Guard are granted by the head of the administrative unit concerned. (1314/2013)

Notifications of outside employment are submitted to the authority that decides on the outside employment permit.

Section 32 (1128/2009)

Leaves of absence and lay-offs

Unless otherwise provided, decisions on leaves of absence and lay-offs are made by:

1) the Minister of the Interior concerning the Chief of the Border Guard; (1314/2013)

2) the Chief of the Border Guard concerning heads of administrative units;

3) heads of administrative units or persons designated by them concerning public posts other than those mentioned above.

Section 33

Termination with notice and summary termination of public-service employment relationships

Decisions on termination with notice and on summary termination of public-service employment relationships within the Border Guard are made by the appointing authority. Decisions on termination under section 27 of the Act on Public Officials in Central Government are, however, made by the Chief of the Border Guard, unless the President of the Republic reserves the right to make the decision concerning a public official he or she has appointed.

Section 34 (1128/2009)

Section 34 was repealed by Decree 1128/2009.

Section 35 (1354/2010)

Section 35 was repealed by Decree 1354/2010.

Chapter 8

Discipline

Section 36 (314/2014)

Disciplinary superiors

At the Border Guard, Commanders of the Districts and the Air Patrol Squadron and the Director of the Border and Coast Guard Academy are the commanders of brigade-level units referred to in the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014).

Disciplinary punishments except detention are imposed by the following officials in their capacity as disciplinary superiors:

1) the Chief of the Border Guard on those serving at the Border Guard;

2) the Deputy Chief of the Border Guard on those serving at the Border Guard Headquarters;

3) Commanders of the Districts and the Air Patrol Squadron on those serving at the Districts or the Air Patrol Squadron;

4) the Director of the Border and Coast Guard Academy on those serving at the Academy and on border guard basic course students.

Furthermore, in their capacity as disciplinary superiors, officials may impose on their subordinates performing military service or voluntary military service:

1) confinement to barracks, a warning, extra duties and an admonition, which may be imposed by Deputy Commanders of the Districts or the Air Patrol Squadron, the Deputy Director of the Border and Coast Guard Academy or chiefs of division;

2) a warning, confinement to barracks for up to ten days, extra duties and an admonition, which may be imposed by commanders of border jaeger companies or special border jaeger companies;

3) an admonition and, on a maximum of three occasions, extra duties, and these may be imposed by border guards at border guard stations, coast guard stations, divisions, border jaeger companies or special border jaeger companies who have been assigned to disciplinary tasks.

Section 37 (1128/2009)

Consideration of military crime cases

Separate provisions are issued on the referral of criminal investigations to the police. Criminal investigations into military crime cases considered by the Border Guard are conducted by border guards.

In military discipline matters considered by the Border Guard, the military lawyer's statements referred to in section 33 of the Act on Military Discipline and Combating Crime in the Defence Forces are given by public officials of the Border Guard Headquarters with a master's degree in law, other than a master's degree in international and comparative law. (314/2014)

Section 38 (772/2014)

Enforcement concerning the military discipline procedure

The list of decisions published for administrative units by the Chief of the Border Guard and the lists of decisions published by Commanders of the Districts and the Air Patrol Squadron and the Director of the Border and Coast Guard Academy in their administrative units are the order of the day referred to in section 75 of the Act on Military Discipline and Combating Crime in the Defence Forces.

Chapter 9

Provisions on training

Sections 39–41

Sections 39–41 were repealed by Decree 1314/2013.

Section 42 (1314/2013)

Objectives of training

The training system and criteria for study programmes for border guards are approved by the Chief of the Border Guard.

The objective of the basic course for border guards is to provide students with the skills to perform border guard duties, and to ensure that they have a good knowledge of the legal provisions concerning the powers of border guards and the necessary language skills required for the post. The objective of the advanced course for border guards is to provide students with the skills to manage small groups. The objective of the master course is to provide students with the skills to manage a work unit.

Sections 43–45

Sections 43–45 were repealed by Decree 1314/2013.

Section 46 (1314/2013)

Assessment procedure

Completed study units are assessed in accordance with the criteria specified in the rules of procedure of the Border and Coast Guard Academy.

Students have the right to have access to information about the application of the assessment criteria to them.

Section 47 (1314/2013)

Section 47 was repealed by Decree 1314/2013.

Chapter 10

Miscellaneous provisions

Section 48 (1128/2009)

Training requirements for border guards and powers related to the post of border guard

Public officials of the Border Guard who have a good knowledge of the syllabus concerning the powers of border guards included in the basic course for border guards and who have the knowledge of languages required of border guards may be assigned to serve as a border guard.

The Chief and Deputy Chief of the Border Guard, Chiefs of Division of the Border Guard Headquarters, the Deputy Chief of the Legal Division of the Border Guard Headquarters and heads of administrative units are border guards without specific assignment. Provisions on the assignment to serve as a border guard of other public officials subordinate to heads of administrative units are laid down in section 15 of the Act on the Administration of the Border Guard.

Section 49 (772/2014)

Training requirements for those assigned to act as a head of investigation

Border guards of at least the rank of lieutenant who have undergone the training to qualify as a head of investigation provided at the Border and Coast Guard Academy or other training approved by the Academy as being equivalent to that provided at the Academy or who have a master's

degree in law, other than a master's degree in international and comparative law, or a Commanding Police Officer's Degree, may be assigned to act as a head of investigation by the Chief of the Border Guard or by heads of administrative units.

Section 50

Qualification requirements concerning language skills at the Border Guard

Provisions on qualification requirements concerning language skills for public posts the holders of which are statutorily required to have an academic degree are laid down in section 6 of the Act on the Knowledge of Languages Required of Personnel in Public Bodies (424/2003).

In bilingual authorities, the qualification requirement concerning language skills in the case of border guards other than those referred to in subsection 1 is a good ability to speak and write the language of the majority in the authority's district and a satisfactory ability to speak and write the other language. In unilingual authorities, the qualification requirement concerning language skills for border guards other than those referred to in subsection 1 is a good ability to speak and write the language of the authority and a satisfactory ability to understand the other language.

The Border Guard shall, where applicable, comply with the provisions laid down in the Government Decree on the Qualification Requirements concerning Knowledge of Finnish and Swedish for Military Officers (9/2004). When filling public posts in bilingual authorities, it shall be ensured that official duties that require the use of Finnish and Swedish can be assigned to those skilled in the language in question. Separate provisions are issued on language skills required in the Åland Islands.

Section 51

Physical capacity of public officials serving in military posts and of border guards

The physical capacity of public officials of the Border Guard serving in military posts as well as that of border guards is assessed on the basis of tests and medical examinations. If the physical capacity of public officials does not meet the requirements for their position, a programme to improve the capacity may be drawn up for them. Public officials whose physical capacity does not meet the requirements for their position may be reassigned to perform duties that are physically less demanding if this is necessary to ensure health and safety at work or to secure the performance of the Border Guard duties.

Orders regarding the assessment of physical capacity and related testing and classification as well as the physical capacity required for each position are given by the Chief of the Border Guard. (1314/2013)

Section 52 (772/2014)

Section 52 was repealed by Decree 772/2014.

Section 53 (1354/2010)

Command system for field operations

The Districts shall assign a border guard to act as a duty commanding officer responsible for the operational command of field operations during his or her work shift. The area of responsibility of duty commanding officers may comprise an area consisting of one or more administrative units.

The Districts shall have at least one field commander, who leads field operations and reports to the duty commanding officer.

Separate orders may be issued on the operational or temporary chain of command of the Border Guard.

Section 54

Applying for border zone permits and giving border zone notifications

Applicants for a border zone permit shall provide an account showing their identity and contact details and that the requirements for issuing a border zone permit are met. This account may contain the necessary information on:

- 1) actions planned to be performed in the border zone and their time and the area where the actions are to be performed;
- 2) any permits or authorisations issued by other authorities or other bodies that may be required for the performance of the actions;

3) firearms, ammunition, explosives and spring-powered weapons;

4) the primary reason for access to or performance of actions in the border zone.

Subsection 2 was repealed by Decree 1128/2009.

Section 55

Healthcare within the Border Guard

Provisions on the delivery of occupational healthcare within the Border Guard are laid down in the Occupational Health Care Act (1383/2001). Provisions on the healthcare responsibilities of the Defence Forces are laid down in the Act on Arranging Health Care in the Defence Forces (322/1987).

Section 56 (1128/2009)

Section 56 was repealed by Decree 1128/2009.

Section 57

Apportioning salvage rewards

Decisions on waivers of the right to salvage rewards and on the apportionment of salvage rewards referred to in section 76 of the Border Guard Act are made by the Chief of the Border Guard.

Should the right to a salvage reward not be waived, one-fifth of the share of the reward remaining after the payment of extra costs arising from the maritime search and rescue operation is apportioned between the public officials and those serving under the Conscription Act (1438/2007) and the Act on Women's Voluntary Military Service (194/1995) on board the vessel during the operation. (1314/2013)

The reward is primarily apportioned in proportion to the level of difficulty and impact of the actions performed by them.

Section 58

Recording information on apprehension

Information recorded for those apprehended under section 36, subsection 2, section 37 or section 71, subsection 2 of the Border Guard Act comprises their personal or other identification information, the details of the action that resulted in the apprehension, of their security check and of their transport, and information on the time, date, place and end of the apprehension.

Section 59 (772/2014)

Recording information on property taken into possession

Information recorded concerning the taking possession of property referred to in sections 28, 59, 66, 66a and 69 of the Border Guard Act comprises the grounds for the taking into possession and information on the return or destruction of the property.

Section 60 (772/2014)

Record of non-intimate body search

At least the following information shall be entered in the record of non-intimate body search referred to in section 28a, subsection 2 of the Border Guard Act:

- 1) the date, time and place of the action;
- 2) the person subjected to the action;
- 3) the purpose of the action;
- 4) the person who ordered the action;
- 5) the course and outcome of the action;
- 6) those involved in the action.

Section 61

Instruments of force and protective equipment

Border guards are equipped with the instruments of force and protective equipment required for their position. Border guards may only use instruments of force approved for use within the Border Guard and in the safe use of which they have received training.

Section 62

Entry into force

This Decree enters into force on 1 September 2005.

Measures necessary for the implementation of this Decree may be undertaken before its entry into force.

Section 63

Transitional provisions

Notwithstanding the provisions of this Decree regarding qualification requirements concerning language skills, public officials of the Border Guard maintain their qualification for the post which they held on the date of entry into force of this Decree, as well as for other posts of the Border Guard subject to the same qualification requirements concerning language skills as those set for the post they held on the date of entry into force of this Decree. The same applies to the qualification of those who on the date of entry into force of this Decree are in a public-service employment relationship to which they were appointed for a fixed term, who maintain their qualification until the end of the fixed term.

Notwithstanding the qualification requirements concerning language skills, public officials of the Border Guard employed as a border guard on the date of entry into force of this Decree may, however, be assigned to serve as a border guard within the area of operation of the border guard authority in which they served as a border guard when this Decree entered into force. They may also be reassigned to serve as a border guard within a border guard authority's area of operation where the qualification requirements concerning language skills are the same or lower than those applied in the area of operation where they were employed prior to the reassignment.