

(translation 7.6.2001)

No 971/2000

**Government Decree
on territorial surveillance**

Issued in Helsinki, November 16, 2000

By decision of the Government, made on the submission of the Ministry of Defence, the following is decreed on the basis of the Territorial Surveillance Act (755/2000) of August 18, 2000:

Chapter 1

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

Section 1

Application for entry

A permit application for the entry of a military person, military unit, military vehicle, government aircraft and government vessel into Finnish territory shall be submitted to the Defence Staff in good time and no later than six working days before the planned entry into Finnish territory, unless otherwise provided hereinafter.

The application shall be made in Finnish, Swedish or English on a form the structure of which has been approved by the Defence Staff.

For particularly weighty reasons, a permit matter may be decided on even if the time limit referred to in paragraph 1 has not been observed or the application has not been made on the form referred to in paragraph 2.

Section 2

Information to be stated in the application

An application for the entry of a military person or a military vehicle into Finnish territory shall contain the information necessary for the decision on the permit application, such as:

- 1) the state applying for the permit;
- 2) the purpose of the visit, the routes to be taken and the sites to be visited;
- 3) the planned times of arrival and departure;
- 4) the planned ports of entry and departure;
- 5) the name and military rank of the military person or the name and military rank of the head of the military unit entering the country and the number of military persons in the military unit;
- 6) the arms carried by the military person;

- 7) the military vehicle entering the country and any special equipment of the vehicle.

Unless otherwise provided in this Decree, an application related to a government aircraft shall contain information on the aircraft entering the country and any special equipment carried by it and on the crew of the aircraft, in addition, to the information referred to in sub-paragraphs 1 to 4 and 6.

An application related to a government vessel shall contain information on the vessel entering the country and any special equipment carried by it, and on the crew of the aircraft, in addition to the information referred to in sub-paragraphs 1 to 4 and 6.

An application related to a matter referred to in section 9 of the Territorial Surveillance Act (755/2000) shall contain information referred to in paragraphs 1 to 3 above.

Section 3

Permits allowing recurrent entry into the country and the related application

An unarmed government aircraft which does not carry special intelligence equipment and which belongs to a member state of the European Economic Area may be granted a permit for entry into Finnish territory for supply and passenger transport, the application being in force for a fixed period of a maximum of one year at a time.

An application for the permit shall be submitted no later than 12 working days before the planned first entry of the aircraft into Finnish territory.

The application shall state the purpose of the flight and the nationality, owner, type and other identifiers of the aircraft, and the period for which the permit is applied for.

Section 4

Performance of search and rescue missions

A government aircraft or government vessel performing a mission referred to in section 5, paragraph 3, of the Territorial Surveillance Act shall act under the command of and follow the orders of a Finnish mission control authority and, once its mission is completed, leave Finnish territory along a route indicated by said authority. A mission shall be considered completed when a Finnish authority announces that there is no longer any need for assistance.

Section 5

Obligation to notify the authorities in certain cases

A military person, military unit, government aircraft or government vessel that has entered Finnish territory in distress or otherwise unintentionally and holds no permit shall notify a territorial surveillance authority as referred to in section 23, paragraph 1, of the Territorial Surveillance Act of their entry as soon as possible.

Chapter 2

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

Section 6

Permit application

An application for a permit referred to in section 19 of the Territorial Surveillance Act for an activity referred to in sections 12 to 14 of the Act shall be made on a form the structure of which has been approved by the Defence Staff.

Section 7

Information to be stated in an application

A permit application referred to in section 6 above shall state

- 1) the name, identity number and address of the applicant, or, if the applicant is a corporation, the name and address of the applicant and the name of the contact person;
- 2) the purpose of the activity and the equipment to be used in it;
- 3) the name and address of the person in charge of the activity;
- 4) the area, marked on a map, where the activity is to be carried out;
- 5) the period scheduled for the activity and the requested period of validity of the permit;
- 6) the register number of the aircraft or vessel used in the activity and the name of the captain of the aircraft or vessel.

Section 8

Issuing a permit

A permit referred to in section 6 above may be issued for one year at a time.

Chapter 3

Permits related to restricted areas

Section 9

Approving authority

The Archipelago Sea Naval Command, the Gulf of Finland Naval Command and the Kotka Coastal Command are competent to handle and decide on matters relating to the issue of a permit for an activity referred to in section 17, paragraph 1, of the Territorial Surveillance Act in a restricted area within the operating area of a military unit.

Separate provisions on restricted areas and their allocation to the operating areas of military units of the Defence Forces shall be issued by separate Government Decree.

Section 10

Permit application

An application related to a permit referred to in section 9 above shall be addressed to the military unit handling the matter and submitted no later than six days before the scheduled beginning of the activity referred to in the application. The application shall be made on a form the structure of which has been approved by the Defence Staff.

The application referred to in paragraph 1 above may also be submitted to a Coast Guard District for forwarding to the respective military unit.

Section 11

Information to be included in the application

A permit application referred to in section 10 above shall state

- 1) the name, identity number and address of the applicant, or, if the applicant is a corporation, the name and address of the applicant and the name of the contact person;
- 2) the purpose of the activity;
- 3) the equipment to be used in the activity referred to in section 17, paragraph 1, sub-paragraphs 1 and 2, of the Territorial Surveillance Act;
- 4) the names and addresses of the persons participating in the activity;
- 5) the area, marked on a map, where the activity is to be carried out;
- 6) the period scheduled for the activity and the requested period of validity of the permit;
- 7) the register number of the aircraft or vessel used in the activity and the name of the captain of the aircraft or vessel.

Section 12

Issue of a permit

A permit referred to in section 9 may be issued for a maximum of one calendar year at a time.

If the conditions for issuing a permit as prescribed in section 19, paragraph 1, of the Territorial Surveillance Act are met, a permit issue may be decided even if all the facts referred to in section 11, paragraph 3, 4, 6 or 7, are not stated when the application is filed.

Section 13

Simplified permit proceedings

Even if the provisions on applying for a permit as referred to in sections 10 and 11 are not fully complied with, a military unit as referred to in section 9 may, in each individual case, issue a permit for recreational scuba diving with commonly used equipment if it is obvious that the conditions for issuing a permit as prescribed in section 19, paragraph 1, of the Territorial Surveillance Act are met.

Chapter 4

Operation of a territorial surveillance authority in a water area

Section 14

Identification of a vessel

A vessel entering Finnish territory which, on the basis of its external markings, or for other reasons, cannot be identified as a government vessel, shall be considered a merchant vessel until identified otherwise.

An underwater unidentified vessel shall be considered a warship until identified otherwise.

Section 15

Government vessel

If a government vessel enters Finnish territory illegally, the territorial surveillance authority shall admonish the vessel for being in Finnish territorial waters and urge it to leave without delay, taking the same route or another route indicated to it. The same shall apply to a government vessel which has entered Finnish territory in an emergency situation if the vessel is not leaving Finnish territory although the reason for its entry has expired.

If a vessel, even after a warning or an intensified warning, fails to comply with the order to leave, the territorial surveillance authority shall stop the vessel for investigation of the matter and inform the Ministry of Defence without delay.

If the Ministry of Defence does not issue any other instructions for procedure, the territorial surveillance authority shall force the vessel to leave Finnish territory and use force if necessary.

Section 16

Activity outside Finnish territorial waters

Hot pursuit of a vessel which has committed a territorial violation in Finnish territory may be continued outside Finnish territorial waters in accordance with the provisions of international law.

Section 17

Inspection of a government vessel

Inspection of a government vessel shall be decided by the Ministry of Defence.

Chapter 5

Activity of a territorial surveillance authority while the object of surveillance is in Finnish air space

Section 18

Identification of an aircraft

An unidentified aircraft entering Finnish territory shall be considered a military aircraft until identified otherwise.

An unmanned aircraft shall always be considered a military aircraft.

Section 19

Government aircraft

If a government aircraft crosses the Finnish border without permission, the territorial surveillance authority shall admonish the aircraft and urge it to leave Finnish territory.

If the aircraft, even after a warning or an intensified warning fails to comply with the order to leave, the territorial surveillance authority shall force the aircraft to land or to leave Finnish territory, using force if necessary.

Section 20

Deviation from an air route

If a government aircraft which is entering or already in Finnish air space deviates without permission from the route indicated in the flight plan, the territorial surveillance authority shall admonish the aircraft and urge it to return to its route.

Section 21

Aircraft in distress

A government aircraft which has entered Finnish territory in distress or deviated from the route indicated in the flight plan in distress shall be guided or escorted to the nearest appropriate airport.

Section 22

Unauthorized landing of government aircraft

The departure of a government aircraft which has landed in Finnish territory without permission may be prevented by forcible means, if necessary. The Ministry of Defence shall be notified of the matter, and shall decide on any further measures.

Section 23

Inspection of a government aircraft

Inspection of a government aircraft shall be decided by the Ministry of Defence.

Chapter 6

Land activities of a territorial surveillance authority

Section 24

Unauthorized entry into the country by a military person or a military vehicle

If a territorial surveillance authority catches a military person, a military unit or a military vehicle crossing the Finnish border without permission, it shall order the party crossing the border to retreat without delay. If the order is disregarded or the party which entered Finnish territory is caught elsewhere in Finnish territory, a territorial surveillance authority referred to in section 23, paragraph 1, of the Territorial Surveillance Act shall apprehend the party which has crossed the border, using force if necessary as referred to in section 31 of the Territorial Surveillance Act.

Chapter 7

Warning and an intensified warning

Section 25

Warning and an intensified warning

The warning referred to in section 25, paragraph 1, of the Territorial Surveillance Act shall be given orally or in writing or by using communication equipment or international signs. If these means cannot be used to give a warning, a warning may

also be given by making a threatening or aggressive movement with a vessel or aircraft.

A warning to a diving submarine shall be given by firing a blank charge or a depth charge in such a way that the target is unlikely to suffer any damage.

The warning fire referred to in section 32 of the Territorial Surveillance Act shall be fired as a warning shot from a gun or small arm, or by dropping an explosive from a vessel or aircraft.

Chapter 8

Miscellaneous provisions

Section 26

Registration of an action

The following information shall be registered in the case of apprehension as referred to in section 27 of the Territorial Surveillance Act:

- 1) personal data on the person apprehended;
- 2) the grounds for apprehension;
- 3) the official who carried out the apprehension;
- 4) the time of apprehension;
- 5) the time of release.

The following information shall be entered in the record of confiscation on any objects confiscated in conjunction with a search as referred to in section 28 of the Territorial Surveillance Act:

- 1) the purpose of the confiscation and the course of the confiscation proceedings;
- 2) the objects confiscated;
- 3) the grounds on which the objects have not been returned to the party concerned.

Section 27

Entry into force

This Decree comes into force on January 1, 2001.

This Decree repeals the Decree on surveillance of Finnish territory and protection of Finland's territorial integrity (1069/1989) of December 1, 1989 and its later amendments.

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

Helsinki, November 16, 2000

Jan-Erik Enestam, Minister of Defence

Timo Turkki, Senior Officer, Legal Affairs