



This is a summary of the original decision which can be found at the Regional State Administrative Agencies' website ([www.avi.fi](http://www.avi.fi)) in Finnish under *Koronapäätökset* (Covid-19 decisions) or in Swedish under *Coronadelgivningar*.

## DECISION ON COMPULSORY HEALTH EXAMINATIONS UNDER SECTION 16 OF THE FINNISH COMMUNICABLE DISEASES ACT TO BE IMPLEMENTED AT BORDER CROSSING POINTS WITHIN THE JURISDICTION OF THE REGIONAL ADMINISTRATIVE AGENCY FOR SOUTHERN FINLAND

### MATTER

A decision under Section 16 of the Finnish Communicable Diseases Act which orders participation in a health examination for the purpose of preventing the spread of the generally hazardous COVID-19 disease caused by the SARS-CoV-2 virus referred to in Section 1 of the Finnish Government Decree on Communicable Diseases.

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### REVIEWS AND BACKGROUND

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In its statement of 18 June 2021, the **Hospital District of Helsinki and Uusimaa** states that the number of COVID-19 cases detected has decrease since April 2021 and that the number of cases also continues to drop in Southern Finland. COVID-19 vaccinations have progressed rapidly and the majority of those at risk of the severe form of COVID-19 disease due to underlying medical conditions or age have already received a vaccine. However, most people have still to receive the second dose required for effective immunity. The drop in the number of cases and the progress made with vaccinations have reduced the number of COVID-19 patients treated in hospitals, and the likelihood that a chain of transmissions from a domestic source would significantly burden the healthcare system is low.

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In early 2021, the new Alpha variant (UK variant) became the dominant variant (2/3 of all cases) in only eight weeks causing a sharp rise in the number of cases. This led to the declaration of another state of emergency and tighter restrictions imposed by the Finnish Government. Since April 2021, the Beta variant (South Africa variant) has become more prevalent. All the above viral strains are foreign and brought in and widely spread by people entering Finland and the chains of transmissions they have set off. Internal efforts to prevent the spread of these viral strains that transmit more easily have not been successful.

According to analyses carried out in the United Kingdom, the globally spreading Delta variant (India variant) is more transmissible than even the easily transmittable variants known previously and may also cause a more severe form of the disease. People who have travelled to Finland from various countries of departure have tested positive for the Delta variant. The Delta variant has created a wide chain of transmissions in the region of Kanta-Häme where people were infected in a local hospital. Some of the infected had received one dose of vaccination while others were fully vaccinated. According to the latest data, even one dose is highly effective against a severe form of Delta variant infection but it prevents a symptomatic and most likely communicable infection only in about 30% of cases. The Delta variant has also been found in persons returning to Finland from Russia, indicating that the variant is already widespread. Therefore, there is a real risk that a person carrying the Delta variant will set off a chain of infections or even an epidemic, and efforts to prevent the entry of the variant are justified and most effective when all persons carrying the virus can be identified.

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The Hospital District of Helsinki and Uusimaa (HUS) recommends that compulsory health examinations of people entering Finland should continue in areas stated in the request for statement and above in the present document (city of Helsinki, city of Vantaa, South Karelia Social and Health Care District and the Joint Municipal Authority for Kymenlaakso Social and Health Services).

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## HEARING

Conducting a hearing in this matter may have jeopardised the appropriate enforcement of this decision and the resultant delay may have caused significant harm to human health and public safety. For this reason, no hearing was conducted under Section 34(2)(4) of the Finnish Administrative Procedure Act.

**DECISION AND GROUNDS FOR THE DECISION BY THE REGIONAL STATE  
ADMINISTRATIVE AGENCY**

**Order**

**Under Section 16 of the Finnish Communicable Diseases Act, the Regional State Administrative Agency orders all persons coming from high-risk countries and entering Finland through border crossing points within the Agency's jurisdiction to participate in a health examination immediately upon entering the country organised by the city of Helsinki, city of Vantaa, South Karelia Social and Health Care District and the Joint Municipal Authority for Kymenlaakso Social and Health Services for the purpose of preventing the spread of the generally hazardous COVID-19 disease.**

**In this decision, any person who, within the past 14 days, has been in a country where the COVID-19 incidence rate is higher than 25 cases/100,000 people/14 days is considered a person coming from a high-risk country.**

**This order does not apply to children born in 2005 or later or to transport and logistics staff on duty.**

**The order also does not apply to people who can produce a reliable certificate showing that:**

- 1) they have received the full vaccine regime and received the final dose at least two weeks before entering the country;**
- 2) they have recovered from COVID-19 disease and received at least one dose of vaccine at least one week before entering the country; or**
- 3) they have recovered from COVID-19 disease less than six months before entering the country.**

**Acceptable vaccine regimes are listed in Table 1 in the Finnish National Institute for Health and Welfare guidelines (Appendix 1) of 10 June 2021 or include any vaccine regime approved by the Institute in its guidelines since.**

**This order is in force between 24 June and 31 July 2021.**

**This decision will replace the decision under Section 16 of the Finnish Communicable Diseases Act (ESAVI/18052/2021) of 24 May 2021 which was in force from 24 June to 30 June 2021.**

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**Grounds**

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## Summary

Preventing the spread of COVID-19 is important for Finnish society so that citizens' fundamental right to life and safety can be safeguarded. Identifying sources of transmission and those exposed as well as preventing further transmissions are crucial tools in the prevention of the spread of COVID-19 infection.

As shown by various reviews, practically all COVID-19 epidemic waves in Finland were set off by foreign viral strains. The globally spreading Delta variant is more transmissible than even the easily transmittable variants known previously and may also cause a more severe form of the disease. The Delta variant has also been found in persons returning to Finland from Russia, indicating that the variant is already widespread. There is a real risk that a person carrying the Delta variant will set off a chain of infections or even an epidemic, and efforts to prevent the entry of the variant are justified and most effective when all persons carrying the virus can be identified. Transmissions from abroad, especially the Delta variant, pose an increasing risk as more and more people travel across borders.

The Finnish Ministry of Social Affairs and Health, which is responsible for the general planning, steering and monitoring related to the prevention of communicable diseases, and the Finnish National Institute for Health and Welfare, which is the national expert body on the prevention of communicable diseases, have provided guidance on the matter due to the expected increase in cross-border traffic. The Ministry emphasises that entry into Finland must be frictionless and the Institute that measures taken at entry points must depend on whether the passenger arrives from a high-risk country or somewhere else. The measures should also depend on whether a passenger arriving from a high-risk country has completed their vaccine regime or received only partial vaccination or is completely unvaccinated (against COVID-19).

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Under Section 14 of the Finnish Communicable Diseases Act, municipalities must arrange health examinations to prevent communicable diseases. The preparatory documents for the Finnish Communicable Diseases Act state that the need for health examinations carried out for the purpose of preventing communicable diseases, the content of the examinations and the necessity vaccinations must be assessed on medical and epidemiological grounds. Any measures must be cost-effective, and their aim is not only to protect the health of the individual but also the general population and to safeguard the society while taking into account any international legal obligations binding on Finland. If necessary, particular target groups for health examinations based on expert opinion may include persons arriving from high-risk

countries who are not fully vaccinated or who can be suspected of carrying a serious communicable disease that is easily transmittable to the rest of the population creating a health risk. The content of health examinations, including any necessary checks and vaccinations, must depend on the target group and its risk of further transmitting the communicable disease. Communicable diseases do not stop at the border. Increased cross-border traffic can accelerate the spread of communicable diseases. Therefore, those responsible for the prevention of communicable diseases must respond to the new threats without delays and in a flexible manner. The best way to prevent the spread of communicable diseases is to detect them in time and provide treatment quickly so that no further transmissions happen.

Based on an overall assessment by the Regional State Administrative Agency, it is still necessary to implement the decision under Section 16 of the Finnish Communicable Diseases Act at border crossing points within the jurisdiction of the Regional State Administrative Agency of Southern Finland. As stated under *Order* in this decision and pursuant to Section 16 of the Finnish Communicable Diseases Act, the Regional State Administrative Agency orders all persons coming from high-risk countries and entering Finland through border crossing points within the Agency's jurisdiction to participate in a health examination organised by the city of Helsinki, the city of Vantaa, South Karelia Social and Health Care District and the Joint Municipal Authority for Kymenlaakso Social and Health Services for the purpose of preventing the spread of the generally hazardous COVID-19 disease.

The health examination may include a COVID-19 test, which may be carried out at the border crossing point but also at other testing sites within the border community or at the person's place of stay within 24 hours of entry into Finland.

If a person ordered to participate in a compulsory health examination under Section 16 of the Finnish Communicable Diseases Act does not comply with the order, the physician in charge of communicable diseases in the relevant municipality or hospital district may request assistance from other authorities under Section 89 of the Finnish Communicable Diseases Act.

The Regional State Administrative Agency reiterates that, if a person refuses to comply with the compulsory health examination ordered by this decision, the provisions of Chapter 44, Section 2 of the Criminal Code of Finland may apply. According to Chapter 44, Section 2 of the Criminal Code of Finland, a person who intentionally or through gross negligence is in violation of the compulsory health examination order within the meaning of Section 16 of the Finnish Communicable Diseases Act shall, unless a more severe penalty has been provided elsewhere in law for the act, be sentenced for a health protection violation to a fine or to imprisonment for at most three months.

**APPLICABLE RULE OF LAW**

Constitution of Finland (731/1999) Sections 7 and 22

Finnish Communicable Diseases Act (1227/2016) Sections 1, 14, 15, 16, 22, 60, 88 and 89

The Criminal Code of Finland (39/1889) Section 44

Government Decree on Communicable Diseases (146/2017) Section 1.

**APPEAL**

An appeal against this decision may be lodged in the Administrative Court of Hämeenlinna under Section 90(1) of the Finnish Communicable Diseases Act. The address for lodging an appeal is attached to this decision document.

**IMPLEMENTATION**

This Decision shall be enforced immediately under Section 91 of the Finnish Communicable Diseases Act, regardless of any appeal.

**ADDITIONAL INFORMATION**

For more information, please contact Senior Medical Officer of Regional Administration Laura Nikunen, tel. +358 0295 016 000 (exchange).

Head of Department

Kristiina Poikajärvi

Senior Medical Officer of Regional Administration Laura Nikunen

**APPENDIX**

Appendix 1, a recommendation of 10 June 2021 by the Finnish National Institute for Health and Welfare on health examinations carried out at entry into Finland for the purpose of preventing the spread of SARS-CoV-2 virus (Table 1).

**COPIES AND PAYMENT****Service by publication**

This decision will be served by publication. The decision can be viewed by the public at the Regional State Administrative Agency for Southern Finland until 31 July 2021. The public will be notified of the publication of the decision on the Regional State Administrative Agency's website at [www.avi.fi](http://www.avi.fi).

This decision is considered served on the seventh day after the above notification has been published on the Regional State Administrative Agency's website.

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**Free of charge**