



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

## **DECISION PURSUANT TO SECTION 16 OF THE COMMUNICABLE DISEASES ACT ON COMPULSORY PARTICIPATION IN HEALTH EXAMINATIONS**

### **CASE:**

A decision issued pursuant to section 16 of the Communicable Diseases Act to order compulsory participation in a health examination to prevent the spread of the generally hazardous communicable disease Covid-19 caused by the SARS-CoV-2 virus in accordance with section 1 of the Government Decree on Communicable Diseases.

### **BACKGROUND**

In its guidelines issued on 29 March 2021, the Finnish Institute for Health and Welfare (THL) has recommended that all passengers from high-risk countries be referred to a coronavirus test at the border crossing point.

On 24 May 2021, pursuant to section 15 of the Communicable Diseases Act the Regional State Administrative Agency for Southern Finland adopted a decision to obligate municipalities and joint municipal authorities in its area to organise health examinations for persons entering the country through border crossing points located in its area to prevent the spread of a generally hazardous communicable disease Covid-19, caused by the SARS-CoV2 virus (ESAVI/18051/2021). The order will be valid for the period 1 June - 30 June 2021.

### **STATEMENTS AND FURTHER INFORMATION**

The Regional State Administrative Agency has obtained statements concerning the matter from the Finnish Institute for Health and Welfare (THL) and from the hospital districts of South Karelia, Helsinki and Uusimaa, and Kymenlaakso.

According to a statement issued on 17 March 2021 by the Finnish Institute for Health and Welfare, in order to control the Covid-19

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epidemic in Finland and prevent the spread of new virus variants, it is essential that entry points follow the THL's recommendations on testing and quarantine practices as closely as possible. Furthermore, the Finnish Institute for Health and Welfare also believes that the Regional State Administrative Agencies must ensure the implementation of testing and quarantine practices by imposing compulsory health examinations in accordance with section 16 of the Communicable Diseases Act (1227/2016) for those travellers who have been stayed in a country whose incidence of coronavirus is greater than 25/100,000 persons/14 days within the 14 days preceding their arrival in Finland (so-called risk country).

The recommendation for a mandatory health examination will not apply to transit passengers who will not leave the transit area, to transport and logistics staff completing their duties or to children born in or after 2008.

Regardless of the country of origin, all passengers with symptoms suitable for Covid-19 must always be referred to a health examination and coronavirus test.

The entry points follow THL's guidelines on coronavirus testing and take into account, for example, the advance tests for the coronavirus, certificates of having recovered from Covid-19 and exceptions to testing practices as stated in the THL guidelines.

A physician responsible for communicable diseases in a public service employment relationship with a municipality or a joint municipal authority for a hospital district may order a person to remain quarantined for a period of 14 days if the possible spread of infection cannot otherwise be reliably prevented (Communicable Diseases Act 1227/2016, section 60). For example, if a person refuses to participate in a health examination and/or comply with testing practices, it may be justified to impose a quarantine. Quarantine orders are issued on the basis of an individual assessment.

The hospital districts of South Karelia, Helsinki and Uusimaa, and Kymenlaakso have considered it justified to order health examinations for those crossing the border and propose that the Regional State Administrative Agency for Southern Finland continue its decision pursuant to section 16 of the Communicable Diseases Act.

## HEARING

A hearing could have jeopardised the implementation of the purpose of this decision and the resulting delay would have caused significant harm to human health and public safety, which is why no hearing was held under section 34 of the Administrative Procedure Act (434/2003).

## DECISION BY THE REGIONAL STATE ADMINISTRATIVE AGENCY AND GROUNDS

### Order

**Under section 16 of the Communicable Diseases Act, the Regional State Administrative Agency orders that all persons arriving in Finland from high-risk countries through border crossing points in its area must immediately after arrival participate in a health examination organised by the City of Helsinki, the City of Vantaa, the South Karelia Social and Health Care District and the Kymenlaakso Joint Municipal Authority for Social and Health Care services to prevent the spread of a generally hazardous communicable disease Covid-19.**

**For the purposes of this decision, persons from high-risk countries refers to those who have stayed in a country with a coronavirus incidence greater than 25/ 100,000 persons/14 days within the 14 days preceding their arrival in Finland.**

**The order will not apply to children born in or after 2008 or to transport and logistics personnel while they are completing their duties.**

**The order will be valid for the period 1 June - 30 June 2021.**

### Justifications

Under section 15 of the Infectious Diseases Act, the Regional State Administrative Agency may order a health examination to be organised in its region for persons in a specific locality or workplace, institution, vehicle or other such location within its operating area, if such an examination is necessary to prevent the spread of a generally hazardous communicable disease. Participating in a health examination is voluntary. According to subsection 2 of the same section A health examination is conducted by a physician or by another health care professional with appropriate training under the supervision of a physician. As part of the examination, necessary specimens may be taken and other tests not causing significant harm to the person examined may be carried out.

According to section 16 of the Communicable Diseases Act, the Regional State Administrative Agency may decide that participation in a health examination pursuant to sections 14 and 15 is obligatory if it is necessary to prevent the spread of a communicable disease that poses a risk to public health or one which can reasonably be suspected to pose a risk to public health. The decision may apply to individual or multiple persons.

According to subsection 2 of the same section, a physician responsible for communicable diseases in a municipality or hospital district may make a decision on a compulsory health examination for an individual if

this is necessary to prevent the spread of a generally hazardous communicable disease or a communicable disease that is reasonably suspected to be a generally hazardous.

Pursuant to section 22, subsection 1 of the Communicable Diseases Act, in order to prevent the spread of the disease, a person who has or is justifiably suspected of having a generally hazardous or monitored communicable disease is

obliged to provide the physician investigating the matter with information regarding his or her view of the manner, date and place of infection, as well as the names of persons who may have been the source of infection or may have been infected.

Preventing the spread of the communicable disease, Covid-19 is of societal importance in order to safeguard citizens' fundamental rights to life and safety. In the prevention of the spread of Covid-19 infections, identification of sources of infection and persons exposed to the infection and prevention of further infections are key methods for achieving this.

The Regional State Administrative Agency has received a statement from the Finnish Institute for Health and Welfare, according to which the THL believes that the Regional State Administrative Agencies must ensure testing and the implementation of quarantine practices by imposing compulsory health examinations in accordance with section 16 of the Communicable Diseases Act (1227/2016) for passengers who have stayed in the so-called risk country within 14 days before entering the country.

In their statements, the Hospital District of Helsinki and Uusimaa, the Hospital District of South Karelia and the Hospital District of Kymenlaakso have estimated that a mandatory health examination in accordance with section 16 of the Communicable Diseases Act is necessary and imperative for passengers arriving at border crossing points in their area. Also the health authorities of Helsinki and the City of Vantaa considered that the decision by the Regional State Administrative Agency to impose mandatory health examinations for people entering the country under section 16 of the Communicable Diseases Act is still necessary and necessary.

Under section 16 of the Communicable Diseases Act, the Regional State Administrative Agency sees that it is imperative to order all persons arriving in Finland from high-risk countries through border crossing points in its area must immediately after arrival participate in a health examination organised by the City of Helsinki, the City of Vantaa, the South Karelia Social and Health Care District and the Kymenlaakso Joint Municipal Authority for Social and Health Care services to prevent the spread of a generally hazardous communicable disease Covid-19.

For the purposes of this decision, persons from high-risk countries refers to those who have stayed in a country with a coronavirus incidence greater than 25/ 100,000 persons/14 days within the 14 days preceding their arrival in Finland.

The order will not apply to children born in or after 2008 or to transport and logistics personnel while they are completing their duties.

The order will be valid for the period 1 June - 30 June 2021.

If a person, who has been ordered to take part in a health examination under section 16 of the Communicable Diseases Act, does not comply with the obligation, the physician responsible for communicable diseases in a municipality or hospital district may request executive assistance from the police under section 89 of the Communicable Diseases Act.

The Regional State Administrative Agency further finds that if a person refuses to participate in a compulsory health examination provided for in this decision, the provisions laid down in chapter 44, section 2 of the Criminal Code may apply. Under chapter 44, section 2 of the Criminal Code, anyone who deliberately or through gross negligence violates the mandatory health examination referred to in section 16 of the Communicable Diseases Act must be sentenced, unless a more severe penalty is provided elsewhere in the Act, for a health protection violation to a fine or imprisonment for a maximum of three months.

## **LEGAL RULES APPLIED**

Constitution of Finland (731/1999), sections 7 and 22

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

Criminal Code (39/1889), section 44

Government Decree on Communicable Diseases (146/2017) section 1

## **APPEAL**

Under section 90 of the Communicable Diseases Act, this decision can be appealed to the Regional Administrative Court of Hämeenlinna. The instructions for appeal are attached.

## **IMPLEMENTATION**

Notwithstanding any appeal, this decision will be implemented immediately under section 91 of the Communicable Diseases Act.

**ENQUIRIES**

If you have further questions concerning the matter, please contact, Senior Medical Officer Laura Nikunen, tel. +358 295 016 000 (switchboard).

Director

Kristiina Poikajärvi

Senior Medical Officer

Laura Nikunen

**DECISION ON PUBLIC COMMUNICATION**

The communication of this decision will take the form of a public communication. The document will be kept available for public viewing at the Regional State Administrative Agency for Southern Finland until 30 June 2021. Notification concerning making the decision available for public viewing will be reported on a public information network on the Regional State Administrative Agency website [www.avi.fi](http://www.avi.fi).

The communication of this decision to the public is deemed to have taken place on the seventh day following the publication of the above-mentioned notification on the Regional State Administrative Agency website.