



# Reforming Emergency Practices in Finland

7.4.2026

**The Emergency Powers Act regulates the application of emergency powers in Finland. It is central to Finnish preparedness for emergencies. The Act has been consistently amended and reformed ever since its enactment in 1991, though it was applied for the first time only during the COVID-19 pandemic. The Government plans to issue its proposal for the Act's reform in August 2026; a committee report on the matter has now been published. While the report's draft proposal for the Act includes improvements to checks and balances, the declaration procedure remains underdeveloped.**

The Emergency Powers Act has been amended multiple times in the 35 years since its enactment and reformed once in 2011. Most recently, in 2022, it was amended to include hybrid threats as a new category of emergency. The primary concern with the

Act is that it derogates from the constitution. According to the Constitutional Law Committee, the Act delegates legislative powers too extensively and its scope of emergencies is overly broad. It was passed as an exceptive act in 1991, and all amendments and the 2011 reform have adhered to the same procedure. When reviewing the 2022 amendment, the Constitutional Law Committee stated that the situation is unsatisfactory and that a reform process should be initiated to align the Act with the constitution. The Ministry of Justice began the reform process soon after by appointing a committee to develop a proposal. The committee proposal was published in December 2025.

The basic structure of the Emergency Powers Act establishes a process for applying emergency powers. The Act currently includes six emergency conditions, which authorize the declaration of a state of emergency, and the powers provided by the Act are mostly tied to these specific conditions. Applying the emergency powers provided by the second part of the Act requires a declaration of the state of emergency by the Government, in cooperation with the President of the Republic. This is followed by a decree on the exercise of emergency powers (*käyttöönottoasetus*) that specifies the powers applied and their extent. The decree is then submitted to the Parliament, which decides whether the decree remains in force or is repealed in part or in full. After this, the powers specified in the decree may be applied.

The committee proposal keeps this basic structure of the Emergency Powers Act intact. Reforms concern, for example, further specifying the Parliament's role. The procedure for issuing decrees on the exercise of emergency powers is also detailed more comprehensively. The powers would be scaled from less to more extensive, and the more extensive ones should only be exercised if less extensive powers prove insufficient.

Furthermore, the committee proposal suggests that the Government's declaration should be tied to the specific circumstances requiring the exercise of additional powers. This requirement responds to the 2020 state of emergency, which was declared on the grounds of both the pandemic and economic emergency conditions. Since the powers related to the economic emergency were not invoked, that part of the declaration appeared to be merely precautionary. This stands in contrast to international norms, which mandate that an emergency must be imminent and a declaration strictly necessary.

While the committee proposal is informed by the experiences during the pandemic, it is surprising that the declaration procedure itself has not been further refined. Currently, the Act does not regulate how the cooperation between the Government and the

President should take place. In addition, the Parliament lacks a formal role in reviewing the declaration itself. During the pandemic, this meant that neither the Parliament nor the Constitutional Law Committee could scrutinize the legal basis for the state of emergency. From the point of view of checks and balances, the executive branch should not be granted unilateral authority to decide whether specific circumstances can be interpreted as an emergency. Moreover, should the Act be invoked at some point in the future, an opinion by the Constitutional Law Committee addressing this matter directly would be of vital importance.

Admittedly, the declaration itself does not grant the Government any powers – only a decree on the exercise of emergency powers does so. Furthermore, the requirement that a state of emergency could only be declared if one or more powers are needed, in a way, gives the Parliament a role in assessing the declaration. If the Parliament were to repeal the Government's decree on the use of emergency powers, it would effectively signal that the threshold for a state of emergency has not been met.

However, this type of subsequent assessment of the declaration is insufficient. The declaration of a state of emergency often sends a strong political message. Indeed, it may trigger a rally-around-the-flag effect that should not be underestimated. Thus, a declaration can serve as a powerful political tool to compel the Parliament to comply. Therefore, to strengthen checks and balances, the Government should be formally required to consult the Parliament already at the declaration stage.

The committee proposal also refrains from suggesting further regulation on the cooperation between the Government and the President of the Republic in declaring a state of emergency. Flexibility in different situations might be needed. During the pandemic, this cooperation was facilitated through meetings between the President and Ministerial Committee on Foreign and Security Policy. This practice, the proposal suggests, could become the standard for organizing such cooperation. However, according to the proposal, an oral agreement would suffice in urgent situations.

In my research with Janne Salminen, we analyzed the pandemic declaration practice. At the TP-UTVA meeting, according to Matti Mörntinen's report for Sitra, the pandemic was not originally on the agenda. Instead, the President of the Republic brought up the issue. The government then declared a state of emergency the following week. In our article on the topic, we discussed the hypothetical that pressure from a president with strong political support could lead to a situation in which the Government is unwilling to contradict the president.

Therefore, while perhaps flexibility regarding the manner and venue of cooperation may be necessary, there should be regulation to limit the possibility of using political pressure to force the other executive's hand. For example, the Act could grant the power of initiative to the Government. This would ensure that the distribution of responsibilities would be clear and predictable, preventing cooperation from arising unexpectedly, as was apparently the case according to Mörntinen's report.

It remains to be seen what the Government's proposal will look like. The consultation period for the committee proposal closed on February 27, 2026. Political discussion and public attention are likely to focus on the reform's constitutionality. However, the declaration procedure should also be kept in mind, especially regarding checks and balances, whether between different branches of government (the Parliament and the Government) or within the executive branch (the Government and the President). The declaration of a state of emergency is a powerful political tool, and it must be regulated to ensure that it is not used arbitrarily. By requiring that the declaration be tied to the need for emergency powers, the committee proposal has taken a step in the right direction. However, more could be done to strengthen the checks and balances within the procedure.

### About the Author



**Tuukka Brunila** is a postdoctoral researcher at the Faculty of Law, University of Turku. His work focuses on emergency legislation. His research interests are in constitutional theory and philosophy of law. Currently, he is developing a theory of constitutional urgency during emergencies.

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ISSN 2984-5246