

DECISION

Date

31 December 2020

Diary no.

TRAFICOM/549039/05.00.12.00/2020

Reference

Opinion of the Finnish Institute for Health and Welfare dated 31 December 2020

Decision on the temporary suspension of passenger air services from the United Kingdom to Finland from 4 January 2021 to 11 January 2021

Decision

The Finnish Transport and Communications Agency has decided to suspend passenger air services from the United Kingdom to Finland during the period from 4 January 2021 at 10:00 a.m. UTC to 11 January 2021 at 9:59 a.m. UTC. The decision does not concern overflights, technical intermediate stops, ferry flights with own crew, state aviation, ambulance flights or cargo flights.

As it is not in the public interest to delay the entry into force of this Decision, it shall be implemented immediately.

Grounds for the decision

Background

The Finnish Transport and Communications Agency has received from the Finnish Institute for Health and Welfare (THL) an opinion dated 31 December 2020, which states the following:

THL considers that the current state of the epidemic in Finland is serious, with effective measures needed to restrict and control its transmission. The new mutated variant of the virus constitutes a significant threat, which should be effectively prevented from spreading in Finland. In partnership with a number of other actors, THL has initiated measures designed to identify all passengers arriving in Finland from the United Kingdom and direct them to take a coronavirus test and quarantine. As more information is still needed on the epidemiology of the new virus variant as well as on the extent of its spread and the required control measures, it is the view of THL that extending the suspension of passenger flights arriving from the United Kingdom for a minimum of one week as of 4 January 2021 is necessary and proportionate with regard to the threat caused by the pandemic. The situation will be reviewed as

more information becomes available.

The Finnish Transport and Communications Agency has additionally consulted the Ministry for Foreign Affairs with regard to this matter. In its opinion, the Ministry for Foreign Affairs placed particular emphasis on the impact of this Decision on citizens' freedom of movement and the health security risks that may arise on a personal level for individuals and on a national level in Finland as a result of travel from the United Kingdom to Finland via a number of transfer connections. The Ministry also drew attention to the effects of the agreement between the European Union and the United Kingdom concerning air transport.

The Finnish Transport and Communications Agency notes that this Decision does not prevent Finnish citizens from returning to Finland via transfer connections.

With regard to the evaluation of the health security impact of the measures, the Finnish Transport and Communications Agency relies on the expert assessment made by THL. The Finnish Transport and Communications Agency has contacted the Commission in order to examine the effects of the agreement between the European Union and the United Kingdom concerning air transport on the suspension of passenger air services.

With this Decision, the Finnish Transport and Communications Agency suspends passenger air services in accordance with the proposal put forward by THL.

Description of the applicable legislation

The provisions applicable to air transport between the United Kingdom and Finland will change on 1 January 2021. As of the beginning of 2021, the internal market rules to which air transport has been subject until the end of 2020 will be replaced by the provisions of the Trade and Cooperation Agreement between the European Union and the United Kingdom reached on 24 December 2020. While the procedures for the implementation of the Agreement have not yet been completed, it will be applied on a provisional basis as of 1 January 2021.

Article AIRTRN.3, paragraph 6 of the Agreement specifies that traffic rights may be limited if this is required for reasons of health protection.

Under section 3(3) of the Aviation Act (864/2014), the Finnish Transport and Communications Agency shall act as the aviation authority referred to in international transport agreements concluded by Finland.

Section 123 of the Act on Transport Services (320/2017) lays down provisions on scheduled air services between Finland and third countries. Pursuant to subsection 2, the Finnish Transport and Communications Agency establishes, where necessary, the tariffs, capacity, schedules and other conditions concerning the air services.

Provisions applied

Act on Transport Services (320/2017), sections 123 and 256

Aviation Act (864/2014), sections 3(3) and 181

Act on the Finnish Transport and Communications Agency (935/2018), section 2(1)

Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the One Part, and the United Kingdom of Great Britain and Northern Ireland, of the Other Part; Article AIRTRN.3

Administrative Procedure Act (434/2003), section 49 f

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This document has been signed electronically. Finnish Transport and Communications Agency (Traficom), 31 December 2020. The authenticity of the signatures can be verified using document reader software that supports electronic signatures or by contacting the Traficom Registry.

C.C.

European Commission, Member States of the European Union, and the United Kingdom
Ministry of Transport and Communications of Finland
Ministry for Foreign Affairs of Finland
Ministry of Social Affairs and Health of Finland
Finnish Institute for Health and Welfare

Annex

Instructions for filing a claim for a revised decision