COLLOQUIUM ORGANISED BY THE SUPREME ADMINISTRATIVE COURT OF FINLAND

IN CO-OPERATION WITH ACA-EUROPE

HELSINKI 25–27 MAY 2025

DIALOGUE WITH THE EUROPEAN COURT OF HUMAN RIGHTS – ADVISORY OPINIONS UNDER PROTOCOL NO. 16 TO THE CONVENTION AND THE IMPACT OF THE COURT'S JUDGMENTS AT THE NATIONAL LEVEL

Questionnaire

The Finnish presidency of ACA-Europe during 2023-25, in close co-operation with Sweden, has focused on the dialogue between the national supreme administrative jurisdictions and the European Courts, i.e., the Court of Justice of the European Union (CJEU) and the European Court of Human Rights (ECtHR). During the Finnish presidency, seminars have been organised on a variety of issues like the duty of the national courts to make a reference for a preliminary ruling to the CJEU (Stockholm, October 2023), mechanisms of counteracting conflicting rulings from the domestic courts and the CJEU and the ECtHR (Zagreb, February 2024) and the multilevel protection of fundamental and human rights in European administrative courts (Inari, May 2024).

In the upcoming Colloquium, which will be held in Helsinki 25-27 May 2025, the focus will be on the judicial dialogue between the national supreme administrative courts and the ECtHR. In this questionnaire, as well as in the Colloquium, this dialogue is approached from two different perspectives.

The first part of the questionnaire examines the procedure in which a national court can seek an opinion from the ECtHR in a case pending before it, namely the mechanism of advisory opinions under Protocol No. 16 to the European Convention on Human Rights and Fundamental Freedoms (ECHR). The aim is to find answers to such questions as: Is the mechanism of advisory opinions perceived as a useful tool? What are the experiences so far? Can we draw any lessons already at this stage? Having in mind that all the participating countries have not acceded to the advisory opinion system, the questions will be different for those States that have done this and the ones that have not.

The second part of the questionnaire will focus on the impact of the judgments of the ECtHR at the national level. While in certain fields of law the jurisprudence of the ECtHR has been well recognised and embedded in the legal orders of the Contracting States, in some other fields the case law has been more contested and even criticised. This may be the case, for example, when the ECtHR is faced with new topics and uses evolutive interpretation of the Convention and its Protocols, or when the judgments are closely linked to politically sensitive areas such as national security or issues that traditionally have belonged to the field of political deliberation. In this questionnaire, the impact of the ECtHR case law is approached from a point of view of two such distinct but similarly pressing issues, namely climate change litigation and summary return of aliens at the border.

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In section A of the second part of the questionnaire, we will explore the extremely topical issue of climate change litigation. Even though the ECHR does not contain any particular provisions on climate change or environmental matters, the ECtHR has been called upon to develop its case law in those issues as the exercise of certain Convention rights may be undermined by the serious adverse effects of climate change and the existence of harm to the environment.

In section B of the second part of the questionnaire, we will explore another contemporary issue linked to immigration law. As is well known, the ECtHR has a rich jurisprudence in this field where a wide variety of questions have been assessed under different Convention articles. In this questionnaire, the intention is to focus on a very specific and highly debated topic of summary returns of aliens at the border or shortly after entry into the territory (so called push-backs)[1]. The attention is specifically on those situations in which persons trying to enter a particular state have been denied entry at the border or in its close proximity, be it a land or sea border, and which have been assessed by the ECtHR especially against the prohibition of the collective expulsion of aliens.

In brief, the second part of the questionnaire aims at exploring the impact the case law of the ECtHR in the above-mentioned specific fields has had at the national level, both in terms of legislation and its interpretation by national courts. By looking at the national framework we are able to get a better understanding of how the rights protected by the Convention operate in the legal and political reality of the Contracting States, as the Convention is – as often repeated by the ECtHR − a living instrument anchored to the present-day conditions. Moreover, as novel issues of interpretation linked to changing and evolving challenges are first encountered at the level of the national courts, having a closer look at the national jurisprudence can serve to predict the questions to be raised before the ECtHR. This, for its part, underlines the two-way nature of the dialogue between European and national courts.

[1] For the definition and principles drawn from the current case law, see *ECHR-KS Key Theme – Summary returns of migrants and/or asylum-seekers ("push-backs") and related case scenarios (last updated 31/08/2024).*

BACKGROUND INFORMATION

Please state the formal title of your court and the name of your country.

Supreme Administrative Court of Finland (*Korkein hallinto-oikeus (in Finnish), Högsta förvaltningsdomstolen (in Swedish)*)

I THE ADVISORY OPINION MECHANISM

In accordance with Protocol No. 16 to the ECHR, the highest national courts or tribunals may request the ECtHR to give an advisory opinion. These requests concern questions of principle relating to the interpretation or application of the rights and freedoms defined in the ECHR or its protocols. The requesting court or tribunal may seek an advisory opinion only in the context of a case pending before it. It must give reasons for its request and must provide the ECtHR with the relevant legal and factual background to the pending case. Protocol No. 16 came into force on 1 August 2018.

1. Has your country ratified Protocol No. 16?

☒ Yes. Please elaborate (e.g., the ratification year, which courts can make a request).
☐ No, our country has not ratified Protocol No. 16. Please continue to Question 11.

Finland ratified Protocol No. 16 on 7 December 2015. Finland declared that the highest courts and tribunals of Finland designated for the purposes of Article 1, paragraph 1, of the Protocol are the Supreme Court, the Supreme Administrative Court, the Labour Court and the Insurance Court.

The following nine questions are addressed to states that have ratified Protocol No. 16:

2. Has your court or any court in your country requested an advisory opinion from the ECtHR? If yes, what was the case about?

☒ Yes. Please elaborate.
☐ No.

So far, the Supreme Administrative Court of Finland has not requested an advisory opinion. By contrast, the Finnish Supreme Court requested an advisory opinion in a case concerning adoption of an adult. The Supreme Court asked for guidance on the procedural rights and status of a biological mother in the adoption proceedings of her son, C, now an adult. C had gone to live with his aunt at the age of three. The aunt had applied to the courts to adopt C when he was 25 years old and he had moved out to live independently. The mother had objected, but the national courts had granted the adoption. The requested advisory opinion (Request no. P16-2022-001) was delivered by the ECtHR on 13 April 2023 (link), six months after the request was submitted.

In its decision of 28 February 2024 (a summary translation of the decision 2024:18 can be found here: https://korkeinoikeus.fi/en/index/ennakkopaatokset/shortsummariesofselectedprecedentsinenglish/2024/kko2024.html) the Supreme Court held that confirming the adoption between B and C in the circumstances at hand meant interfering with A's private life and that A therefore had the right to be heard in the case

regarding the confirmation of the adoption and present an explanation of the conditions for the adoption. However, based on Article 56 of the Adoption Act or based on fundamental and human rights obligations, A did not have the right to lodge an appeal in the case.

3. Has your court considered of its own motion in the context of a pending case whether an advisory opinion from the ECtHR could assist in resolving a particular question?

☐ Yes.
- ☐ A request was made.
- ☐ No request was made. Please elaborate on the reasons for deciding not to request an advisory opinion.

☒ No.

4. Has a party to the proceedings asked your court to request an advisory opinion from the ECtHR?

☒ Yes. Please elaborate whether the party's request was accepted or rejected and if rejected, did you give reasons for the refusal.
☐ No.

A party to the proceedings has made such a request a few times. The requests were refused. According to the reasoning of the decisions, the requests did not concern questions of principle relating to the interpretation or application of the rights and freedoms defined in the ECHR or its protocols. In addition, if leave to appeal is not granted and thus the case is not considered on its merits, the court would not provide any reasons for its refusal to request an advisory opinion.

5. If your court decided to request an advisory opinion, did you give your view on the question(s) posed? If not, for what reasons?

☐ Yes. Please elaborate.
☐ No. Please elaborate.
☒ Not applicable because our court has not requested an advisory opinion.

6. If an advisory opinion was requested and delivered, was it useful when resolving the case?

☐ Yes. Please elaborate.
☐ No. Please elaborate.
☒ Not applicable because our court has not requested an advisory opinion.

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7. Was the advisory opinion cited in the decision of your court? Did your court enter into a dialogue with the advisory opinion or did you simply state its findings?

☐ Yes, the advisory opinion was cited in the decision of our court. Please elaborate.
☐ No, the advisory opinion was not cited in the decision of our court. Please elaborate.
☒ Not applicable because our court has not requested an advisory opinion.

8. If an advisory opinion was requested and delivered, did the advisory opinion have any wider impact on the national legal order?

☐ Yes. Please elaborate.
☐ No.
☒ Not applicable because our court has not requested an advisory opinion.

9. Have advisory opinions requested by other courts (in your country or abroad) had an impact on the national legal order?

☐ Yes. Please elaborate.
☒ No.

10. The ECtHR is under a duty to give reasons for refusing a request for an advisory opinion. Has such reasoning been useful for your court when deciding whether to request an advisory opinion or when deciding how to formulate it?

☐ Yes. Please elaborate.
☒ No.

The following five questions are addressed to states that have not ratified Protocol No. 16:

11. Is it known whether ratification is forthcoming?

☐ Yes. Please elaborate.
☐ No, we do not know whether ratification is forthcoming.

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12. If it is known that ratification is not forthcoming, do you know the reason(s) for this?

☐ Yes. Please elaborate.
☐ No, we do not know the reasons for this.
☐ Not applicable in the light of the answer to Question 11.

13. After the entry into force of Protocol No. 16 in 2018, has your court dealt with a case in which it might have been useful to be able to request an advisory opinion? If so, what was the nature of the question(s)?

☐ Yes. Please elaborate.
☐ No.

14. Does your court make use of advisory opinions requested by courts abroad as sources of case law?

☐ Yes. Please elaborate.
☐ No.

15. Have advisory opinions requested by courts abroad had an impact on your national legal order?

☐ Yes. Please elaborate.
☐ No.

II THE IMPACT OF THE CASE LAW OF THE EUROPEAN COURT OF HUMAN RIGHTS ON THE NATIONAL LEVEL

A. CLIMATE CHANGE LITIGATION[2]

The intersection between climate change and human rights law can be regarded as an important theme for future climate litigation. On 9 April 2024, the Grand Chamber of the ECtHR issued three separate rulings on cases relating to climate change. In the case of Verein KlimaSeniorinnen Schweiz and Others v. Switzerland

[2] The phrase "climate change litigation" usually refers to cases that raise material issues of law or fact relating to climate change mitigation, adaptation or the science of climate change. Such cases are brought before a range of administrative, judicial and other adjudicatory bodies. For more details, see https://climate.law.columbia.edu/content/climate-change-litigation and https://www.unep.org/resources/report/global-climate-litigation-report-2023-status-review.

[GC], 2024, the ECtHR found violations of Article 8 and Article 6.1 of the ECHR. Nonetheless, two other cases – Duarte Agosthinho and Others v. Portugal and 32 Others and Carême v. France – were declared inadmissible. These cases illustrate the challenging issues for national courts in relation to climate change, e.g. with regard to holding governments accountable for inadequate national climate policies through the perspective of human rights, admissibility criteria, interpretation of locus standi and national courts' competence to scrutinize political decision-makers' decisions and inaction.

16. Are there specific rules concerning standing of individuals in the climate change litigation context before your court?

☒ Yes. Please elaborate.
☐ No.

The new Finnish Climate Act (423/2022) entered into force on 1 July 2022. The act lays down provisions on climate change policy planning and the related monitoring and sets the national climate objectives. It also imposes obligations on the authorities. The Act sets out a specific planning system for climate change policy.

In March 2023, provisions (108/2023) on the appeals process with respect to a government decision on a climate policy plan were added to the Climate Change Act. The right of appeal against such decisions is granted to any person whose right, obligation or interest may be affected in a particular way by the effects of climate change or its mitigation or adaptation to it.

Nevertheless, this does not generally provide for access to justice in cases of governmental inaction. According to Finnish administrative prodecure law, appeals must be based on an administrative decision. The appealability of an administrative decision is subject to section 6 of the Administrative Judicial Procedure Act as a general provision. According to it, a decision by which an authority has ruled on an administrative matter or ruled an administrative matter inadmissible shall be eligible for judicial review by appeal.

In the first Finnish climate case (2023:62) it was, however, stated that the need to safeguard basic rights and the realization of international obligations in the mitigation of climate change that is crucial to the future of humankind as a whole must be taken into account in particular when assessing the obligation of public authority to safeguard human rights and basic rights. This may, as expressed in the preliminary work on the Administrative Judicial Procedure Act, also require the right to appeal in a situation, in which no actual administrative decision has been made (paragraph 58).

17. Are there specific rules concerning standing of associations in the climate change litigation context before your court?

☒ Yes. Please elaborate.
☐ No.

In March 2023, an explicit provision (108/2023) was added to the Finnish Climate Act, providing access to justice to certain national, regional or local NGOs and indigenous peoples (the Sámi people).

18. Have there been any climate related cases before your court during recent years in which Article 8 (right to respect for private and family life) of the ECHR has played a role? Please elaborate and/or provide examples.

☒ Yes.
- ☒ Article 8 has been only a part of the argumentation.
- ☐ Article 8 has formed an essential part of the court's reasoning.

☐ No.

The Supreme Administrative Court gave its decision in the first Finnish climate case on 7 June 2023 (2023:62). After a 3-2 vote, it found the appeal launched by Greenpeace Nordic and the Finnish Association for Nature Conservation against the Finnish Government to be inadmissible on procedural grounds.

A summary translation of the decision in English can be found:
https://www.kho.fi/en/index/decisions/summariesofselectedprecedentsinenglish_0/eclifikho202362.html

The Supreme Administrative Court stated that the principle of rule of law found in section 2 of the Constitution of Finland and the principle of the separation of powers found in section 3 require ensuring the tripartition of governmental power, on one hand, and taking account of Articles 2, 6 and 8 of the ECHR and sections 20, 21 and 22 of the Constitution, safeguarding the human rights and basic rights of the current and future generations, on the other hand (paragraph 65).

19. Have there been any climate related cases before your court during recent years in which Article 6.1 (right to a fair trial/access to court) of the ECHR has played a role? Please elaborate and/or provide examples.

☒ Yes.
☐ No.

In the above-mentioned case 2023:62, the Supreme Administrative Court stated that the principle of rule of law found in section 2 of the Constitution of Finland and the principle of the separation of powers found in section 3 require ensuring the tripartition of governmental power, on one hand, and taking account of Articles 2, 6 and 8 of the ECHR and sections 20, 21 and 22 of the Constitution, safeguarding the human rights and basic rights of the current and future generations, on the other hand (paragraph 65).

20. Have there been climate related cases before your court during recent years in which there has been a link to the rights of future generations? Please elaborate and/or provide examples.

☒ Yes.
☐ No.

In 2023:62, the Supreme Administrative Court stated that the decision of the Government to submit an Annual Climate Report to the Parliament was not an administrative decision that could be appealed. Even so, the need to protect fundamental rights and fulfil international obligations for the sake of climate mitigation and adaptation, which is essential for the future of humanity, should be especially considered

when reviewing the obligation of the public authorities to guarantee the observance of basic rights and liberties and human rights. This may also require the right to appeal in a situation where an actual administrative decision has not been made (paragraph 65).

The Court also stated that based on the best scientific knowledge, climate change is a matter of life and death for humankind that threatens the conditions of living of the current and future generations on Earth, unless rapid and effective measures are taken with regard to maintaining and increasing emission restrictions and carbon sinks (paragraph 66).

21. Have there been any climate or other environmentally related cases before your court during recent years in which your court's competence to scrutinize political decision-makers' decision or inaction has been dealt with?

In 2023:62, the Supreme Administrative Court found that assessing the legality of the Government's decision-making procedure as referred to by the appellants could be examined by the court if neglecting to make a decision at that stage would lead to a result in violation of the Climate Act, or that the actions of the Government in reality would demonstrate that it had no intention of making the appropriate decisions in order to reach the goals and fulfil the obligations required by law with a sufficiently rapid schedule (paragraph 69).

22. Have there been cases before your court during recent years in which the court has examined whether the competent national authorities, be it at legislative, executive or judicial level, have met relevant requirements pursuant to the domestic climate framework?

In 2023:62, the Supreme Administrative Court found that assessing the legality of the Government's decision-making procedure as referred to by the appellants could be examined by the court, if neglecting to make a decision at that stage would lead to a result in violation of the Climate Act, or that the actions of the Government in reality would demonstrate that it had no intention of making the appropriate decisions in order to reach the goals and fulfil the obligations required by law with a sufficiently rapid schedule (paragraph 69).

23. Has the *Klimaseniorinnen Schweiz v. Switzerland* case had an impact in your country? For instance, have new cases been brought to your court after that case? Please elaborate.

In August 2024, a coalition of six Finnish environmental and human rights organizations (including the Finnish Sámi Youth) filed a new lawsuit against the Finnish Government at the Supreme Administrative Court. In the lawsuit there is a reference to the *Klimaseniorinnen Schweiz v. Switzerland* case.

24. Can you identify any major differences between the legal questions raised by climate change, on one hand, and environmental matters, on the other hand, addressed so far in your court? Please elaborate and/or provide examples.

According to the Finnish Environmental Protection Act, an environmental permit must be obtained for activities that cause a risk of environmental pollution. Taking into account the scope of the law, the definition of an activity causing the risk of environmental pollution and other provisions of the law, the starting point is that the activity subject to an environmental permit is carried out in a pre-defined and geographically limited area. Permit consideration in accordance with the Environmental Protection Act only

concerns the risk of environmental pollution caused by the emissions of the activity subject to the permit. The actual broader regulation on combating greenhouse gas emissions is limited outside the scope of the Finnish Environmental Protection Act.

The Finnish Climate Act sets out only a specific planning system for climate change policy and currently, there is no legislative link between the Climate Act and the Environmental Protection Act.

In environmental permit matters, the rights of future generations are usually not brought up very commonly. However, this situation is changing. The argumentation concerning climate related issues has increased during the last five years. Arguments have related both to mitigation and adaptation aspects and their relationship with other environmental matters.

In some cases, the main issue has related to granting of an environmental permit to significant industrial project (e.g., pulp mill factory or mining project) while climate considerations have been involved only indirectly. For instance, indirect climate considerations have related to the decrease of forest carbon sinks. In most cases, it has not been possible for the court to address such arguments in view of the applicable law.

B. SUMMARY RETURNS OF ALIENS AT THE BORDER OR SHORTLY AFTER ENTRY INTO THE TERRITORY ("PUSH-BACKS")

In this questionnaire, the focus is particularly on the cases that have been assessed by the ECtHR primarily under Article 4 of Protocol No. 4 to the ECHR. Consequently, the focal question has been whether there has been a violation of the prohibition of the collective expulsion of aliens. The ECtHR cases in point are, in particular, N.D. and N.T. v. Spain [GC], 2020, and Shahzad v. Hungary, 2021. In addition, the existence of a sufficient remedy, in particular whether individuals were afforded an effective possibility of submitting arguments against their removal, has been assessed under Article 13 in conjunction with Article 4 of Protocol No. 4 for example in Khlaifia and Others v. Italy [GC], 2016. In Hirsi Jamaa and Others v. Italy [GC], 2012, the extraterritorial scope of Article 4 of Protocol No. 4 was confirmed with respect to State's action on the high seas aiming at preventing migrants from reaching the borders of the State or even to push them back to another State. Furthermore, there are several cases pending at the ECtHR, and three cases concerning alleged summary returns of individuals to Belarus from neighbouring states have been grouped to be heard together on 12 February 2025 by the Grand Chamber.

25. Is there specific national legislation applicable to returns of aliens at the border within the meaning of the ECtHR case law above? In particular, are there any specific national provisions intended to cover situations where entry is attempted by aliens *en masse* and/or where migratory flows are deemed to result from actions of a third country with the aim of destabilising the receiving state ("instrumentalised migration")[3]? Please briefly explain the main points of the national provisions.

[3] The term "instrumentalised migration" is used, *inter alia*, in Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147.

In July 2024, the Act on Temporary Measures to Combat Instrumentalised Migration (hereafter 'the Act') entered into force in Finland. The Act is foreseen to be of a limited duration and to remain in force for one year. It was passed as a limited derogation to the Constitution in accordance with a specific enactment procedure which required a higher parliamentary quorum (5/6) than normally for approval.

In brief, the Act lays down the conditions under which a government plenary session can decide to restrict the reception of applications for international protection in a limited area on Finland's national border and in its immediate vicinity for a maximum of one month at a time. The objective of the Act, as expressly stated in its Article 1, is to combat efforts by a foreign state to exert influence on Finland by exploiting migrants. In accordance with Article 3 of the Act, the decision to restrict the reception of applications can be made when the President of the Republic and the government, in co-operation, have concluded that:

1) it is known, or reasonable grounds exist to suspect, that a foreign state is seeking to exert influence on Finland by exploiting migrants;
2) the efforts to exert influence seriously endanger the sovereignty or national security of Finland;
3) the restriction is essential for safeguarding the sovereignty or national security of Finland; and
4) other means are not sufficient to safeguard the sovereignty or national security of Finland.

If such a decision to restrict the reception of applications has been made, Article 4 of the Act provides that "a migrant who is being exploited in efforts to exert influence" shall be prevented from entering the country, and if such a person has already entered the country, he/she shall be removed from the country without delay and guided to move to a place where applications for international protection are received.

However, the Act contains a number of derogations. In particular, an application for international protection shall be received if, according to a case-by-case assessment made by a border guard trained and instructed for the task, this is essential for safeguarding the rights of a child, a person with disabilities or another person in a particularly vulnerable position, or if the person has presented, or there have arisen, circumstances which make it evident that the person faces a real risk of being subjected to the death penalty, torture or other treatment violating human dignity primarily in the state from which the person has arrived in Finland. It shall however be noted that the Act also contains a specific provision stipulating that "[f]orcible entry into the country by using violence or a large number of persons may be prevented immediately at the national border without carrying out a case-by-case assessment referred to in [above], if this is essential to safeguard the lives and health of people and if the procedure can be deemed justifiable when assessed as a whole."

In accordance with the Act, a person to be removed from the country shall be provided with written information on the grounds for the measure, on the place where an application for international protection may be lodged, and on their right to request reconsideration of the removal. A request for reconsideration shall be made to the Finnish Border Guard within 30 days of the removal from the country and it has no suspensive effect. No possibility for appeal is provided.

So far, no government decision has been made to apply the above-mentioned provisions, also due to the fact that the eastern border of Finland remains closed at present.

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It shall be noted that the eastern border of Finland was closed by a series of government plenary decisions during late 2023 on the basis of the Border Guard Act which allows authorities to temporarily close and/or restrict border crossings and centralise the lodging of applications for international protection at one or more border crossings in the event of a "serious threat to public order, national security or public health". At present, all border crossings at the eastern border remain closed and the possibility to lodge applications for international protection remain open only at air and sea border crossings.

26. Does your court have jurisdiction in the field of immigration law? If so, has your court dealt with cases involving alleged summary returns of aliens? In particular, have there been cases where the notion of collective expulsion as defined in Article 4 of Protocol No. 4 has been invoked and/or applied? If yes, please briefly explain the main points of the national jurisprudence.

The Supreme Administrative Court has jurisdiction in the field of immigration law. However, to date, there have not been any cases involving alleged summary returns of aliens or cases where the notion of collective expulsion of aliens would have been invoked or applied.

27. Has the case law of the ECtHR in the field of summary returns of aliens and specifically the Court's interpretation of the scope of Article 4 of Protocol No. 4 had an impact on the content of the national legislation and/or on its interpretation by the national courts? If yes, please briefly explain the main developments.

The case law of the ECtHR in the field of summary returns of aliens has been referenced in the government proposal to the Act on Temporary Measures to Combat Instrumentalised Migration in the context of setting out the obligations stemming from international agreements. Reference is made, among others, to the scope of Article 4 of Protocol No. 4 and the interpretation of the ECtHR in this field, in particular in the case of *N.D. and N.T. v. Spain [GC], 2020*. However, in the government proposal it is expressly acknowledged that the bill "would be in tension with the human rights obligations that bind Finland, especially the principle of non-refoulement, the right to asylum, and the requirements for legal protection related to the principle on non-refoulement". Therefore, the Act was passed as a derogation to the Constitution.

28. Have any cases been brought against your state in the ECtHR alleging that there has been a violation of Article 4 of Protocol No. 4 (alone or in conjunction with Article 13 of the ECHR) in the field of immigration law? If yes, please briefly explain the main features of these cases.

To our knowledge, no cases have been brought against Finland in the ECtHR alleging a violation of Article 4 of Protocol No. 4.

However, a complaint has been made in the ECtHR against the government decisions to close all the border crossings at the eastern border in 2023. The government decisions were first challenged at the Supreme Administrative Court by a group of individuals residing in Finland who claimed that their freedom of movement was infringed as they were not able to cross the border in order to travel to Russia for family or other reasons. The focus of the complaint is thus not on the impact the closing of the border crossings may have on the right to seek asylum. The Supreme Administrative Court dismissed the complaint in March 2024

(2024:27) because the complainants were deemed to lack *locus standi* to challenge the government decisions; another complaint against a new government decision on border closures was dismissed in August on similar grounds (14.8.2024, not published).

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