
First year of the first cycle
(Chapter III on “Criminalization and law enforcement” and Chapter IV on “International Cooperation”)

Response of Finland to the comprehensive self-assessment checklist
Please provide general information on the ratification and status of UNCAC in your country (use the "Use template answer" button in the answer field to see a generic text)

The Convention was signed on 9 December 2003 and ratified, accepted and deposited on 20 June 2006.

Finnish constitutional law requires that international conventions be implemented by an Act of Parliament. The implementing legislation in the present case thus consists of an Act adopted by the Parliament of Finland (the Act Ratifying the UNCAC).

The implementing legislation, the “Act Ratifying the UNCAC”, was passed by Parliament on 8 June 2006. It entered into force on 21 July 2006 and was published in Official Gazette No. 58/2006 of that date.

The date of the entry into force, 21 July 2006, was established by a special Decree given by the President of Finland.

Finland has accepted the Convention text as it is, and when depositing its instrument of ratification has provided the necessary information on article 46 para 13 as well as on article 46 para 14 and article 6 para 3.

Please attach any gap analysis you might have carried out here
II. Preventive measures

5. Preventive anti-corruption policies and practices

2. Paragraph 1 of article 5

1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

The guiding principle for anti-corruption work in Finland is that corruption is not seen as an isolated phenomenon. It is part of a more general societal policy based on the rule of law. Corruption is seen as part of criminality and as part of bad governance and/or politics. The prevention of corruption also involves creating and observing ethical norms of behaviour, increasing transparency, minimizing opportunity and increasing the effectiveness of supervision.

*Please cite, summarize and attach the applicable policy(ies), national strategy(ies) or plan(s):*

Please cite the text(s)

See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including examples of how your country's anti-corruption policy(ies) promote the participation of society:

This is a very general question, and difficult to answer; the response above seeks to provide examples. Further answers emerge in connection with the subsequent questions.

At this stage, perhaps the best evidence is the stable and low incidence of cases of corruption in Finland, as shown by police statistics, court statistics and victimization surveys.

If available, please provide information and attach any preparatory analysis or reports, risk/vulnerability assessments or national plans/strategies conducted before adopting your domestic anti-corruption policy(ies)

*Have you ever assessed the effectiveness of your anti-corruption policy(ies) or national strategy(ies) or plan(s)?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

3. Paragraph 2 of article 5

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes
See the answer immediately above.

Please cite, summarize and attach the applicable policy(ies) or other measure(s):

Please cite the text(s)
See above.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of those measures, national strategy(ies) or plan(s)?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
The OECD and GRECO reports can be found on the home pages of the respective organizations.

4. Paragraph 3 of article 5

3. Each State Party shall endeavour to periodically evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable method(s) used to evaluate relevant anti-corruption legal instruments and administrative measures. If available, please attach a report or summary of evaluation findings and recommendations or plans of action:

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Periodic evaluation is conducted for example by GRECO, the OECD and the FATF.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have any evaluations resulted in a revision of relevant legal instruments and/or administrative measures? If so, please provide a brief account or attach the outcome of such a revision

Yes. Based on the recommendations of GRECO, the OECD and the FATF, Finland has amended various legislation and policies. Please see the relevant GRECO, OECD and FATF reports.

Have you ever assessed the effectiveness of your evaluation efforts?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

5. Paragraph 4 of article 5

4. States Parties shall, as appropriate and in accordance with the fundamental principles of their legal system, collaborate with each other and with relevant international and regional organizations in promoting and developing the measures referred to in this article. That collaboration may include participation in international programmes and projects aimed at the prevention of corruption.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), approaches (mutual legal assistance, bilateral, multilateral cooperation) or other measure(s) to collaborate with other States Parties and with relevant regional or international organizations:

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
- the OECD Convention
- the Council of Europe Civil Law Convention on Corruption
- the Council of Europe Criminal Law Convention on Corruption
- UNCAC
- several European Union instruments

Finland uses several types of instruments in its operational activities in the field of anticorruption: the OECD Convention, the two Council of Europe Conventions, UNCAC and several European Union instruments.

In addition to these, Finland has recently joined the Extractive Industries Transparency Initiative (EITI). The EITI supports improved governance in resource-rich countries through the verification and full publication of company payments and government revenues from oil, gas and mining. Similar types of initiatives are supported in the field of forestry.

Currently Finland gives increasing attention to sectoral governance, and in this way tries to increase the efficiency of anti-corruption work in politically difficult environments. Finland is also a member of the European Partners against Corruption (EPAC), which cooperates with national police oversight bodies and anti-corruption authorities of the European Union.

At the core of Finnish anti-corruption work is support to civil society. Finland uses several aid instruments (direct support to local, national and international non-governmental organisations, local co-operation funds etc) in order to support civil society in different parts of the world. In multi- and bilateral co-operation Finland directly supports anti-corruption programmes in the prevention of corruption. These programmes include, for example, support to anti-corruption commissions, justice sector reforms, the strengthening of the role of parliaments, and better access to information.

Within the United Nations, issues related to corruption are dealt with by both the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP). UNODC and UNDP have signed a memorandum of understanding which will bring anti-corruption elements more widely into UNDP projects worldwide. Finland participates in many good governance projects spearheaded by the UNDP.

Finland has also been active in work related to the negotiations of the United Nations Convention against Corruption and, following its adoption, in work related to its implementation. Finland has, for example, been a major funder of efforts to develop a mechanism for the review of implementation, and for strengthening work on the prevention of corruption.

Finland has been an active supporter of the work of the World Bank on the development of good governance agendas, of OECD’s Network on Governance Anti-Corruption Task Team, of Transparency International, the World Economic Forum’s Partnering against Corruption, and of the recently established International Association of Anti-Corruption Authorities, IAACA.

Corruption has commonly been seen as a problem in the public sector, but it can be a serious problem also in the private sector. Corruption may be seen as “greasing the wheels”, as a way of making the bureaucracy more responsive and more flexible to the needs of entrepreneurs. Corruption may also be seen as the only way to beat the competition in landing lucrative contracts. However, corruption is harmful to the fundamental principles of market economy and free trade. It weakens consumer and investor confidence in the markets, and constitutes an invisible tax on corporations. For these reasons, the International Chamber of Commerce has prepared guidelines on principles of ethical business activity, and of anti-bribery. The Finnish Central Chamber of Commerce has sought to promote implementation of these guidelines.
If available, please provide information on programmes and/or projects in which your country participates with a view to collaborating with other countries or relevant regional or international organizations

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to promote collaboration with other countries or relevant regional or international organizations?*

(Y) Yes

Finland’s implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, have been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

6. Paragraph 1 of article 6

1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

(b) Increasing and disseminating knowledge about the prevention of corruption.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s), programme(s), campaign(s) or measure(s):

Please cite the text(s)

Decision of the Minister of Justice to establish a national anti-corruption cooperation network; most recent mandate 1 January 2010 - 31 December 2011.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Finland has established a formal anti-corruption network. The network was set up in response to recommendations given in connection with a GRECO first round evaluation. The network was established under the Ministry of Justice, and it brings together not only State and local governmental authorities, but also the private sector, the research community and non-governmental organizations. The mandate of the anti-corruption network is to

- promote anti-corruption activity and propose initiatives regarding this;
- increase awareness of corruption in society and promote awareness of anti-corruption guidelines in the State, municipal and private sectors,
- follow and promote the implementation of obligations under international anticorruption agreements (the United Nations Convention on Corruption, the OECD Convention and the Council of Europe criminal law and civil law conventions against corruption) as well as obligations by international bodies (OECD and GRECO), and
- follow and promote research on corruption.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide examples of the promotion of the participation of society in the implementation of the policies referred to in article 4

The membership in the network includes not only a wide variety of governmental authorities, but also representatives of research, the private sector and civil society.

Have you ever assessed the effectiveness of the measures adopted to ensure the existence of body(ies) to prevent corruption?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

7. Paragraph 2 of article 6

2. Each State Party shall grant the body or bodies referred to in paragraph 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

The main function of the anti-corruption cooperation network is to promote cooperation among the main stakeholders. The network has the necessary independence to do this. It should also be emphasized that individual key stakeholders which are members of the network, such as the National Bureau of Investigation and the prosecutorial service, have their own legally protected independence which provides them with the status to operate effectively and free from any undue influence, whether as members of the network or otherwise in carrying out their duties.

Please cite, summarize and attach the applicable policy(ies), institutional arrangements, law(s) or other measure(s):

Please cite the text(s)

See above; decision of the Minister of Justice.

Please attach the text(s)

It should be noted that the network is a co-operative body, not an operational body. The purpose of the network is to identify ways in which cooperation among the stakeholders can be made more effective, enhancing anti-corruption work.

For this reason, questions relating to the independence, budget and staffing of the network are to some extent not relevant; they would be more appropriately directed at the independence, budget and
staffing of the operational bodies, in particular those responsible for law enforcement, prosecution and adjudication.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Given the framework outlined above for the work of the authorities charged with responding to corruption, the low level of corruption to be detected in Finland in itself is an example of the successful use or implementation of the article in question. Quite simply, Finns do not come across corruption in their daily lives, as has been repeatedly been shown for example by victimisation surveys.

This is not to assert that Finland is a country “free from corruption.” Individual incidents of corruption do come to the attention of the authorities and of the public. However, the vigour with which these cases are investigated and the alleged offenders brought to light, the dissuasive effect of such investigations, the veritably complete absence of incidents of corruption among the police, the border guard, the customs authorities and other authorities, and the significant amount of public confidence in, for example, the police, all suggest that the image of Finland as a country with very little corruption does accord with reality. (It is relevant to note here that surveys have shown for example that, internationally speaking, in Finland public confidence in the police is extremely high, and that representatives of the media in Finland are seen to have a very high level of integrity.)

Please provide information on the measures adopted to ensure the independence of the anti-corruption body or bodies

See above.

If applicable, please provide details of training sessions and seminars, including the annual number of staff in attendance

Please provide information on the budget of the body(ies)

The network does not have its own budget. The budget and staffing is incorporated in the budget of the Ministry of Justice.

Please provide information on numbers of staff members employed by the body(ies) and their specialization

The network does not have its own staff members. All participants act ex officio, or otherwise as representatives of the respective stakeholder.

Have you ever assessed the effectiveness of the measures adopted to enable the body or bodies to carry out its or their functions effectively and free from any undue influence?

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

8. Paragraph 3 of article 6
3. Each State Party shall inform the Secretary-General of the United Nations of the name and address of the authority or authorities that may assist other States Parties in developing and implementing specific measures for the prevention of corruption.

Has your country notified the Secretary-General of the United Nations as prescribed above? (Check one answer)

(Y) Yes

9. Paragraph 1 (a) of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(a) That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

The qualifications for office, the procedure for appointment, and the rights and duties of public officials are defined by statute. The basic such statutes are the State Public Official Act (750/1994) and the Municipal Office Holder Act (304/2003). Separate legislation applies to a huge variety of special fields (the judiciary, physicians, teachers and so on).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to ensure that recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials are based on efficiency, transparency and objective criteria?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

10. Paragraph 1 (b) of article 7
1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

(b) That include adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation, where appropriate, of such individuals to other positions;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Up until recently, there was no general induction training for new officials. It was assumed that the qualifications laid down in law (for example on what type of education and experience is needed for certain office) and the on-the-job training that each authority provided on its own, was sufficient. Currently, however, new office holders in state and municipal administration generally receive such induction training. If there is a great risk of corruption in the field in question, matters related to corruption shall naturally be emphasized during the introductory training. Before appointing officials to certain key posts, a separate security check can be conducted regarding the candidates.

New officeholders are also provided information on typical situations where the risk of bribery may arise. Management training, as well as other kinds of staff training in public administration, is designed to include units on values and ethics.

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to establish procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption and the rotation of such individuals to other positions?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

11. Paragraph 1 (c) of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials:

   (c) That promote adequate remuneration and equitable pay scales, taking into account the level of economic development of the State Party;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

Pay scales are determined largely through negotiations between the Government and the labour unions and professional organizations in question, and then the State Budget is adopted by Parliament.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (e.g., official inquiries, fact-finding efforts, reports, reforms, pay-scale changes, public hearings, outreach efforts, etc. at national, sub-national or sector level)

Have you ever assessed the effectiveness of the measures adopted to promote adequate remuneration and equitable pay scales for civil servants and, where appropriate, other non-elected public officials?

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

This is a question of industrial relations, i.e. the negotiations between the Government and the relevant labour unions and professional organizations.
12. Paragraph 1 (d) of article 7

1. Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavour to adopt, maintain and strengthen **systems for the recruitment, hiring, retention, promotion and retirement of civil servants** and, where appropriate, other non-elected public officials:

   ...

   (d) That promote **education** and **training programmes** to enable them to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with **specialized** and **appropriate training** to enhance their **awareness of the risks of corruption** inherent in the performance of their functions. Such programmes may make reference to **codes or standards of conduct** in applicable areas;

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**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable programme(s)**

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

**Please cite the text(s)**

As already noted above, until recently, there was no general induction training for new officials. It was assumed that the qualifications laid down in law (for example on what type of education and experience is needed for certain office) and the on-the-job training that each authority provided on its own, was sufficient. Currently, new office holders in state and municipal administration generally receive such induction training. If there is a great risk of corruption in the field in question, matters related to corruption shall naturally be emphasized during the introductory training. Before appointing officials to certain key posts, a separate security check can be conducted regarding the candidates.

New officeholders are also provided information on typical situations where the risk of bribery may arise. Management training, as well as other types of staff training in public administration, is

**Please attach the text(s)**

**Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:**

If available, please provide details of training sessions and seminars, including the annual number of staff in attendance

**Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?**

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

**Please outline (or, if available, attach) the results of such an assessment including methods, tools**
and resources utilized:

13. Paragraph 2 of article 7

2. Each State Party shall also consider adopting appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to prescribe criteria concerning candidature for and election to public office.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

The qualifications for office, the procedure for appointment, and the rights and duties of public officials are defined by statute. The basic such statutes are the State Public Official Act (750/1994) and the Municipal Office Holder Act (304/2003). Separate legislation applies to a huge variety of special fields (the judiciary, physicians, teachers and so on).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide criteria or rules about eligibility or non-eligibility for public office like no prior convictions, no significant debt, nationality, etc.

The qualifications for office, the procedure for appointment, and the rights and duties of public officials are defined by statute. The basic such statutes are the State Public Official Act (750/1994) and the Municipal Office Holder Act (304/2003). Separate legislation applies to a huge variety of special fields (the judiciary, physicians, teachers and so on).

Because there is such a huge variety of legislation, and thus qualifications, it is impossible to state what the general criteria or rules are. The examples cited in the question - no prior convictions, no significant debt and nationality - are not commonly used, although they may appear in respect of certain sensitive positions. More generally, the criteria are that the candidate for office has the relevant knowledge and skills.

Have you ever assessed the effectiveness of the measures prescribing criteria concerning candidature for and election to public office?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on
Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

14. Paragraph 3 of article 7

3. Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

In Finland, political parties receive various public subsidies, the most important of which is State financial aid to political parties under the Parties Act (10/1969). Political parties collect financial support from a wide variety of donors. Persons elected in public elections are required to report the source of the funding for their campaigns. Finland does not have a system of municipal funding for political parties. However, according to the Municipality Act (578/2006), a municipality may support actions by groups in its municipal council that promote the possibilities available to municipal citizens to participate in and influence political matters.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases (e.g., funding rules and regulations)

If information about the funding of political parties is publicly available, how can it be obtained?

Have you ever assessed the effectiveness of the measures adopted to enhance transparency in the funding of candidates for elected public office and, where applicable, the funding of political parties?

(Y) Yes

At the time of the preparation of this self-assessment there has been considerable debate in Finland on funding that various political parties have received from corporate bodies and individuals. The debate suggests that for the private sector and the public at large, and perhaps even for the political parties, there is appreciable ambiguity about what is legal and
what is not. At present, Parliament is considering a Government Bill to further enhance transparency in political funding.

The main thrust of the recommendations is to ensure the transparency of political funding: the work of political parties is essential for democracy, but the public has a right to know from whom the parties receive their funding.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

15. Paragraph 4 of article 7

4. Each State Party shall, in accordance with the fundamental principles of its domestic law, endeavour to adopt, maintain and strengthen systems that promote transparency and prevent conflicts of interest.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

In Finland, persons are appointed on political grounds only to certain top positions. Examples are the members of the Council of State and the state secretaries in certain Ministries. Among the administrative principles that have contributed to the rule of law in Finland are the principle of equality, the principle of objectivity, the principle of proportionality and the principle that any action must be appropriate in view of its purpose. Finns are used to handling most legal problems very pragmatically. The reality and practicalities of life are taken into consideration.

One aspect of the principle of objectivity is that an official may not participate in the taking of a decision which may benefit or, alternatively, harm his or her interests, or the interests of a close relative or other person with whom he or she has a dependent relationship (sec. 27 - 28 of the Administration Act; see text below). In such cases, the public official must withdraw from consideration of the matter.

Please attach the text(s)

Section 27 - Disqualification
(1) An official shall not participate in the consideration of a matter or be present during such consideration, if he/she is disqualified.
(2) The provisions on the disqualification of officials apply also to members of multi-member bodies and other persons participating in the decision of a matter; as well as inspectors in their inspection duties.

Section 28 - Grounds for disqualification
(1) An official shall be disqualified:
   (1) if he/she or a close person is a party to the matter;
   (2) if he/she or a close person assists or represents a party or a person due to gain specific benefit or suffer specific loss from the decision of the matter;
   (3) if specific benefit or specific loss from the decision of the matter is foreseen for him/her or a close person as referred to in subsection 2, paragraph 1;
   (4) if he/she is in service with or in a pertinent commission relationship to a party or a person due to gain specific benefit or suffer specific loss from the decision of the matter;
(5) if he/she or a close person as referred to in subsection 2, paragraph 1 is a member of the board, supervisory board or a corresponding organ of, or the managing director or in a comparable position in, a corporation, foundation, state enterprise or institution that is a party or that is due to gain specific benefit or suffer specific loss from the decision of the matter;
(6) if he/she or a close person as referred to in subsection 2, paragraph 1 is member of the executive body or a corresponding organ of an agency or institution, where the matter pertains to the supervision or oversight of the agency or institution; or
(7) if his/her impartiality is compromised for another special reason.
(2) For purposes of subsection (1) above, a close person is defined as:
(1) the spouse of the official, a child, grandchild, sibling, parent, grandparent of the official, a person otherwise especially close to the official, as well as the spouse of the same;
(2) a sibling of a parent of the official and the spouse of the same, a child of a sibling of the official and a previous spouse of the official; and
(3) a child, grandchild, sibling, parent and grandparent of the spouse of the official, the spouse of the same, as well as a child of a sibling of the spouse of the official.
(3) A comparable half-relative shall also be considered a close person. For purposes of this section, a spouse is defined as a partner in wedlock, a domestic partner and a partner in a registered partnership.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (e.g. legislative or other measures governing incompatibilities of public functions or of public-private functions, etc.)

Have you ever assessed the effectiveness of the measures adopted to promote transparency and prevent conflicts of interest?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

16. Paragraph 1 of article 8
1. In order to fight corruption, each State Party shall promote, inter alia, integrity, honesty and responsibility among its public officials, in accordance with the fundamental principles of its legal system.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), ethics codes, whistleblower rules, or other measure(s):
Please cite the text(s)
In 2002, the Ministry of Finance published a handbook for the State Administration called (in Finnish) “Values in the daily job - the ethics of the civil servant”. The purpose of this booklet is to serve as a practical guide to exemplary employer functions, assist in supervisory duties and inform state personnel of basic issues related to the status of civil servants. In order to maintain high ethical standards in state administration, the values must be evident in decisions and deeds in everyday work, and thus become consolidated as good operational practice in state administration. Value-led operation also serves to prevent corruption.

The Ministry of Finance reissued the set of ethics in 2010.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If you have an ombudsman office, please provide information on the organization structure, tasks, responsibilities, output, and web address of the office
Information on both the Ombudsman of Parliament and the Chancellor of Justice is provided at http://www.oikeusasiamies.fi/Resource.phx/eoa/english/contentsofpages.htm
If applicable and available, please provide information on awareness seminars and continuous education, including annual number of public officials in attendance

Have you ever assessed the effectiveness of the measures adopted to promote integrity, honesty and responsibility among public officials?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

17. Paragraph 2 of article 8
2. In particular, each State shall endeavour to apply, within its own institutional and legal systems, codes or standards of conduct for the correct, honourable and proper performance of public functions.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable code(s), standard(s) or other measure(s)

Please cite the text(s)
See above.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to apply codes or standards of conduct for the correct, honourable and proper performance of public functions?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

18. Paragraph 3 of article 8

3. For the purposes of implementing the provisions of this article, each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, take note of the relevant initiatives of regional, interregional and multilateral organizations, such as the International Code of Conduct for Public Officials contained in the annex to General Assembly resolution 51/59 of 12 December 1996.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please provide a brief account of how this provision has been implemented

Finland and the Finnish authorities closely follow international practice in the prevention of and response to corruption. For example, there is extensive cooperation and exchange of experience among the member states of the European Union.

The Ministry of Finance studied many international examples when preparing the code of ethics.

19. Paragraph 4 of article 8

4. Each State Party shall also consider, in accordance with the fundamental principles of its domestic law, establishing measures and systems to facilitate the reporting by public officials of acts of corruption to appropriate authorities, when such acts come to their notice in the performance if their functions.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
Please cite, summarize and attach the applicable policy(ies) or measure(s):

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

The reporting of offences in general has been simplified in Finland. For example, reports may be filed by telephone or e-mail.

More broadly, Finland has a highly developed system of supervision of the legality of the actions of public officials, which is described separately in this self-assessment.

Basically, however, the Finnish system has several methods of supervising decisions taken by administrative authorities. In addition to the possibility of subjecting decisions to appeal and review by a higher level, the legality of decisions is supervised by the Chancellor of Justice and the Parliamentary Ombudsman.

The roots of the institution of Chancellor of Justice stem from the 1700s, when Finland was a part of Sweden. The position of Parliamentary Ombudsman was established in 1922.

Their respective competence is set out in the Constitution. Both the Chancellor of Justice and the Parliamentary Ombudsman ensure that the courts of law, other authorities, public officials, public employees, and other persons performing public tasks observe the law and fulfil their obligations. In performing their duties, the Chancellor of Justice and the Parliamentary Ombudsman also supervise the implementation of basic rights and human rights.

The Chancellor of Justice and the Parliamentary Ombudsman conduct periodic reviews of the work of administrative and judicial authorities. They also conduct their own special investigations in response to a complaint from the public, or for example in response to allegations of abuse reported in the media. They have the power to reprimand an authority found to have acted improperly, and in particularly serious cases, to order that charges be brought.

In Finland, the work of the Parliamentary Ombudsman is supplemented by special ombudsmen for certain fields of activity, separately prescribed by the law. Examples are the Ombudsman for Bankruptcy Cases and the Consumer Ombudsman. The former monitors how bankruptcy legislation is observed, particularly in terms of the administration of estates in bankruptcy and equitable sales of estate property. The Consumer Ombudsman monitors how the interests of consumers are respected in the market. Supervision here refers both to product safety and to the clear and fair pricing of products. All the above-mentioned authorities can also intervene in actual and potential situations of corruption.

In addition to the supervision referred to above, also the State Audit Office oversees the work of State authorities. The State Audit Office is a national supervisory body that works in connection with the Parliament. It examines State finances and the management of State property. In its audits, it focuses on ensuring that State finances are used for the purposes specified by Parliament, and in a sensible manner. The State Audit Office works together with State government to develop good principles in the management of the State economy and to promote confidence in the lawful and proper use of public funds. As an independent expert, the State Audit Office provides support for the decision-making of Parliament, the Council of State and State administration.

Finally, each individual State and municipal office has an important role in supervising its operations and the work of its staff. This supervision and the conducting of internal audits is part and parcel of the operation and management of the office.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information and statistics on acts of corruption reported by public officials while performing their functions

Have you ever assessed the effectiveness of the measures adopted to to facilitate the reporting by public officials of acts of corruption which have come to their notice in the performance of their functions?

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

20. Paragraph 5 of article 8

5. Each State Party shall endeavour, where appropriate and in accordance with the fundamental principles of its domestic law, to establish measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter alia, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest may result with respect to their functions as public officials.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

Transparency in public administration is enhanced by the obligation of the highest officials to declare their commitments, and by restrictions on secondary occupations. All Ministers, State Secretaries, permanent secretaries, heads of Ministry departments, special Ministerial advisors, judges and a number of other civil servants provide statements on their commercial activity, ownership of shares (or the equivalent) in companies, other wealth as well as obligations that are not related to the public position in question. (Article 63 of the Constitution (in respect of Ministers) and section 8(a) of the Civil Servants Act (in respect of a number of senior civil servants, as identified in section 26 of the Civil Servants Act).)

While holding a post of a minister in the Finnish Government, a member of the Council of State is not allowed to hold any public office or other post that may impede his or her duties as minister, or endanger the confidence in his or her work as a member of the Council of State.

As noted earlier, Finnish public officials may not participate in any decisions in which they, or someone close to them, has a personal interest. In such cases, the public official must recuse (disqualify) himself / herself. Failure to do that is grounds not only for annulment of the decision, but possibly for disciplinary action against the official.

Although public officials in general are not required to make declarations regarding their outside activities, employment etc., it should be noted that in Finland, the collection and processing of information and the maintenance of registers is highly developed. It would be almost impossible for
a public official to have outside employment without this coming to the attention of his/her superiors. Similarly, information on investments and assets would be easily obtainable.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent court or other cases related to public officials' failure to declare or to make truthful declarations when requested to do so:

If information about the declarations by public officials is publicly available, how can it be obtained?

Have you ever assessed the effectiveness of the measures requiring public officials to make declarations as prescribed by the provision under review?

(Y) Yes
   Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

21. Paragraph 6 of article 8
6. Each State Party shall consider taking, in accordance with the fundamental principles of its domestic law, disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

As already noted above:

The Finnish system has several methods of supervising decisions taken by administrative authorities. In addition to the possibility of subjecting decisions to appeal and review by a higher level, the legality of decisions is supervised by the Chancellor of Justice and the Parliamentary Ombudsman. The roots of the institution of Chancellor of Justice stem from the 1700s, when Finland was a part of Sweden. The position of Parliamentary Ombudsman was established in 1922.

Their respective competence is set out in the Constitution. Both the Chancellor of Justice and the
Parliamentary Ombudsman ensure that the courts of law, other authorities, public officials, public employees, and other persons performing public tasks observe the law and fulfil their obligations. In performing their duties, the Chancellor of Justice and the Parliamentary Ombudsman also supervise the implementation of basic rights and human rights.

The Chancellor of Justice and the Parliamentary Ombudsman conduct periodic reviews of the work of administrative and judicial authorities. They also conduct their own special investigations in response to a complaint from the public, or for example in response to allegations of abuse reported in the media. They have the power to reprimand an authority found to have acted improperly, and in particularly serious cases, to order that charges be brought.

In Finland, the work of the Parliamentary Ombudsman is supplemented by special ombudsmen for certain fields of activity, separately prescribed by the law. Examples are the Ombudsman for Bankruptcy Cases and the Consumer Ombudsman. The former monitors how bankruptcy legislation is observed, particularly in terms of the administration of estates in bankruptcy and equitable sales of estate property. The Consumer Ombudsman monitors how the interests of consumers are respected in the market. Supervision here refers both to product safety and to the clear and fair pricing of products. All the above-mentioned authorities can also intervene in actual and potential situations of corruption. In addition to the supervision referred to above, also the State Audit Office oversees the work of State authorities. The State Audit Office is a national supervisory body that works in connection with the Parliament. It examines State finances and the management of State property. In its audits, it focuses on ensuring that State finances are used for the purposes specified by Parliament, and in a sensible manner.

The State Audit Office works together with State government to develop good principles in the management of the State economy and to promote confidence in the lawful and proper use of public funds. As an independent expert, the State Audit Office provides support for the decision-making of Parliament, the Council of State and State administration.

Finally, each individual State and municipal office has an important role in supervising its operations and the work of its staff. This supervision and the conducting of internal audits is part and parcel of the operation and management of the office.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases of disciplinary or other measures adopted against public officials

Have you ever assessed the effectiveness of the measures adopted to introduce disciplinary or other measures against public officials who violate the codes or standards established in accordance with this article?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
22. Subparagraph 1 (a) of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

Public Procurements Act (348/2007)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

According to the Public Procurements Act, an appeal can be made against any public procurement. The appeal goes to the Market Court, which has the power to suspend the procurement until it reaches a decision in the matter. Any party which participated in the public tender, as well as parties that could potentially have submitted a tender had the procurement proceedings been carried out properly, have standing to submit such an appeal.

If information relating to procurement procedures and contracts is publicly available, how can it be obtained?

Finnish legislation on public procurement implements the relevant EU instruments, such as the procurement directive (2004/18/EC) and the supervision directive (89/665/EEC). These EU instruments are designed inter alia to increase the transparency of public procurement.

The Ministry for Labour and Industry maintains a computerized public procurement system. This system provides a cost-free electronic channel through which procurement units give notice of their public tenders. Companies, in turn, obtain real-time information on current tenders as well as advance information on future procurements. All procurements that exceed the national and EU threshold value are advertised through this system. Of the EU notices, the advance notices, procurement notices and follow-up notices are made through the system.

Contracting authorities have an obligation to advertise all procurements that exceed the national threshold values.
Since 1995 Finland has been a party to the GPA Treaty, which has been done under the framework of the WTO.

*Have you ever assessed the effectiveness of the measures adopted to establish systems of procurement that are effective in preventing corruption as prescribed by the provision under review?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

23. Subparagraph 1 (b) of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

...  

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or measure(s):*

Please cite the text(s)

See above (question 22).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If information about the conditions for participation is publicly available, how can it be obtained?

See above (question 22).
Have you ever assessed the effectiveness of the measures adopted to establish conditions for participation?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

24. Subparagraph 1 (c) of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

... (c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable criteria

Please cite the text(s)
See above (question 22).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to establish objective and predetermined criteria for public procurement decisions?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
25. Subparagraph 1 (d) of article 9

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

   ... 

   (d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

See above (question 22).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to establish an effective system of domestic review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

26. Subparagraph 1 (e) of article 9
1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, inter alia, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, inter alia:

... (e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable screening procedure(s), training requirement(s) or other measure(s)

Please cite the text(s)

See above (question 22).

Furthermore, see the response to question 15, regarding the fact that public officials may not participate in any decision in which they or someone close to them have an immediate personal interest.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (e.g., concrete rules and measures)

If publicly available, please attach them or provide web links to access the information

If information about the declarations of interest by personnel responsible for procurement is publicly available, how can it be obtained?

Have you ever assessed the effectiveness of the measures adopted to regulate matters related to personnel responsible for procurement?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

27. Subparagraph 2 (a) of article 9
2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to **promote transparency and accountability in the management of public finances**. Such measures shall encompass, inter alia:

(a) Procedures for the **adoption of the national budget**;

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

Please cite, summarize and attach information on accessibility and transparency of public finances and the procedures for the adoption of the national budget

Please cite the text(s)


Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide rules, processes, measures that relate to how citizens can access that information (e.g. public information on budget procedures and other details):

All public documents are available to the public, unless a specific exception is made by an Act of Parliament (Constitution Act, art. 12(2)).

**Have you ever assessed the effectiveness of your country’s procedures for the adoption of the national budget?**

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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**28. Subparagraph 2 (b) of article 9**

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to **promote transparency and accountability in the management of public finances**. Such measures shall encompass, inter alia:

...  

(b) **Timely reporting** on revenue and expenditure;

**Has your country adopted and implemented the measures described above? (Check one answer)**
Please cite, summarize and attach the applicable rules on the reporting of revenue and expenditure

Please cite the text(s)
See above (question 27).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
According to section 90 of the Constitution, Parliament supervises State economy and adherence to the annual budget. For this purpose, Parliament appoints, from among its members, state auditors. In addition, an independent State Audit Office has been established in conjunction with Parliament. The state auditors and the State Audit Office are empowered to obtain the information they need.

Please explain when such reports become available and from where:
See above (question 27). The State budget is publically available when it has been adopted by Parliament.

Have you ever assessed the effectiveness of the measures providing for reporting of revenue and expenditure?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

29. Subparagraph 2 (c) of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

... (c) A system of accounting and auditing standards and related oversight;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable accounting and auditing standard(s) or other measure(s)
Please cite the text(s)
See above (question 27).

Act on the National Budget, statute 423/1988 and the Decree on the National Budget, statute 1243/1992. Provisions on municipal budgets are provided in chapter 8 of the Municipality Act. Oversight is based not only on the Administration Act and the Municipality Act, but also for example on the Act on the Publicity of Action by the Authorities (statute 621/1999).

Reference was made above to the fact that the State Audit Office oversees the work of State authorities. The State Audit Office is a national supervisory body that works in connection with the Parliament. It examines State finances and the management of State property. In its audits, it focuses on ensuring that State finances are used for the purposes specified by Parliament, and in a sensible manner. The State Audit Office works together with State government to develop good principles in the management of the State economy and to promote confidence in the lawful and proper use of public funds. As an independent expert, the State Audit Office provides support for the decision-making of Parliament, the Council of State and State administration.

Finally, each individual State and municipal office has an important role in supervising its operations and the work of its staff. This supervision and the conducting of internal audits is part and parcel of the operation and management of the office.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the type, sector and number of audits performed

Have you ever assessed the effectiveness of your country’s systems of accounting, auditing and oversight?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

30. Subparagraph 2 (d) of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

...
(d) Effective and efficient systems of risk management and internal control; and

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
See above (question 27). Chapter 4 of the State Budget Act deals with risk management and internal control.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the efficiency and effectiveness of your risk management and internal control systems?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

31. Subparagraph 2 (e) of article 9

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

...  

(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the relevant action(s), policy(ies) or measure(s)

Please cite the text(s)
See above (question 27).
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent court or other related cases

If available, please provide information on failure to comply with requirements and corrective action taken against such failure:

*Have you ever assessed the effectiveness of the measures providing corrective action in the case of failure to comply with the requirements established in this paragraph?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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32. Paragraph 3 of article 9

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See above (question 27).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent court or other related cases.

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01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
with the provision under review:

If there have been any recent relevant legal cases or other instances where such rules were actually applied, please provide any information available on such case(s)

This is ongoing activity, and the State Auditors provide a steady stream of reports.

Have you ever assessed the effectiveness of the measures adopted to preserve the integrity of documents related to public revenue and expenditure and to prevent their falsification?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

33. Subparagraph (a) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

(a) Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable procedure(s), regulation(s) or other measure(s)

Please cite the text(s)

Article 12(2) of the Constitution Act provides that documents and records in the possession of the authorities are public unless, for necessary reasons, their publicity has been specifically restricted on the basis of an Act of Parliament. As a rule, any person has the right to ask for information regarding any documents held by public authorities. No reason need be given for the request. For example, information on the tax records of private individuals are public.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related court or other recent cases.

How can information on the organization, functioning and decision-making processes of public administration and on decisions and legal acts that concern members of the public be obtained?

See the answer above: any person has the constitutional right to ask for any document in the possession of the authorities. It may be noted that Finland is one of the innovators in e-democracy. (According to the Economist Intelligence Unit e-readiness rankings for 2009, Finland is in tenth place globally in respect of its ability to use information and communication technologies in the development of its economy and the welfare system.) To an increasing degree, applications and requests addressed to the authorities can be made by computer.

If available, please indicate how many requests for information were made by the public, how many received a response, how long it took for responses to be given. Please provide per annum figures since the year 2003 (or further back, if available).

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

The right of public access to documents and records is under constant supervision by the Chancellor of Justice and the Ombudsman of Parliament.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

34. Subparagraph (b) of article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

... (b) Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Efforts to simplify procedures are part of standard Government activity.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to facilitate public access to competent decision-making authorities?
(Y) Yes
See above (question 33).

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

35. Subparagraph (c) of article 10
Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia:

... 
(c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable publication(s), report(s) or measure(s)

Please cite the text(s)
Annual reports on the supervision of the legality of government activity, including transparency, are published by both the Chancellor of Justice and the Ombudsman of Parliament. Summaries of the reports are available in English on their websites.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please describe action taken to increase awareness of the risks of corruption in public administration
The police have sought to increase awareness of corruption by publishing an annual report on the corruption situation.

If there have been any concrete changes or new measures in response to previous reports, please provide a brief account of such changes or measures
Legislation, government policy and operating procedures are under continuous review and, where regarded as necessary, changes are made.

Have you ever assessed the effectiveness of the measures adopted to publish information on the risks of corruption in public administration?

(Y) Yes
   Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

36. Article 10

Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (Please include here only what was not included in paragraphs (a), (b) and (c)).

Has your country adopted and implemented the measures described above? (Check one answer)

(X) Information not available
   The three previous paragraphs already cover the issue.

37. Paragraph 1 of article 11

1. Bearing in mind the independence of the judiciary and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), code(s) of conduct, rule(s) or other measure(s):

Please cite the text(s)
   This issue is covered by Chapter 9 of the Constitution Act as well as separate legislation on the Supreme Court, the Courts of Appeal, the District Court, and the Administrative Courts.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to strengthen integrity and to prevent opportunities for corruption among members of the judiciary?

(Y) Yes
This is under constant review by the Chancellor of Justice and the Parliamentary Ombudsman, as well as by the courts themselves.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

38. Paragraph 2 of article 11

2. Measures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service.

In your country, does the prosecution service form part of the judiciary?

(N) No

Does the prosecution service enjoy independence similar to that of the judicial service?

(Y) Yes

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), code(s) of conduct or other measure(s):

Please cite the text(s)

The prosecutorial service is independent, under the national Office of the Prosecutor-General. As with investigation, most prosecution is conducted on the local level, but cases of bribery and other forms of corruption can be transferred to be the responsibility of State Prosecutors working in the Office of the Prosecutor-General. One of the State Prosecutors specializes, among others, in corruption cases.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to strengthen integrity and prevent opportunities for corruption among members of the prosecution service? (Y) Yes
This is under constant supervision by the Chancellor of Justice and the Parliamentary Ombudsman, as well as by the prosecutorial service itself.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

39. Paragraph 1 of article 12
1. Each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to prevent corruption involving the private sector, enhance accounting and auditing standards in the private sector and, where appropriate, provide effective, proportionate and dissuasive civil, administrative or criminal penalties for failure to comply with such measures.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s) and penalty(ies)

Please cite the text(s)
There is a host of statutes dealing with these issues. The key statute on accounting and auditing standards is the Accounting Act 1336/1997 (available in English at http://www.finlex.fi/en/laki/kaannokset/1997/) The criminal law provisions include those dealing with bribery, and with accounting offences.

Please attach the text(s)
Criminal Code, Chapter 30 - Business offences
[ . . . ]

Section 7 - Bribery in business (769/1990)
A person who promises, offers or gives an unlawful benefit (bribe) to
(1) a person in the service of a business,
(2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business, or
(3) a person carrying out a duty on behalf of a business,
intended for the recipient or another, in order to have the bribed person, in his or her function or duties, favour the briber or another person, or to reward the bribed person for such favouring, shall be sentenced for bribery in business to a fine or to imprisonment for at most two years.

Section 8 - Acceptance of a bribe in business (604/2002)
(1) A person who
(1) in the service of a business,
(2) as a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business or

(3) in carrying out a duty on behalf of a business

demands, accepts or receives a bribe for himself or herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his or her function or duties, the briber or another, shall be sentenced for acceptance of a bribe in business to a fine or to imprisonment for at most two years.

Section 9 - Accounting offence (61/2003)

If a person with a legal duty to keep accounts, his or her representative, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or the person entrusted with the keeping of accounts,

(1) in violation of statutory accounting requirements neglects the recording of business transactions or the balancing of the accounts,

(2) enters false or misleading data into the accounts, or

(3) destroys, conceals or damages account documentation

and in this way impedes the obtaining of a true and sufficient picture of the financial result of the business of the said person or of his or her financial standing, he or she shall be sentenced for an accounting offence to a fine or to imprisonment for at most two years.

Section 9 a - Aggravated accounting offence (61/2003)

If in the accounting offence

(1) the recording of business transactions or the closing of the books is neglected in full or to an essential degree,

(2) there is a considerable amount of false or misleading information, these pertain to large amounts or they are based on falsified certificates, or

(3) the accounts are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree

and the accounting offence is aggravated also when assessed as a whole, the offender shall be sentenced for an aggravated accounting offence to imprisonment for at least four months and at most four years.

Section 10 - Negligent accounting offence (61/2003)

If a person with a legal duty to keep accounts, the representative of such a person, a person exercising actual decision-making authority in a corporation with a legal duty to keep books, or a person commissioned to keep the accounts, through gross negligence

(1) neglects in full or in part the recording of business transactions or the closing of the books, or

(2) destroys, misplaces or damages account documents

and in this manner essentially impedes the obtaining of a true and sufficient picture of the financial result or financial position of the activity of the person with a legal duty to keep books, he or she shall be sentenced for a negligent accounting offence to a fine or to imprisonment for at most two years.

Section 10a - Auditing offence (474/2007)

A person who violates the provision in section 15 of the Accounting Act (459/2007) on the preparation of an auditor’s report, shall be sentenced, unless the act is petty or if no more severe
punishment is provided elsewhere in the law, for an auditing offence to a fine or to imprisonment for at most two years.

Section 11 - Definition (769/1990)
For the purposes of this chapter, a business secret refers to a business or professional secret and to other corresponding business information that an entrepreneur keeps secret and the revelation of which would be conductive to causing financial loss to him or her or to another entrepreneur who has entrusted him or her with the information.

Section 12 - Right to bring charges (769/1990)
(1) Before bringing charges for a marketing offence the public prosecutor shall reserve the consumer ombudsman an opportunity to give a statement in the case. When hearing a case dealing with a marketing offence and an unfair competition offence the court shall reserve the consumer ombudsman an opportunity to be heard.

(2) The public prosecutor may not bring charges for an offence referred to in section 2 or in sections 4 - 6 unless the injured party reports the offence for the bringing of charges or unless a very important public interest requires that charges be brought. (476/2006)

Section 13 - Corporate criminal liability (465/2005)
The provisions on corporate criminal liability apply to marketing offences, unfair competition offences, business espionage, misuse of a business secret, bribery in business and acceptance of a bribe in business.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to prevent corruption involving the private sector, enhance accounting and auditing standards and provide penalties for failure to comply?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

40. Subparagraph 2 (a) of article 12
2. Measures to achieve these ends may include, inter alia:
(a) Promoting cooperation between law enforcement agencies and relevant private entities;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
In addition to law enforcement and the private sector both being represented in the Anti-Corruption Cooperation Network, the police work closely in cooperation with individual companies and organizations in the private sector on enhancing awareness of the provisions of the Bookkeeping Act and other relevant provisions.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable, please list any joint conferences or seminars, secondment policies, task forces, partnerships or other joint activities to promote cooperation between law enforcement agencies and private sector entities

Have you ever assessed the effectiveness of the measures adopted to promote cooperation between law enforcement agencies and private sector entities?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

41. Subparagraph 2 (b) of article 12

2. Measures to achieve these ends may include, inter alia:

... 

(b) Promoting the development of standards and procedures designed to safeguard the integrity of relevant private entities, including codes of conduct for the correct, honourable and proper performance of the activities of business and all relevant professions and the prevention of conflicts of interest, and for the promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable standard(s), procedure(s), code(s) of conduct or other measure(s)

Please cite the text(s)

In December 2002 the Central Chamber of Commerce together with Transparency International published general instructions against corruption for the business sector.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the standards and procedures designed to safeguard the integrity of relevant private entities?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

42. Subparagraph 2 (c) of article 12

2. Measures to achieve these ends may include, inter alia:

... 

(c) Promoting transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Trade Register Act, 129/1979

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to regulate the identity of legal and natural persons involved in the establishment and management of corporate entities?*

(Y) Yes

The question is rather odd; because the Trade Register is public, it ensures that the identity of the legal and natural persons can be verified in practice. Violations of the Trade Register Act would result in sanctions.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

43. Subparagraph 2 (d) of article 12

2. Measures to achieve these ends may include, inter alia:

...  
(d) Preventing the misuse of procedures regulating private entities, including procedures regarding subsidies and licences granted by public authorities for commercial activities;

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please cite the text(s)

Each different type of enterprise has its own legislation, such as the Limited Liability Company Act 734/1978.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to prevent the misuse of procedures regulating private entities?*

(Y) Yes
Violation of the procedures is subject to criminal law and commercial law. To a large extent, moreover, the private sector is self-regulating: such misuse in Finland would tend to be revealed relatively soon. The fact that few such cases come to the courts indicates that the procedures are reasonably effective.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

44. Subparagraph 2 (e) of article 12

2. Measures to achieve these ends may include, inter alia:

... (e) Preventing conflicts of interest by imposing restrictions, as appropriate and for a reasonable period of time, on the professional activities of former public officials or on the employment of public officials by the private sector after their resignation or retirement, where such activities or employment relate directly to the functions held or supervised by those public officials during their tenure;

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
Finland does not regard the imposition of such "quarantine periods" as necessary. The transparency of public activities and the scrutiny directed by the public (and the media) at such cases appears to be a sufficient safeguard against "revolving door lobbyists".

Please provide an account of your country’s efforts to date to implement the provision under review:
See above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

45. Subparagraph 2 (f) of article 12

2. Measures to achieve these ends may include, inter alia:

... (f) Ensuring that private enterprises, taking into account their structure and size, have sufficient internal
auditing controls to assist in preventing and directing acts of corruption and that the accounts and required financial statements of such private enterprises are subject to **appropriate auditing and certification procedures**.

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable procedure(s) or other measure(s). Please specify which agencies are responsible for the implementation of measures related to this provision and their web-addresses, if available**

Please cite the text(s)

Accounting Act 1337/1997

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

**Have you ever assessed the effectiveness of the measures providing for private entities’ internal auditing controls and appropriate auditing and certification procedures?**

(Y) Yes

Violation of the Bookkeeping Act leads to criminal law and commercial law sanctions. The fact that there are few such cases coming to the courts is reasonable evidence of the effectiveness of the measures.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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46. Subparagraph 3 (a) of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the **maintenance of books and records, financial statement disclosures and accounting and auditing standards**, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

(a) The establishment of **off-the-books accounts**;

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of**
non-compliance

Please cite the text(s)

The Accounting Act requires full accounting in accordance with standard bookkeeping practice.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analysis of compliance and non-compliance instances and rates

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review and prohibit the acts mentioned therein?

(Y) Yes

See the response to question 45 above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

47. Subparagraph 3 (b) of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

... (b) The making of off-the-books or inadequately identified transactions;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of non-compliance

Please cite the text(s)


Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analyses of compliance and non-compliance instances and rates

*Have you ever assessed the effectiveness of the measures prohibiting off-the-books or inadequately identified transactions?*

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

**48. Subparagraph 3 (c) of article 12**

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the *maintenance of books and records, financial statement disclosures and accounting and auditing standards*, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

...  

(c) The recording of *non-existent expenditure*;

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

**Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of non-compliance**

Please cite the text(s)


Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analyses of compliance and non-compliance instances and rates

*Have you ever assessed the effectiveness of the measures prohibiting the recording of non-existent expenditure*
expenditure?
(Y) Yes
See the response to question 45, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

49. Subparagraph 3 (d) of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

... (d) The entry of liabilities with incorrect identification of their objects;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of non-compliance

Please cite the text(s)
The Accounting Act, 1337/1997

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analyses of compliance and non-compliance instances and rates

Have you ever assessed the effectiveness of the measures prohibiting the entry of liabilities with incorrect identification of their objects?
(Y) Yes
See the response to question 45, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
50. Subparagraph 3 (e) of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

... 

(e) The use of false documents;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of non-compliance

Please cite the text(s)
The Accounting Act, 1337/1997

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analyses of compliance and non-compliance instances and rates

Have you ever assessed the effectiveness of the measures prohibiting the use of false documents?

(Y) Yes

See the response to question 45, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

51. Subparagraph 3 (f) of article 12

3. In order to prevent corruption, each State Party shall take such measures as may be necessary, in accordance with its domestic laws and regulations regarding the maintenance of books and records, financial statement disclosures and accounting and auditing standards, to prohibit the following acts carried out for the purpose of committing any of the offences established in accordance with this Convention:

... 

(f) The intentional destruction of bookkeeping documents earlier than foreseen by the law.
Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), including possible sanctions in the event of non-compliance

Please cite the text(s)


Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports, statistics or analyses of compliance and non-compliance instances and rates

Have you ever assessed the effectiveness of the measures prohibiting the intentional destruction of bookkeeping documents earlier than foreseen by the law?

(Y) Yes

See the response to question 45, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

52. Paragraph 4 of article 12

4. Each State Party shall disallow the tax deductibility of expenses that constitute bribes, the latter being one of the constituent elements of the offences established in accordance with articles 15 and 16 of this Convention and, where appropriate, other expenses incurred in furtherance of corrupt conduct.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

According to section 16 of the Business Tax Act (360/1968), bribes and bribe-like payments are not tax deductible.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures that disallow the tax deductibility of expenses that constitute bribes, or other expenses incurred in furtherance of corrupt conduct?

(Y) Yes

See the response to question 45, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

53. Subparagraph 1 (a) of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(a) Enhancing the transparency of and promoting the contribution of the public to decision-making processes;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Part of the democratic tradition of Finland concerns the importance of local government. Traditionally, many decisions affecting the day-to-day life of citizens, including regarding taxes, roads, utilities and social services, have been made locally. This has given people a clear incentive to become involved in local government, or at least to keep a watchful eye on local decision-makers.

This local involvement can also be seen in the widespread establishment of various non-governmental organizations, many of which seek to influence governmental policy, and which may also take upon themselves a "watchdog" role to identify and report perceived violations of the law.

As for transparency, the publicity (transparency) of administration is an old principle in Finland, one that has been applied to a varying extent since the year 1766, when a Freedom of the Press Decree was issued in the Kingdom of Sweden-Finland, with constitutional status. According to this Decree, the basic rule is the right to be informed of the contents of documents kept by an authority. In connection with the 1995 constitutional reform, the right to be informed of the documents kept by an authority became a constitutional right in Finland. An extensive total reform of the legislation on transparency and secrecy was carried out in 1999. The goal of this reform was to increase the degree to which information is available on the activities of the authorities. Provisions were added to the Act on the Openness of Government Activities also on the obligation of the authorities to actively promote the availability of information, through information services and communications.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to facilitate public access to competent decision-making authorities?*

**(Y) Yes**

Public access to the authorities has been measured in a number of different ways, including studies of the perception that members of the public have of the efficacy and legality of government.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

**54. Subparagraph 1 (b) of article 13**

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

   ... 

   *(b) Ensuring that the public has effective access to information*

*Has your country adopted and implemented the measures described above? (Check one answer)*

**(Y) Yes**

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s): 

Please cite the text(s)

The Constitution Act, article 12(2) (already cited above).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
How can this information be obtained?

As already noted earlier, the public has a right to public information, unless a specific restriction is provided by an Act of Parliament. The authorities have an obligation to provide access, either in the form of a copy or extract, or by allowing the person in question to study the information in the office of the authority in question.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Implementation of this constitutional provision is assessed by the Chancellor of Justice and the Ombudsman of Parliament, who report on any defects that they have observed in access to information.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

55. Subparagraph 1 (c) of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(c) Undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

In 1992 the Ministry of Justice established an anti-corruption cooperation network. The mandate of this network has been renewed most recently in September 2009.

Training on corruption-related questions has been introduced as a permanent part of the basic training for police officers and prosecutors. In order to enhance training on confiscation and provisional measures in corruption cases, the National Police School has prepared a booklet. It is available to all police officers over the Internet.

In 2002, the Ministry of Finance published a handbook for the State Administration called (in Finnish) “Values in the daily job - the ethics of the civil servant”. The purpose of this booklet is to serve as a practical guide to exemplary employer functions, assist in supervisory duties and inform state personnel of basic issues related to the status of civil servants. In order to maintain high ethical standards in state administration, the values must be evident in decisions and deeds in everyday work, and thus become consolidated as good operational practice in state administration. Value-led operation also serves to prevent corruption.
Please cite, summarize and attach the applicable education programme(s) or other measure(s)

Please cite the text(s)

In 1992 the Ministry of Justice established an anti-corruption cooperation network. The mandate of this network has been renewed most recently in September 2009.

Training on corruption-related questions has been introduced as a permanent part of the basic training for police officers and prosecutors. In order to enhance training on confiscation and provisional measures in corruption cases, the National Police School has prepared a booklet. It is available to all police officers over the Internet.

In 2002, the Ministry of Finance published a handbook for the State Administration called (in Finnish) “Values in the daily job - the ethics of the civil servant”. The purpose of this booklet is to serve as a practical guide to exemplary employer functions, assist in supervisory duties and inform state personnel of basic issues related to the status of civil servants. In order to maintain high ethical standards in state administration, the values must be evident in decisions and deeds in everyday work, and thus become consolidated as good operational practice in state administration. Value-led operation also serves to prevent corruption.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on frequency and length of such programmes. Please provide per annum figures since the year 2000 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

The effectiveness of public information activities should not and cannot be assessed in isolation from the many other anti-corruption measures taken.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

No.

56. Subparagraph 1 (d) (i) of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental
principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

(d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

(i) For respect of the rights or reputations of others;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)
The Constitution Act, art. 12(1) provides for freedom of speech.

Criminal Code chapter 24, sections 9 and 10 deal with libel.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide information on recent cases in which you restricted access to information to protect rights or reputation of others

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

This question does not seem relevant; it would be impossible to assess the impact that freedom of speech has on the constitutional right to "seek, receive, publish and disseminate information concerning corruption."

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

57. Subparagraph 1 (d) (ii) of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence,
causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as:

... (d) Respecting, promoting and protecting the freedom to seek, receive, publish and disseminate information concerning corruption. That freedom may be subject to certain restrictions, but these shall only be such as are provided for by law and are necessary:

... (ii) For the protection of national security or ordre public or of public health and morals.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)


Please attach the text(s)

The Constitution Act, art. 12(2) provides for the right of public access to information.

The Act on the Openness of Public Authorities, 621/1999 provides further provisions on this, including (in article 24) a comprehensive listing of grounds on which a document can be declared secret. Among the grounds are the protection of national security.

The full list of statutory grounds on which information can be (exceptionally) kept secret is to be found in section 24, subsection 1 of the Openness of Government Act. According to this provision, the following are public interests that are to be protected:

a) national security (para. 9)

b) foreign relations (para. 1-2)

c) public order (para. 5)

d) public safety (para. 8)

e) the economic interest of the country (e.g. protection of the currency, of the credit, economic interests of public corporations) (para. 11)

f) the interests of national defence (para. 10)

g) the efficiency of capital and financing markets and of insurance systems (para. 12-13)

h) the efficiency of security systems (para. 7)

i) the investigation and prevention of offences (para. 3 - 5)

j) the protection of nature and environmental values (para. 14)

k) the efficiency of the consideration of complaints and of supervisory activities (para. 6 and 15)

l) ensuring the conditions for the compiling of statistics (para. 16)

m) equality between public corporations and private individuals for example in procurement, on the labour market and as parties in legal proceedings; the co-called principle of neutrality (section 24, subsection 1, para. 17 - 19)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If applicable and available, please provide information on recent cases in which you restricted access to information in order to protect your national security, ordre public or public health or morals

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
See the response to question 56, above.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

58. Paragraph 1 of article 13

1. Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to promote the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. ... (Please include here only what was not included in subparagraphs (a), (b), (c), (d) (i) and (d) (ii).)

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)
The question is not relevant. The preceding subparagraphs already deal comprehensively with the issue.

Please provide an account of your country’s efforts to date to implement the provision under review:
See above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
See above.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
59. Paragraph 2 of article 13

2. Each State Party shall take appropriate measures to ensure that the relevant anti-corruption bodies referred to in this Convention are known to the public and shall provide access to such bodies, where appropriate, for the reporting, including anonymously, of any incidents that may be considered to constitute an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), strategy(ies) or other measure(s):

Please cite the text(s)
[not relevant]
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

As already noted, the Anti-Corruption Cooperation Network is not an operational body.

The Government encourages reporting of suspected cases of corruption to the appropriate authorities, such as the police, the Chancellor of Justice and the Parliamentary Ombudsman.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on the number of reports made. Please indicate how many reports were made anonymously. Please provide per annum figures since the year 2000 (or further back, if available).

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

60. Subparagraph 1 (a) of article 14

1. Each State Party shall:

(a) Institute a comprehensive domestic regulatory and supervisory regime for banks and non-bank financial institutions, including natural or legal persons that provide formal or informal services for the
transmission of money or value and, where appropriate, other bodies particularly susceptible to money-laundering, within its competence, in order to deter and detect all forms of money-laundering, which regime shall emphasize requirements for customer and, where appropriate, beneficial owner identification, record-keeping and the reporting of suspicious transactions;

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable policy(ies), regulation(s) or other measure(s)**

Please cite the text(s)

see above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please describe the type of institutions which are considered to be non-bank financial institutions and designated non-financial business and professions

The Financial Inspectorate Act, sec. 6, refers to other entities subject to the Securities Act, other entities with a bookkeeping liability that issue securities; brokers; and entities subject to the Investment Fund Act.

Please explain how they are covered by your regulatory regime

Each type of banking institution is subject to its own specific Act of Parliament.

The operation of all banks is supervised by the Financial Inspectorate, which operates in connection with the Bank of Finland; Financial Inspectorate Act 587/2003.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related disciplinary actions

If any sanctions have been imposed on non-compliant institutions, please provide relevant reports, examples, analyses or statistics

If available, please provide information on the number of suspicious/uneusual activity/transaction reports, including amount and type. Please provide per annum figures since the year 2003 (or further back, if available).

**Have you ever assessed the effectiveness of the measures adopted to deter and detect all forms of money-laundering?**

(Y) Yes

Finland is subject to assessment by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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61. Subparagraph 1 (b) of article 14 (part 1)
1. Each State Party shall:

... 

(b) Without prejudice to article 46 of this Convention, ensure that administrative, regulatory, law enforcement and other authorities dedicated to combating money-laundering (including, where appropriate under domestic law, judicial authorities) have the ability to cooperate and exchange information at the national and international levels within the conditions prescribed by its domestic law...

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)


Please attach the text(s)

The Act on the Prevention and Investigation of Money Laundering (68/1998) established Finland's FIU in connection with the National Bureau of Investigation, and provides it with the competence to exchange information.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review (e.g., indicate whether your country has a central information-sharing database which authorities dedicated to combating money-laundering have access to)

Please outline any available means or procedures for other information sharing among domestic agencies

The competent administrative, regulatory, law enforcement and other authorities may exchange information among themselves and with financial institutions in order to prevent and investigate money laundering.

If applicable, please list any bilateral or multilateral cooperation agreements aimed at combating money-laundering to which you are a party

Have you ever assessed the effectiveness of the measures adopted to ensure that authorities dedicated to combating money-laundering, as listed above, have the ability to cooperate and exchange information?

(Y) Yes

This has been assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

62. Subparagraph 1 (b) of article 14 (part 2)

1. Each State Party shall:

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
(b) ...shall consider the establishment of a financial intelligence unit to serve as a national centre for the collection, analysis and dissemination of information regarding potential money-laundering.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

If available, please provide information on recent money-laundering cases prompted by analyses and referrals of your country’s financial intelligence unit

If available, please cite and provide links to analytical reports, guidelines, or advisories issued by your country’s financial intelligence unit

Finland’s FIU publishes an on-line Finnish-language report on money laundering in Finland
(<http://www.polisi.fi/polisi/krp/home.nsf/pages/7184644BE33CFE6AC22572A40043374B/$file/KESKUSRIKOPOLIISI.pdf>)

Please provide information on other activities or products of the financial intelligence unit

See the response to question 60, above.

Finland’s FIU publishes an on-line Finnish-language report on money laundering in Finland
(<http://www.polisi.fi/polisi/krp/home.nsf/pages/7184644BE33CFE6AC22572A40043374B/$file/KESKUSRIKOPOLIISI.pdf>)

If your financial intelligence unit also has investigative powers, please provide information on recent cases investigated

See the response to question 60, above.

If available, please provide information on recent money-laundering cases prompted by analyses and referrals of your country’s financial intelligence unit

Have you ever assessed the effectiveness of the measures adopted to establish the financial intelligence unit?

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

63. Paragraph 2 of article 14

2. States Parties shall consider implementing feasible measures to detect and monitor the movement of cash and appropriate negotiable instruments across their borders, subject to safeguards to ensure proper use of information and without impeding in any way the movement of legitimate capital. Such measures may include a requirement that individuals and businesses report the cross-border transfer of substantial quantities of cash and appropriate negotiable instruments.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s). Please state the current reporting threshold for cash cross-border movement*

*Please cite the text(s)*

See the response to question 60, above.

*Please attach the text(s)*

*Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.*

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

*Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:*

If available, please provide statistics or other information on the number of detected illegal/undeclared cross-border cash transfers and amounts seized

*Have you ever assessed the effectiveness of the measures adopted to detect and monitor the cross-border movement of cash and negotiable instruments?*

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

64. Subparagraph 3 (a) of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

(a) To include on forms for the electronic transfer of funds and related messages **accurate and meaningful information on the originator;**

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s), including threshold amount above which measures apply*

*Please cite the text(s)*

See the response to question 60, above.

*Please attach the text(s)*

*Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.*
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on compliance and non-compliance rates and results of regulatory or law enforcement efforts

Have you ever assessed the effectiveness of the measures adopted to require relevant financial institutions to include on forms for the electronic transfer of funds information on the originator?

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

65. Subparagraph 3 (b) of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

...  

(b) To maintain such information throughout the payment chain; and

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 60, above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to maintain information on the originator of electronic transfer of funds throughout the payment chain?

(Y) Yes
This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

66. Subparagraph 3 (c) of article 14

3. States Parties shall consider implementing appropriate and feasible measures to require financial institutions, including money remitters:

... (c) To apply enhanced scrutiny to transfers of funds that do not contain complete information on the originator.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 60, above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to apply enhanced scrutiny to transfer of funds that do not contain complete information on the originator?

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

67. Paragraph 4 of article 14

4. In establishing a domestic regulatory regime and supervisory regime under the terms of this article, and without prejudice to any other article of this Convention, States Parties are called upon to use as a guideline the relevant initiatives of regional, interregional and multilateral organizations against...
money-laundering.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable initiative(s), guideline(s), or other measure(s)

Please cite the text(s)

See the response to question 60, above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please list which regional, interregional and multilateral organizations you have worked with to conduct training seminars and other activities aimed at establishing domestic regulatory and supervisory regimes

Please provide further details on trainings and seminars, including the annual number of staff in attendance

Have you ever assessed the effectiveness of the measures adopted to use as a guideline the initiatives mentioned in the provision under review?

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

68. Paragraph 5 of article 14

5. States Parties shall endeavour to develop and promote global, regional, subregional and bilateral cooperation among judicial, law enforcement and financial regulatory authorities in order to combat money-laundering.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 60, above; the Act allows for international cooperation.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please list any bilateral or multilateral cooperation agreements with financial regulatory or judicial bodies

Please provide information on any joint conferences or seminars, secondment policies, task forces, partnerships or other joint activities with financial regulatory or judicial bodies

*Have you ever assessed the effectiveness of the measures adopted to promote cross-border cooperation among relevant authorities?*

(Y) Yes

This is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
III. Criminalization and law enforcement

15. Bribery of national public officials

69. Subparagraph (a) of article 15

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Active Bribery

Chapter 16, sections 13 and 14 of the Finnish Criminal Code criminalize active bribery of national public officials, (including members of Parliament), in accordance with article 15 a.

Quotation of the Criminal Code :

Chapter 16

Section 13 - Bribery (604/2002)

(1) A person who promises, offers or gives to a public official or gives a public official in exchange for his/her actions in service a gift or other benefit intended for him/her or for another, that influences or is intended to influence or is conducive to influencing the actions in service of the public official, shall be sentenced for bribery to a fine or to imprisonment for at most two years.

(2) Also a person who, in exchange for the actions in service of a public official, promises, offers or gives the gift or benefit referred to in subsection 1 shall be sentenced for bribery.

Section 14 - Aggravated bribery (563/1998)

If in the bribery

(1) the gift or benefit is intended to make the person act in service contrary to his/her duties with the result of considerable benefit to the briber or to another person or of considerable loss or detriment to another person; or

(2) the value of the gift or benefit is considerable and the bribery is aggravated also when assessed as whole,

the offender shall be sentenced for aggravated bribery to imprisonment for at least four months and at most four years.

Section 14 a - Bribery of a member of Parliament (604/2002)

A person who promises, offers or gives a member of Parliament a gift or other unlawful benefit intended for him/her or for another, so that said member of Parliament would, in exchange for the benefit and in his/her parliamentary mandate, act so that a matter being considered or to be considered by Parliament would be decided in a certain way, shall be
sentenced for bribery of a member of Parliament to a fine or to imprisonment for at most four years.

**Passive Bribery**

Chapter 40, sections 1 through 4 of the Finnish Criminal Code criminalize passive bribery of national public officials, (including members of Parliament), in accordance with article 15 b.

*Quotation of the Criminal Code:*

Chapter 40 - Offences in office (604/2002)

Section 1 - Acceptance of a bribe (604/2002)

1. If a public official, for his/her actions while in service, for himself/herself or for another,
   1. asks for a gift or other unjustified benefit or otherwise takes an initiative in order to receive such a benefit,
   2. accepts a gift or other benefit which influences, which is intended to influence or which is conducive to influencing him/her in said actions, or
   3. agrees to the gift or other benefit referred to in paragraph 2 or to a promise or offer thereof,
   he/she shall be sentenced for acceptance of a bribe to a fine or to imprisonment for at most two years.

2. A public official shall be sentenced for acceptance of a bribe also if for his/her actions while in service agrees to the giving of the gift or other benefit referred to in subsection 1 to another or to a promise of offer thereof.

3. A public official may also be sentenced to dismissal if the offence demonstrates that he/she is manifestly unfit for his/her duties.

Section 2 - Aggravated acceptance of a bribe (604/2002)

If in the acceptance of a bribe

1. the public official stipulates the bribe as a condition for his/her actions or it is his/her intention, because of the gift or benefit, to act in a manner contrary to his/her duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or

2. the gift or benefit is or of significant value

and the acceptance of a bribe is aggravated also when assessed as a whole, the public official shall be sentenced for aggravated acceptance of a bribe to imprisonment for at least four months and at most four years and in addition to dismissal from office.

Section 3 - Bribery violation (604/2002)

If a public official, for himself/herself or for another

1. asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or

2. accepts or agrees to a gift or other benefit or agrees to a promise or offer of such a gift or other benefit

so that the actions are conducive to weakening confidence in the impartiality of the actions of authorities, he/she shall be sentenced, if the act is not punishable as the acceptance of a bribe or aggravated acceptance of a bribe, for a bribery violation to a fine or to imprisonment for at most six months.
Section 4 - Acceptance of a bribe as a member of Parliament (604/2002)

If a member of Parliament, for himself/herself or for another
(1) requests a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
(2) accepts or agrees to accept a gift or other unlawful benefit or agrees to a promise or offer of such a gift or other benefit
and promises, in exchange for the benefit, to act in his/her parliamentary mandate so that a matter being considered or to be considered by Parliament would be decided in a certain way, he/she shall be sentenced for acceptance of a bribe as a member of Parliament to a fine or to imprisonment for at most four years.

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Chapter 16, sections 13, 14 and 14a of the Finnish Criminal Code criminalize active bribery of national public officials (including members of Parliament), in line with article 15 a.

Please attach the text(s)
Quotation from the Criminal Code:

Chapter 16

Section 13 - Bribery (604/2002)

(1) A person who promises, offers or gives to a public official or gives a public official in exchange for his/her actions in service a gift or other benefit intended for him/her or for another, that influences or is intended to influence or is conducive to influencing the actions in service of the public official, shall be sentenced for bribery to a fine or to imprisonment for at most two years.
(2) Also a person who, in exchange for the actions in service of a public official, promises, offers or gives the gift or benefit referred to in subsection 1 shall be sentenced for bribery.

Section 14 - Aggravated bribery (563/1998)

If in the bribery
(1) the gift or benefit is intended to make the person act in service contrary to his/her duties with the result of considerable benefit to the briber or to another person or of considerable loss or detriment to another person; or
(2) the value of the gift or benefit is considerable and the bribery is aggravated also when assessed as whole,
the offender shall be sentenced for aggravated bribery to imprisonment for at least four months and at most four years.

Section 14 a - Bribery of a member of Parliament (604/2002)

A person who promises, offers or gives a member of Parliament a gift or other unlawful benefit intended for him/her or for another, so that said member of Parliament would, in exchange for the benefit and in his/her parliamentary mandate, act so that a matter being considered or to be considered by Parliament would be decided in a certain way, shall be sentenced for bribery of a member of Parliament to a fine or to imprisonment for at most four years.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

Data on the number of cases investigated by the police, and dealt with by the courts, are collected and published by Statistics Finland.

Court records are public.

<table>
<thead>
<tr>
<th>Years</th>
<th>persons convicted in court (active and passive bribery)</th>
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<tbody>
<tr>
<td>1925-1929</td>
<td>65</td>
</tr>
<tr>
<td>1930-1934</td>
<td>54</td>
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<tr>
<td>1935-1939</td>
<td>44</td>
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<td>1940-1944</td>
<td>384</td>
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<td>1945-1949</td>
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<td>1955-1959</td>
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<td>1960-1964</td>
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<td>1975-1979</td>
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<tr>
<td>2000-2004</td>
<td>12</td>
</tr>
<tr>
<td>2005-2007</td>
<td>38</td>
</tr>
</tbody>
</table>

According to the statistics, there was a peak in the number of court cases during the Second World War and in the years immediately after the war. One probable reason for this was the stringent rationing in Finland. A lower peak in the number of bribery cases in court occurred during the 1980s, when there were a number of cases involving construction. All of the court cases up to the beginning of the new century were domestic. However, at the moment there are a few major cases under investigation that concern international business and large amounts of money.

*Have you ever assessed the effectiveness of the measures adopted to criminalize active bribery of national public officials?*

(Y) Yes  
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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70. Subparagraph (b) of article 15

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 

(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Chapter 40, sections 1 through 4 of the Finnish Criminal Code criminalize passive bribery of national public officials, (including members of Parliament), in accordance with article 15 b.

Please attach the text(s)

Quotation from the Criminal Code:

Chapter 40 - Offences in office (604/2002)

Section 1 - Acceptance of a bribe (604/2002)

(1) If a public official, for his/her actions while in service, for himself/herself or for another, (1) asks for a gift or other unjustified benefit or otherwise takes an initiative in order to receive such a benefit,
(2) accepts a gift or other benefit which influences, which is intended to influence or which is conducive to influencing him/her in said actions, or
(3) agrees to the gift or other benefit referred to in paragraph 2 or to a promise or offer thereof, he/she shall be sentenced for acceptance of a bribe to a fine or to imprisonment for at most two years.

(2) A public official shall be sentenced for acceptance of a bribe also if for his/her actions while in service agrees to the giving of the gift or other benefit referred to in subsection 1 to another or to a promise of offer thereof.

(3) A public official may also be sentenced to dismissal if the offence demonstrates that he/she is manifestly unfit for his/her duties.

Section 2 - Aggravated acceptance of a bribe (604/2002)

If in the acceptance of a bribe
(1) the public official stipulates the bribe as a condition for his/her actions or it is his/her intention, because of the gift or benefit, to act in a manner contrary to his/her duties to the considerable benefit of the party giving the gift or of another, or to the considerable loss or detriment of another, or
(2) the gift or benefit is of significant value
and the acceptance of a bribe is aggravated also when assessed as a whole, the public official shall be sentenced for aggravated acceptance of a bribe to imprisonment for at least four months and at most four years and in addition to dismissal from office.

Section 3 - Bribery violation (604/2002)

If a public official, for himself/herself or for another
(1) asks for a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
(2) accepts or agrees to a gift or other benefit or agrees to a promise or offer of such a gift or other benefit
so that the actions are conducive to weakening confidence in the impartiality of the actions of
authorities, he/she shall be sentenced, if the act is not punishable as the acceptance of a bribe or aggravated acceptance of a bribe, for a bribery violation to a fine or to imprisonment for at most six months.

Section 4 - Acceptance of a bribe as a member of Parliament (604/2002)

If a member of Parliament, for himself/herself or for another
(1) requests a gift or other unlawful benefit or otherwise takes an initiative in order to receive such a benefit, or
(2) accepts or agrees to accept a gift or other unlawful benefit or agrees to a promise or offer of such a gift or other benefit
and promises, in exchange for the benefit, to act in his/her parliamentary mandate so that a matter being considered or to be considered by Parliament would be decided in a certain way, he/she shall be sentenced for acceptance of a bribe as a member of Parliament to a fine or to imprisonment for at most four years.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
Statistics on cases investigated by the police, and cases dealt with by the courts, are collected and published by Statistics Finland. (See the response to question 69.)

Have you ever assessed the effectiveness of the measures adopted to criminalize passive bribery of national public officials?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

71. Paragraph 1 of article 16
1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the promise, offering or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties, in order to obtain or retain business or other undue advantage in relation to the conduct of international business.

01.10.2010 Finland
Assessment of the implementation of UNCAC in Finland Page 73 of 291
Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please attach the text(s)

Quotation from the Criminal Code:

Chapter 16 Section 20 - Provisions on the scope of application (604/2002)

1. In applying sections 1 through 3 of this chapter, a person elected to a public official as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties, a person exercising public authority and a soldier on duty, are equated with a civil servant as the object of the criminal act.

2. In applying section 9 of this chapter, a person elected to a public office as referred to in chapter 40, section 11, a foreign public official acting in the service of the International Criminal Court or in Finnish territory on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties, a person exercising public authority, are equated with a public official.

3. In applying sections 13 and 14 of this chapter, a person elected to a public office, an employee of a public corporation, a foreign public official, a person exercising public authority and a soldier referred to in chapter 40, section 11 are equated with a public servant as the object of the criminal act.

4. For the purposes of section 14 a of this chapter, a member of a foreign Parliament referred to in chapter 40, section 11 is equated with a member of Parliament as the object of the criminal act.

5. In applying sections 1 through 3, 9, 13 and 14 of this chapter, if provisions other than in this Code pertain to the application of provisions on criminal liability to persons other than those referred to in subsections 1 through 4, he/she is equated with a public servant as the object of the criminal act.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)

According to Chapter 16, section 20 (3) of the Finnish Criminal Code, sections 13 and 14 of this chapter regarding active bribery of national public officials also apply to active bribery of a foreign public official.

As to active bribery of an official of a public international organization, the definition of a foreign public official (encompassing officials of public international organizations) is provided in chapter 40, section 11 (4) of the Criminal Code, dealing with "offences in office", including acceptance of a bribe, and not in chapter 16 regarding active bribery.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

01.10.2010

Finland

Assessment of the implementation of UNCAC in Finland
Statistics on cases investigated by the police, and cases dealt with by the courts, are collected and published by Statistics Finland.

Have you ever assessed the effectiveness of the measures adopted to criminalize active bribery of foreign public officials and officials of public international organizations?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

72. Paragraph 2 of article 16

2. Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the solicitation or acceptance by a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her duties.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Chapter 40, sections 1 through 3 of the Finnish Criminal Code criminalize passive bribery of public officials, and chapter 40 section 12 indicates that these provisions also apply to foreign public officials. The definition of foreign public officials includes officials of public international organizations, according to chapter 40 section 11 (4).

Please attach the text(s)

Quotation from the Criminal Code:

Chapter 40 Offences in office (604/2002)

Section 11 - Definitions (604/2002)

For the purposes of the present law:
(1) a public official is defined as a person who serves in an office or in a comparable position of service in respect of the state, a municipality or an association of municipalities or of a co-operative body under public law of municipalities, Parliament, a state-owned company or the Evangelical Lutheran Church or the Orthodox Church or its parish or a co-operative body among parishes, the province of Åland, the Bank of Finland, the Social Insurance Institution, the Institute of Occupational Health, a municipal pension institution, the Municipal Surety Centre or a municipal labour market office;

(2) a person elected to a public office is defined as a member of a municipal council and any other member of a popularly elected representative body of a public body referred to in paragraph 1 other than a member of Parliament acting in his/her Parliamentary mandate, and a member of a public body or institution referred to in paragraph 1, such as the Government, municipal executive board,
board, board of directors, committee, commission and advisory board and any other elected official of said public body or institution;
(3) an employee of a public corporation is defined as a person under a contract of employment with a public body or institution referred to in paragraph 1;
(4) a foreign public official is defined as a person who has been appointed or elected to an administrative or judicial office or position in a body or court of a foreign state or public international organisation, or who otherwise attends to a public function on behalf of a body or court of a foreign state or public international organisation;
(5) a person exercising public authority is defined as
   (a) a person whose functions on the basis of an act or decree include issuing orders that oblige another or deciding on the interest, rights or duties of another, or who on the basis of an act or decree in fact in his/her duties intervenes into the benefits or rights of another, and
   (b) a person who on the basis of an act or decree or on the basis of a commission from an authority on the basis of an act or decree participates in the preparation of a decision referred to in paragraph (a) by presenting a draft decision or a proposal for a decision, preparing a report or plan, taking a sample, carrying out an inspection or in another corresponding manner;
(6) a member of a foreign Parliament is defined as a person who is a member of the Parliament of a foreign state or the International Parliamentary Assembly.

Section 12 - Provisions on the scope of application (604/2002)

(1) The provisions in this chapter on public officials apply also to a person tending to a public elected office and to a person exercising public authority.
(2) Sections 1 through 3, 5 and 14 of this chapter apply, with the exception of dismissal, also to an employee of a public corporation.
(3) Sections 1 through 3 and of this chapter, with the exception of dismissal, apply also to foreign public officials. In addition, sections 5 and 7 through 10 of this chapter, with the exception of the sanction of dismissal, apply to a foreign public official who serves in the territory of Finland on the basis of an international agreement or other international obligation in inspection, surveillance, pursuit or pre-trial investigation duties.
(4) Sections 4 and 14 of this chapter apply also to members of a foreign Parliament.
(5) Separate legislation applies to the application in certain cases of provisions on penal liability as a public official.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

Statistics on cases investigated by the police, and cases dealt with by the courts, are collected and published by Statistics Finland.

Have you ever assessed the effectiveness of the measures adopted to criminalize passive bribery of foreign public officials and officials of public international organizations?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

73. Article 17
Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please attach the text(s)
Quotation from the Criminal Code:

Article 28
Section 4 - Embezzlement (769/1990)

(1) A person who appropriates the assets or other movable property of another which are in the possession of the offender shall be sentenced for embezzlement to a fine or to imprisonment for at most one year and six months.
(2) A person who appropriates assets or other movable property that he/she has found or that have come into his/her possession through an error shall also be sentenced for embezzlement.
(3) A person who has received funds on account, under a commission or in a similar manner, and who fails to settle the account at the time agreed or otherwise required, by using the said funds or funds which have taken their place, or by otherwise acting in a similar manner, shall also be sentenced for embezzlement.
(4) An attempt of the appropriation referred to in paragraph (1) is punishable.

Section 5 - Aggravated embezzlement (769/1990)
(1) If in the embezzlement
   (1) the object is very valuable property or a large amount of assets,
   (2) particularly significant loss is caused to the victim of the offence, in view of the victim's circumstances, or
   (3) the offender takes advantage of his/her position of particular responsibility and the embezzlement is aggravated, also when assessed as a whole, the offender shall be sentenced for aggravated embezzlement to imprisonment for at least four months and at most four years.
(2) The provision in section 4 on attempt applies correspondingly to attempted aggravated embezzlement.

Article 40
Section 7 - Abuse of public office (604/2002)
(1) If a public official, in order to obtain benefit for himself/herself or for another or in order to cause detriment or loss to another
   (1) violates his/her official duty, based on the provisions or regulations to be followed in official
functions, when participating in decision-making or in the preparation thereof or when using public authority in his/her other official functions, or
(2) misuses his/her office in respect of a person who is under his/her command or immediate supervision,
he/she shall be sentenced for abuse of public office to a fine or to imprisonment for at most two years.
(2) The public official may also be sentenced to dismissal if the offence indicates that he/she is manifestly unfit for his/her duties.

Section 8 - Aggravated abuse of public office (792/1989)
If in the abuse of public office
(1) considerable benefit is sought, or
(2) an attempt is made to cause particularly considerable detriment or loss or
(3) the offence is committed in a particularly methodical or unscrupulous manner
and the abuse of public office is aggravated also when assessed as a whole, the public official shall be sentenced for aggravated abuse of public office to imprisonment for at least four months and at most four years and to dismissal.

Section 9 - Violation of official duty (604/2002)
(1) If a public official, when acting in his/her office, deliberately in a manner other than provided above in this chapter violates his/her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he/she shall be sentenced for violation of official duty to a fine or to imprisonment for at most one year.
(2) The public official may also be sentenced to dismissal if he/she is guilty of the offence referred to in subsection 1 by continuously or essentially acting in violation of his/her official duties, and the offence indicates that he/she is manifestly unfit for his/her duties.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
Embezzlement is criminalized by article 28 section 5 of the Finnish Criminal Code, and if the offender takes advantage of his/her position of particular responsibility - aggravating factor applying to public officials - the penalty for aggravated embezzlement rises up to at most four years of imprisonment.

In addition, diversion of property by a public official may constitute an abuse of public office, an aggravated abuse of public office (article 40 section 7 and 8), or a violation of official duty (article 40 section 9).

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
Statistics on cases investigated by the police, and cases dealt with by the courts, are collected and published by Statistics Finland.
Have you ever assessed the effectiveness of the measures adopted to criminalize embezzlement, misappropriation or other diversion of property by a public official?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

74. Subparagraph (a) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system

The concept is regarded as too vague, and is thus unsuitable for the Finnish legalistic style of draftsmanship of criminal law.

Please provide an account of your country’s efforts to date to implement the provision under review:

The criminalization of "trading in influence" has been considered, but the Finnish legal system requires that any criminalization is clear and specific as to the conduct in question. The concept of "trading in influence" was regarded as overly vague.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See above; the concept of "trading in influence" is regarded as too vague.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No
75. Subparagraph (b) of article 18

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system

The concept is regarded as too vague.

Please provide an account of your country’s efforts to date to implement the provision under review:

The criminalization of "trading in influence" has been considered, but the Finnish legal system requires that any criminalization is clear and specific as to the conduct in question. The concept of "trading in influence" was regarded as overly vague.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See above; the concept of "trading in influence" is regarded as too vague.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

76. Article 19

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, the abuse of functions or position, that is, the performance or failure to perform an act, in violation of laws, by a public official in the discharge of his or her functions, for the purpose of obtaining an undue advantage for himself or herself or for another person or entity.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes
Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please attach the text(s)

Please cite the text(s)

The text is provided above.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Criminal Code, chapter 40, sections 7 through 9.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Section 7 - Abuse of public office (604/2002)

(1) If a public official, in order to obtain benefit for himself or herself or for another or in order to cause detriment or loss to another

   (1) violates his or her official duty, based on the provisions or regulations to be followed in official functions, when participating in decision-making or in the preparation thereof or when using public authority in his or her other official functions, or

   (2) misuses his or her office in respect of a person who is under his or her command or immediate supervision,

he or she shall be sentenced for abuse of public office to a fine or to imprisonment for at most two years.

(2) The public official may also be sentenced to dismissal if the offence indicates that he or she is manifestly unfit for his or her duties.

Section 8 - Aggravated abuse of public office (792/1989)

If in the abuse of public office

   (1) considerable benefit is sought, or

   (2) an attempt is made to cause particularly considerable detriment or loss or

   (3) the offence is committed in a particularly methodical or unscrupulous manner

and the abuse of public office is aggravated also when assessed as a whole, the public official shall be sentenced for aggravated abuse of public office to imprisonment for at least four months and at most four years and to dismissal.

Section 9 - Violation of official duty (604/2002)

(1) If a public official, when acting in his or her office, intentionally in a manner other than provided above in this chapter violates his or her official duty based on the provisions or regulations to be followed in official functions, and the act, when assessed as a whole, taking into consideration its detrimental and harmful effect and the other circumstances connected with the act, is not petty, he or she shall be sentenced for violation of official duty to a fine or to imprisonment for at most one year.

(2) The public official may also be sentenced to dismissal if he or she is guilty of the offence referred to in subsection 1 by continuously or essentially acting in violation of his or her official duties, and the offence indicates that he or she is manifestly unfit for his or her duties.

Please describe how such information is collected and analysed

This question does not appear to be relevant. It is unclear what "information" is requested here. (If the "information" refers to the question immediately below, information on police recorded offences
and cases dealt with by the courts is collected electronically.)

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

**Have you ever assessed the effectiveness of the measures adopted to criminalize abuse of functions?**

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

77. Article 20
Subject to its constitution and the fundamental principles of its legal system, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally, illicit enrichment, that is, a significant increase in the assets of a public official that he or she cannot reasonably explain in relation to his or her lawful income.

**Has your country adopted and implemented the measures described above? (Check one answer)**

(N) No

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)**

(MYSYS) Specificities in our legal system
The offences referred to above (question 19) and the other offences in chapter 40, which deals with offences in office, have been deemed to sufficiently the conduct in question. Since for example the salary and taxation of public officials are matters of public record (and anyone may access this information), also control of the income and assets of public officials is deemed to be sufficiently stringent.

Please provide an account of your country’s efforts to date to implement the provision under review:
See the response immediately above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
The question is not applicable. Finland does not deem this provision appropriate in the Finnish legal system.

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**

(NO) No assistance would be required

**Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)**

(N) No
78. Subparagraph (a) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting:

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Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Criminal Code, chapter 30, section 7.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Section 7 - Bribery in business (769/1990)

A person who promises, offers or gives an unlawful benefit (bribe) to

(1) a person in the service of a business,

(2) a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business, or

(3) a person carrying out a duty on behalf of a business,

intended for the recipient or another, in order to have the bribed person, in his or her function or duties, favour the briber or another person, or to reward the bribed person for such favouring, shall be sentenced for bribery in business to a fine or to imprisonment for at most two years.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

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Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding response to question 76.

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Have you ever assessed the effectiveness of the measures adopted to criminalize bribery in the private sector?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

79. Subparagraph (b) of article 21

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:

... 

(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code, chapter 30, section 8.

Please attach the text(s)
Section 8 - Acceptance of a bribe in business (604/2002)
(1) A person who
(1) in the service of a business,
(2) as a member of the administrative board or board of directors, the managing director, auditor or receiver of a corporation or of a foundation engaged in business or
(3) in carrying out a duty on behalf of a business

demands, accepts or receives a bribe for himself or herself or another or otherwise takes an initiative towards receiving such a bribe, for favouring or as a reward for such favouring, in his or her function or duties, the briber or another, shall be sentenced for acceptance of a bribe in business to a fine or to imprisonment for at most two years.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding response to question 76.
Have you ever assessed the effectiveness of the measures adopted to criminalize bribery in the private sector?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

80. Article 22

Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Criminal Code, chapter 28, sections 4 - 6.

Please attach the text(s)

Section 4 - Embezzlement (769/1990)

(1) A person who appropriates the assets or other movable property of another which are in the possession of the perpetrator shall be sentenced for embezzlement to a fine or to imprisonment for at most one year and six months.

(2) Also a person who appropriates assets or other movable property that he or she has found or that have come into his or her possession through an error shall be sentenced for embezzlement.

(3) Also a person who has received funds on account, under a commission or in a similar manner, and who fails to settle the account at the time agreed or otherwise required, by using said funds or funds which have taken their place, or by otherwise acting in a similar manner, shall be sentenced for embezzlement.

(4) An attempt of the appropriation referred to in subsection 1 is punishable.

Section 5 - Aggravated embezzlement (769/1990)

(1) If in the embezzlement

(1) the object is very valuable property or a large amount of assets,

(2) particularly significant loss is caused to the victim of the offence, in view of the victim's circumstances, or

(3) the offender takes advantage of his or her position of particular responsibility

and the embezzlement is aggravated, also when assessed as a whole, the offender shall be sentenced for aggravated embezzlement to imprisonment for at least four months and at most four years.

(2) The provision in section 4 on attempt applies correspondingly to attempted aggravated embezzlement.
Section 6 - Petty embezzlement (769/1990)

If the embezzlement, when assessed as a whole, with due consideration to the value of the appropriated property, the amount of assets unjustifiably used or the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for petty embezzlement to a fine.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize embezzlement of property in the private sector?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

81. Subparagraph 1 (a) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) (i) The conversion or transfer of property, knowing that such property is the proceeds of crime, for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the predicate offence to evade the legal consequences of his or her action;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please attach the text(s)

Section 6 - Money laundering (61/2003)
(1) A person who
(1) receives, uses, converts, conveys, transfers or transmits property acquired through an
offence, the proceeds of crime or property replacing such property in order to conceal or
oblitrate the illegal origin of such proceeds or property or in order to assist the offender in
evading the legal consequences of the offence or
(2) conceals or obliterates the true nature, origin, location or disposition of, or rights to,
property acquired through an offence, the proceeds of an offence or property replacing such
property or assists another in such concealment or obliteration,
shall be sentenced for money laundering to a fine or to imprisonment for at most two years.
(2) An attempt is punishable.

Section 7 - Aggravated money laundering (61/2003)
(1) If in the money laundering
(1) the property acquired through the offence has been very valuable or
(2) the offence is committed in a particularly intentional manner,
and the money laundering is aggravated also when assessed as a whole, the offender shall be
sentenced for aggravated money laundering to imprisonment for at least four months and at most six
years.
(2) An attempt is punishable.

Section 8 - Conspiracy for the commission of aggravated money laundering (61/2003)
A person who agrees with another on the commission of aggravated money laundering directed at
the proceeds of the giving of a bribe, the acceptance of a bribe, or aggravated tax fraud or aggravated
subsidy fraud directed at the tax referred to in chapter 29, section 9, subsection 1(2), or at property
replacing such proceeds, shall be sentenced for conspiracy for the commission of aggravated money
laundering to a fine or to imprisonment for at most one year.

Section 9 - Negligent money laundering (61/2003)
A person who through gross negligence undertakes the actions referred to in section 6 shall be
sentenced for negligent money laundering to a fine or to imprisonment for at most two years.

Section 10 - Money laundering violation (61/2003)
If the money laundering or the negligent money laundering, taking into consideration the value of
the property or the other circumstances connected with the offence, is petty when assessed as a
whole, the offender shall be sentenced for a money laundering violation to a fine.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)
Criminal Code, chapter 32, sections 6 - 10.

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including
statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize money-laundering?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

82. Subparagraph 1 (a) (ii) of article 23
1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

... 
(ii) The concealment or disguise of the true nature, source, location, disposition, movement or ownership of or rights with respect to property, knowing that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
Criminal Code, chapter 32, section 6(1)(2).

Please attach the text(s)
The text of Criminal Code, chapter 32, section 6(1)(2) is provided immediately above.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.
Have you ever assessed the effectiveness of the measures adopted to criminalize money-laundering?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

83. Subparagraph 1 (b) (i) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...  
(b) Subject to the basic concepts of its legal system:

(i) The acquisition, possession or use of property, knowing, at the time of receipt, that such property is the proceeds of crime;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code, chapter 32, sections 1 through 5.

Please attach the text(s)
Section 1 - Receiving offence
(1) A person who hides, procures, takes into his or her possession or conveys property obtained from another through theft, embezzlement, robbery, extortion, fraud, usury or means of payment fraud or otherwise handles such property shall, unless the act is punishable as money laundering, be sentenced for a receiving offence to a fine or to imprisonment for at most one year and six months. (61/2003)

Section 2 - Aggravated receiving offence (769/1990)
If the object of the receiving offence is very valuable property and the receiving offence is aggravated also when assessed as a whole, the offender shall be sentenced for an aggravated receiving offence to imprisonment for at least four months and at most four years.

Section 3 - Professional receiving offence (769/1990)
If the handling of property obtained through an offence, as referred to above in this chapter, is extensive and professional, the offender shall be sentenced for a professional receiving offence to imprisonment for at least four months and at most six years.

Section 4 - Negligent receiving offence (61/2003)
A person who procures, takes possession of or transfers property acquired through an offence referred to in section 1, or otherwise handles such property, even though he or she has reason to believe that the property has been acquired in said manner, shall be sentenced for a negligent receiving offence to a fine or to imprisonment for at most six months.

Section 5 - Receiving violation (769/1990)
If the receiving offence or negligent receiving offence, when assessed as a whole, with due consideration to the value of the property or to the other circumstances connected with the offence, is to be deemed petty, the offender shall be sentenced for receiving violation to a fine.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

Please provide examples of cases and attach case law if available

**Have you ever assessed the effectiveness of the measures adopted to criminalize money-laundering?**

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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84. Subparagraph 1 (b) (ii) of article 23

1. Each State Party shall adopt, in accordance with fundamental principles of its domestic law, such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

   ... 

   (b) Subject to the basic concepts of its legal system:

   ... 

   (ii) Participation in, association with or conspiracy to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the offences established in accordance with this article.

**Has your country adopted and implemented the measures described above? (Check one answer)**
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code, chapter 5.

Please attach the text(s)
Chapter 5 - On attempt and complicity (515/2003)
Section 1 - Attempt
(1) An attempt of an offence is punishable only if the attempt has been denoted as punishable in a provision on an intentional offence.
(2) An act has reached the stage of an attempt at an offence when the perpetrator has begun the commission of an offence and brought about the danger that the offence will be completed. An attempt at an offence is involved also when such a danger is not caused, but the fact that the danger is not brought about is due only to coincidental reasons.
(3) In sentencing for an attempt at an offence, the provisions of chapter 6, section 8, subsection 1(2), subsection 2 and subsection 4 apply, unless, pursuant to the criminal provision applicable to the case, the attempt is comparable to a completed act.

Section 2 - Withdrawal from an attempt and elimination of the effects of an offence by the perpetrator
(1) An attempt is not punishable if the perpetrator, on his or her own free will, has withdrawn from the completion of the offence, or otherwise prevented the consequence referred to in the statutory definition of the offence.
(2) If the offence involves several accomplices, the perpetrator, the instigator or the abettor is exempted from liability on the basis of withdrawal from an offence and elimination of the effects of an offence by the perpetrator only if he or she has succeeded in getting also the other participants to desist withdraw from completion of the offence or otherwise been able to prevent the consequence referred to in the statutory definition of the offence or in another manner has eliminated the effects of his or her own actions on the completion of the offence.
(3) In addition to what is provided in subsections 1 and 2, an attempt is not punishable if the offence is not completed or the consequence referred to in the statutory definition of the offence is not caused for a reason that is independent of the perpetrator, instigator or abettor, but he or she has voluntarily and seriously attempted to prevent the completion of the offence or the causing of the consequence.
(4) If an attempt, pursuant to subsections 1 through 3, remains unpunishable but at the same time comprises another, completed, offence, such offence is punishable.

Section 3 - Complicity in an offence
If two or more persons have committed an intentional offence together, each is punishable as a perpetrator.

Section 4 - Commission of an offence through an agent
A person is sentenced as a perpetrator if he or she has committed an intentional offence by using, as an agent, another person who cannot be punished for said offence due to the lack of criminal responsibility or intention or due to another reason connected with the prerequisites for criminal liability.
Section 5 - Instigation
A person who intentionally persuades another person to commit an intentional offence or to make a punishable attempt of such an act is punishable for incitement to the offence as if he or she was the perpetrator.

Section 6 - Abetting
(1) A person who, before or during the commission of an offence, intentionally furthers the commission by another of an intentional act or of its punishable attempt, through advice, action or otherwise, shall be sentenced for abetting on the basis of the same legal provision as the perpetrator. The provisions of chapter 6, section 8, subsection 1(3), subsection 2 and subsection 4 apply nonetheless to the sentence.

(2) Incitement to punishable aiding and abetting is punishable as aiding and abetting.

Section 7 - Special circumstances related to the person
(1) Where a special circumstance vindicates, mitigates or aggravates an act, it applies only to the perpetrator, inciter or abettor to whom the circumstance pertains.

(2) An inciter or abettor is not exempted from penal liability by the fact that he or she is not affected by a special circumstance related to the person and said circumstance is a basis for the punishability of the act by the perpetrator.

Section 8 - Acting on behalf of a legal person
(1) A member of a statutory body or management of a corporation, foundation or other legal person, a person who exercises actual decision-making power in the legal person or a person who otherwise acts on its behalf in an employment relationship in the private or public sector or on the basis of a commission may be sentenced for an offence committed in the operations of a legal person, even if he or she does not fulfil the special conditions stipulated for a perpetrator in the statutory definition of the offence, but the legal person fulfils said conditions.

(2) If the offence has been committed in organised activity that is part of an entrepreneur’s business or in other organised activity that is comparable to the activity of a legal person, the provisions in subsection 1 on an offence committed in the operations of a legal person correspondingly apply.

(3) The provisions of this section do not apply if different provisions elsewhere apply to the matter.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

85. Subparagraph 2 (a) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

(a) Each State Party shall seek to apply paragraph 1 of this article to the widest range of predicate offences;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Criminal Code, chapter 32, section 6.

Please attach the text(s)

Section 6 - Money laundering (61/2003)

(1) A person who

(1) receives, uses, converts, conveys, transfers or transmits property acquired through an offence, the proceeds of crime or property replacing such property in order to conceal or obliterate the illegal origin of such proceeds or property or in order to assist the offender in evading the legal consequences of the offence or

(2) conceals or obliterates the true nature, origin, location or disposition of, or rights to, property acquired through an offence, the proceeds of an offence or property replacing such property or assists another in such concealment or obliteration,

shall be sentenced for money laundering to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding resopnse to question 76.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

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(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

86. Subparagraph 2 (b) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

... 

(b) Each State Party shall include as predicate offences at a minimum a comprehensive range of criminal offences established in accordance with this Convention;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code, chapter 32, section 6.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)
Section 6 - Money laundering (61/2003)

1. A person who

(1) receives, uses, converts, conveys, transfers or transmits property acquired through an offence, the proceeds of crime or property replacing such property in order to conceal or obliterate the illegal origin of such proceeds or property or in order to assist the offender in evading the legal consequences of the offence or

(2) conceals or obliterates the true nature, origin, location or disposition of, or rights to, property acquired through an offence, the proceeds of an offence or property replacing such property or assists another in such concealment or obliteration,

shall be sentenced for money laundering to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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87. Subparagraph 2 (c) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

... (c) For the purposes of subparagraph (b) above, predicate offences shall include offences committed both within and outside the jurisdiction of the State Party in question. However, offences committed outside the jurisdiction of a State Party shall constitute predicate offences only when the relevant conduct is a criminal offence under the domestic law of the State where it is committed and would be a criminal offence under the domestic law of the State Party implementing or applying this article had it been committed there;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Criminal Code, chapter 6, section 32.

Please attach the text(s)

Section 6 - Money laundering (61/2003)

(1) A person who

(1) receives, uses, converts, conveys, transfers or transmits property acquired through an offence, the proceeds of crime or property replacing such property in order to conceal or obliterate the illegal origin of such proceeds or property or in order to assist the offender in evading the legal consequences of the offence or

(2) conceals or obliterates the true nature, origin, location or disposition of, or rights to, property acquired through an offence, the proceeds of an offence or property replacing such property or assists another in such concealment or obliteration,

shall be sentenced for money laundering to a fine or to imprisonment for at most two years.

(2) An attempt is punishable.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of cases and attach case law if available

Please describe how such information is collected and analysed

See the corresponding response to question 76.

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

88. Subparagraph 2 (d) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

... 

(d) Each State Party shall furnish copies of its laws that give effect to this article and of any subsequent changes to such laws or a description thereof to the Secretary-General of the United Nations;

Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)

(Y) Yes

89. Subparagraph 2 (e) of article 23

2. For purposes of implementing or applying paragraph 1 of this article:

...

(e) If required by fundamental principles of the domestic law of a State Party, it may be provided that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence.

Do fundamental principles of your domestic law require that the offences set forth in paragraph 1 of this article do not apply to the persons who committed the predicate offence? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

Criminal Code, chapter 32, section 11.
Please attach the text(s)

Section 11 - Restrictive provisions (61/2003)

(1) A person who is an accomplice in the offence through which the property was obtained or that produced the proceeds shall not be sentenced for the offence referred to in this chapter.

(2) The provisions of this chapter do not apply to a person living in a joint household with the offender, and who only used or consumed property obtained by the offender for ordinary needs in the joint household.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

90. Article 24

Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)
This conduct is already covered by Criminal Code chapter 32, sections 6 through 10 cited above.

Please attach the text(s)
This conduct is already covered by Criminal Code chapter 32, sections 6 through 10 cited above.

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)
Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize the concealment or continued retention of property knowing that such property is the result of any of the offences established in accordance with the Convention?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

91. Subparagraph (a) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):
Please cite the text(s)
Criminal Code, chapter 15, sections 5 and 9.
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Section 5 - Attempted incitement to a false statement (563/1998)
A person who attempts to incite another person to commit an offence referred to in sections 1 - 3 [NB: these sections deal with the giving of a false statement in the administration of justice] shall be sentenced for attempted incitement to a false statement to a fine or to imprisonment for at most one year.

[ ... ]

Section 9 - Threatening a person to be heard in the administration of justice (563/1998)
A person who unlawfully

(1) by violence or threats prevents or attempts to prevent another person from making a statement as a witness, expert witness, other person to be heard or a party in a trial, criminal investigation, police inquiry or other comparable official proceedings, or influences or attempts to influence the contents of the statement, or
(2) employs violence or threatens violence against another person or a person related to him or her in the manner referred to in section 10, subsection 2 because of a statement made by him or her in the hearing referred to above,

shall be sentenced, unless a more severe penalty for the act has been provided elsewhere in the law, for threatening a person to be heard in the administration of justice to a fine or to imprisonment for at most three years.

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize obstruction of justice?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

92. Subparagraph (b) of article 25

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

...
(b) The use of physical force, threats or intimidation to interfere with the exercise of official duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code, chapter 16, sections 1 through 3.

Please attach the text(s)
Chapter 16 - Offences against the public authorities (563/1998)
Section 1 - Violent resistance to a public official (563/1998)
(1) A person who

(1) employs or threatens violence so as to force a public official to perform or to refrain from performing an official act involving the exercise of public authority,

(2) otherwise employs or threatens violence against the public official because of the official act being carried out, or

(3) employs violence against a public official or a related person, as referred to in chapter 15, section 10, subsection 2, in revenge for the official act,

shall be sentenced for violent resistance to a public official to imprisonment for at least four months and at most four years.

(2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for violent resistance to a public official. (604/2002)

Section 2 - Resistance to a public official (563/1998)
If the violent resistance to a public official, taking into account the minor significance of the violence or threat or the other circumstances of the offence, is to be deemed committed under mitigating circumstances, when assessed as a whole, the offender shall be sentenced for resistance to a public official to a fine or to imprisonment for at most six months.

Section 3 - Obstruction of a public official (563/1998)
(1) A person who, without employing or threatening violence, prevents or attempts to prevent an official act, as referred to in section 1, or make it more difficult to carry out, shall be sentenced for obstruction of a public official to a fine.

(2) Also a person who behaves in the manner referred to in subsection 1 towards a person who, at the request or with the consent of a public official, assists the public official in an official duty involving the exercise of public authority shall be sentenced for obstruction of a public official. (604/2002)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed
See the corresponding response to question 76.

*Have you ever assessed the effectiveness of the measures adopted to criminalize obstruction of justice?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

93. Paragraph 1 of article 26

1. Each State Party shall adopt such measures as may be necessary, consistent with its legal principles, to establish the liability of legal persons for participation in the offences established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(P) Yes, in part

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)
See the response immediately above.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)
Chapter 16, section 18 - Corporate criminal liability (604/2002)
The provisions on corporate criminal liability apply to the giving of bribes, the aggravated giving of bribes, and the giving of bribes to a member of Parliament.

Chapter 17, section 24 - Corporate criminal liability (650/2004)
The provisions on corporate criminal liability apply to participation in the activity of a criminal organisation, the arrangement of illegal immigration, the aggravated arrangement of illegal immigration, an animal welfare offence, organised gambling, the distribution of depictions of violence, the distribution of sexually obscene pictures, the aggravated distribution of sexually obscene pictures depicting children, the possession of sexually obscene pictures depicting children and the unlawful marketing of obscene material.

Chapter 32, section 14 -Corporate criminal liability (61/2003)
The provisions on corporate criminal liability apply to a receiving offence, an aggravated receiving offence, a professional receiving offence, money laundering and aggravated money laundering.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on cases involving the participation of legal persons in offences established by this Convention (statistics, types of cases, outcome). Please provide per annum figures since the year 2003 (or further back, if available)

**Have you ever assessed the effectiveness of the measures adopted to establish liability of legal persons?**

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

**Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)**

ISSUE) Other issues (please specify)

The offences of obstruction of justice and acceptance of a bribe were not deemed by Finland to necessitate the use of corporate criminal liability.

Please provide an account of your country’s efforts to date to implement the provision under review:

This question is not relevant.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

This question is not relevant.

**Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)**

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

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**94. Paragraph 2 of article 26**

2. Subject to the legal principles of the State Party, the liability of legal persons may be criminal, civil or administrative.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s) and specify the type of liability of legal persons established in your country

Please cite the text(s)
See the response immediately above.

Please attach the text(s)
Regarding corporate criminal liability, see the response to question 93.

In these and other cases, civil or administrative liability would also be possible, based on a variety of provisions.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please provide information (statistics, types of cases, outcome) on related court or other cases, including administrative or other disciplinary actions. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

95. Paragraph 3 of article 26

3. Such liability shall be without prejudice to the criminal liability of the natural persons who have committed the offences.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response immediately above.

Please attach the text(s)
This question is not relevant; each and every of the basic criminal law provisions apply to the natural person who committed the offence.
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases where both natural and legal persons were liable

Please provide any available statistics of such cases. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

No; the question is not relevant. Please see the response above.

96. Paragraph 4 of article 26

4. Each State Party shall, in particular, ensure that legal persons held liable in accordance with this article are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Criminal code chapter 9.

Please attach the text(s)
Chapter 9 - Corporate criminal liability (743/1995)
Section 1 - Scope of application (61/2003)
(1) A corporation, foundation or other legal entity in whose operations an offence has been committed may on the request of the public prosecutor be sentenced to a corporate fine if such a sanction has been provided in this Code for the offence.

(2) The provisions in this chapter do not apply to offences committed in the exercise of public authority.

Section 2 - Prerequisites for liability (61/2003)
(1) A corporation may be sentenced to a corporate fine if a person who is part of its statutory organ or other management or who exercises actual decision-making authority therein has been an
accomplice in an offence or allowed the commission of the offence or if the care and diligence necessary for the prevention of the offence have not been observed in the operations of the corporation.

(2) A corporate fine may be imposed even if the offender cannot be identified or otherwise is not punished. However, no corporate fine shall be imposed for a complainant offence which is not reported by the injured party so as to have charges brought, unless there is a very important public interest for the bringing of charges.

Section 3 - Connection between offender and corporation (743/1995)

(1) The offence is deemed to have been committed in the operations of a corporation if the perpetrator has acted on the behalf or for the benefit of the corporation, and belongs to its management or is in a service or employment relationship with it or has acted on assignment by a representative of the corporation.

(2) The corporation does not have the right to compensation from the offender for a corporate fine that it has paid, unless such liability is based on statutes on corporations and foundations.

Section 4 - Waiving of punishment (61/2003)

(1) A court may waive imposition of a corporate fine on a corporation if:

   (1) the omission referred to in section 2(1) by the corporation is slight, or the participation in the offence by the management or by the person who exercises actual decision-making authority in the corporation is slight, or

   (2) the offence committed in the operations of the corporation is slight.

(2) The court may waive imposition of a corporate fine also when the punishment is deemed unreasonable, taking into consideration:

   (1) the consequences of the offence to the corporation,

   (2) the measures taken by the corporation to prevent new offences, to prevent or remedy the effects of the offence or to further the investigation of the omission or offence, or

   (3) where a member of the management of the corporation is sentenced to a punishment, and the corporation is small, the sentenced person owns a large share of the corporation or his or her personal liability for the liabilities of the corporation are significant.

Section 5 - Corporate fine (971/2001)

A corporate fine is imposed as a lump sum. The corporate fine is at least 850 euros and at most 850,000 euros.

Section 6 - Basis for calculation of the corporate fine (743/1995)

(1) The amount of the corporate fine shall be determined in accordance with the nature and extent of the omission or the participation of the management, as referred to in section 2, and the financial standing of the corporation.

(2) When evaluating the significance of the omission and the participation of the management, consideration shall be taken of the nature and seriousness of the offence, the status of the perpetrator as a member of the organs of the corporation, whether the violation of the duties of the corporation manifests heedlessness of the law or the orders of the authorities, as well as the grounds for sentencing provided elsewhere in the law.

(3) When evaluating the financial standing of the corporation, consideration shall be taken of the size and solvency of the corporation, as well as the earnings and the other essential indicators of the financial standing of the corporation.
Section 7 - Waiving of the bringing of charges (61/2003)

(1) The public prosecutor may waive the bringing of charges against a corporation, if:
   (1) the corporate omission or participation of the management or of the person exercising actual decision-making power in the corporation, as referred to in section 2, subsection 1, has been of minor significance in the offence, or
   (2) only minor damage or danger has been caused by the offence committed in the operations of the corporation

and the corporation has voluntarily taken the necessary measures to prevent new offences.

(2) The bringing of charges may be waived also if the offender, in the case referred to in section 4, subsection 2(3), has already been sentenced to a punishment and it is to be anticipated that the corporation for this reason is not to be sentenced to a corporate fine.

(3) Service of a decision not to bring charges against a corporation or to withdraw charges against a corporation shall be given by post or through application as appropriate of what is provided in chapter 11 of the Code of Judicial Procedure. The provisions of chapter 1, sections 10 and 11 of the Criminal Procedure Act (689/1997) on the waiving of charges apply correspondingly to the decision. In the case referred to in chapter 1, section 10, subsection 1 of the Act the prosecutor shall instead of the question of culpability, submit to the consideration of the court the question of the existence of grounds for corporate criminal liability.

(4) The provisions of chapter 1, section 12 of the Criminal Procedure Act on the revocation of charges apply to the revocation of charges on the basis of subsection 1. However, service of the revocation shall be given only to the corporation.

[section 9 has been repealed; 297/2003]

Section 8 - Joint corporate fine (743/1995)

(1) If a corporation is to be sentenced for two or more offences at one time, a joint corporate fine shall be imposed in accordance with the provisions of sections 5 and 6.

(2) No joint punishment shall be imposed for two offences, one of which was committed after a corporate fine was imposed for the other. If charges are brought against a corporation which has been sentenced to a corporate fine by a final decision, for an offence committed before the said sentence was passed, a joint corporate fine shall also not be imposed, but the prior corporate fine shall be duly taken into account when sentencing to the new punishment.

Section 10 - Enforcement of a corporate fine (673/2002)

(1) A corporate fine is enforced in the manner provided in the Enforcement of Fines Act (672/2002).

(2) A conversion sentence may not be imposed in place of a corporate fine.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

01.10.2010         Finland

Assessment of the implementation of UNCAC in Finland

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Please describe how such information is collected and analysed
See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to ensure that legal persons held liable in accordance with this article are subject to criminal or non-criminal sanctions?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

97. Paragraph 1 of article 27

1. Each State Party shall adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, participation in any capacity such as an accomplice, assistant or instigator in an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)
Criminal Code, chapter 5.

Please attach the text(s)
Chapter 5 - On attempt and complicity (515/2003)
Section 1 - Attempt
(1) An attempt of an offence is punishable only if the attempt has been denoted as punishable in a provision on an intentional offence.
(2) An act has reached the stage of an attempt at an offence when the perpetrator has begun the commission of an offence and brought about the danger that the offence will be completed. An attempt at an offence is involved also when such a danger is not caused, but the fact that the danger is not brought about is due only to coincidental reasons.
(3) In sentencing for an attempt at an offence, the provisions of chapter 6, section 8, subsection 1(2), subsection 2 and subsection 4 apply, unless, pursuant to the criminal provision applicable to the case, the attempt is comparable to a completed act.

Section 2 - Withdrawal from an attempt and elimination of the effects of an offence by the perpetrator
(1) An attempt is not punishable if the perpetrator, on his or her own free will, has withdrawn from
the completion of the offence, or otherwise prevented the consequence referred to in the statutory definition of the offence.

(2) If the offence involves several accomplices, the perpetrator, the instigator or the abettor is exempted from liability on the basis of withdrawal from an offence and elimination of the effects of an offence by the perpetrator only if he or she has succeeded in getting also the other participants to desist withdraw from completion of the offence or otherwise been able to prevent the consequence referred to in the statutory definition of the offence or in another manner has eliminated the effects of his or her own actions on the completion of the offence.

(3) In addition to what is provided in subsections 1 and 2, an attempt is not punishable if the offence is not completed or the consequence referred to in the statutory definition of the offence is not caused for a reason that is independent of the perpetrator, instigator or abettor, but he or she has voluntarily and seriously attempted to prevent the completion of the offence or the causing of the consequence.

(4) If an attempt, pursuant to subsections 1 through 3, remains unpunishable but at the same time comprises another, completed, offence, such offence is punishable.

Section 3 - Complicity in an offence
If two or more persons have committed an intentional offence together, each is punishable as a perpetrator.

Section 4 - Commission of an offence through an agent
A person is sentenced as a perpetrator if he or she has committed an intentional offence by using, as an agent, another person who cannot be punished for said offence due to the lack of criminal responsibility or intention or due to another reason connected with the prerequisites for criminal liability.

Section 5 - Instigation
A person who intentionally persuades another person to commit an intentional offence or to make a punishable attempt of such an act is punishable for incitement to the offence as if he or she was the perpetrator.

Section 6 - Abetting

(1) A person who, before or during the commission of an offence, intentionally furthers the commission by another of an intentional act or of its punishable attempt, through advice, action or otherwise, shall be sentenced for abetting on the basis of the same legal provision as the perpetrator. The provisions of chapter 6, section 8, subsection 1(3), subsection 2 and subsection 4 apply nonetheless to the sentence.

(2) Incitement to punishable aiding and abetting is punishable as aiding and abetting.

Section 7 - Special circumstances related to the person

(1) Where a special circumstance vindicates, mitigates or aggravates an act, it applies only to the perpetrator, inciter or abettor to whom the circumstance pertains.

(2) An inciter or abettor is not exempted from penal liability by the fact that he or she is not affected by a special circumstance related to the person and said circumstance is a basis for the punishability of the act by the perpetrator.

Section 8 - Acting on behalf of a legal person
(1) A member of a statutory body or management of a corporation, foundation or other legal person, a person who exercises actual decision-making power in the legal person or a person who otherwise acts on its behalf in an employment relationship in the private or public sector or on the basis of a commission may be sentenced for an offence committed in the operations of a legal person, even if he or she does not fulfil the special conditions stipulated for a perpetrator in the statutory definition of the offence, but the legal person fulfils said conditions.

(2) If the offence has been committed in organised activity that is part of an entrepreneur’s business or in other organised activity that is comparable to the activity of a legal person, the provisions in subsection 1 on an offence committed in the operations of a legal person correspondingly apply.

(3) The provisions of this section do not apply if different provisions elsewhere apply to the matter.

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the corresponding response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize participation in an offence established in accordance with the Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

98. Paragraph 2 of article 27

2. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, any attempt to commit an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)

See the response immediately above.

Please attach the text(s)

Each of the criminalizations cited (texts are given above) extend also to attempts.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of cases and attach case law if available

If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Please describe how such information is collected and analysed

See the response to question 76.

Have you ever assessed the effectiveness of the measures adopted to criminalize the attempt to commit an offence established in accordance with the Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

99. Paragraph 3 of article 27

3. Each State Party may adopt such legislative and other measures as may be necessary to establish as a criminal offence, in accordance with its domestic law, the preparation for an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system

The criminalization of preparation does not fit in easily with the Finnish legal system and its basic principles, which require clear identification of the reproachable conduct that constitutes the offence.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

This is not a relevant question.

Please provide an account of your country’s efforts to date to implement the provision under review:

This is not a relevant question.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required
Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

100. Article 28

Knowledge, intent and purpose required as an elements of an offence established in accordance with this Convention may be inferred from objective factual circumstances.

In your country's legal system, can knowledge, intent and purpose required as an element of an offence established in accordance with the Convention be inferred from objective factual circumstances? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)
See the response immediately above.

Please attach the text(s)
This is part of the principles of criminal law, and is not based on any specific provision.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please describe how such information is collected and analysed
See the response to question 76 above.

Please provide examples of cases and attach case law if available
If available, please provide information on related legal cases or other processes, including statistics on number of investigations, prosecutions and convictions/acquittals. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted for knowledge, intent and purpose to be inferred from objective factual circumstances as prescribed above?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

101. Article 29

Each State Party shall, where appropriate, establish under its domestic law a long statute of limitations
period in which to commence proceedings for any offence established in accordance with this Convention and establish a longer statute of limitations period or provide for the suspension of the statute of limitations where the alleged offender has evaded the administration of justice.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
Criminal Code chapter 8, sections 1 through 5.

Please attach the text(s)
Chapter 8 - Statute of limitations
Section 1 - Time-barring of the right to bring charges (297/2003)
(1) The right to bring charges for an offence for which the most severe sentence is life imprisonment does not become time-barred. (212/2008)
(2) The right to bring charges is time-barred if charges have not been brought
   (1) within twenty years, if the most severe penalty provided for the offence is fixed-term imprisonment for over eight years,
   (2) within ten years, if the most severe penalty is imprisonment for more than two years and at most eight years,
   (3) within five years, if the most severe penalty is imprisonment for over one year and at most two years, and
   (4) within two years, if the most severe penalty is imprisonment for at most a year, or a fine.
(3) The most severe penalty refers to the maximum penalty provided for the offence in the applicable provision.
(4) The minimum period during which the right to bring charges for offences in office becomes time-barred, however, is five years. The minimum period during which the right to bring charges for impairment of the environment, an environmental offence and a building protection offence becomes time-barred is ten years. The right to bring charges for impairment of the environment by a foreign vessel in the Finnish economic zone referred to in section 28 of the Act on the Prevention of Ship-Source Pollution (300/1979), aggravated impairment of the environment, an environmental infraction and negligent impairment of the environment becomes time-barred in three years. The minimum period during which the right to bring charges for a fishing offence committed from a foreign vessel in the Finnish economic zone becomes time-barred is three years. (1161/2005).
(5) The right to bring charges for sexual abuse of a child and aggravated sexual abuse of a child becomes time-barred at the earliest when the complainant reaches the age of twenty-eight years. The same applies to rape, aggravated rape and coercion into sexual intercourse directed at a person under the age of eighteen years. (1161/2005)

Section 2 - Beginning of the period of limitation (297/2003)
(1) The periods mentioned above in section 1 are calculated from the day of the commission of the offence. If the essential elements of the offence provide for the criminalization of omission, the period for the bringing of charges begins to run when the omitted act should at the latest have been committed. If the essential elements of the offence require that a certain consequence be brought about, the period is calculated from the date said consequence appears.
(2) If the criminal act involves the maintenance of an unlawful condition, the period during which the right to bring charges becomes time-barred does not begin until such condition ends.
(3) The period for the bringing of charges for complicity in an offence begins to run on the same date
as the period for the bringing of charges for the principal act.

Section 3 - Interruption of the period of limitation (297/2003)
Charges are deemed to have been brought in a manner interrupting the period of limitation when the person to be prosecuted as been given lawful notice of the summons or a request for his or her punishment has been made when he or she is personally present at a trial.
The bringing of charges in a case which is subsequently dismissed without prejudice or the charges are withdrawn, does not interrupt the period of limitation.

Section 4 - Continuation of the period of limitation (297/2003)
On application, the period of limitation on the right to bring charges may be extended once by one year, if

(1) the preliminary investigation of the offence requires special, time-consuming investigative measures for which reason at the end of the period of limitation the investigation could clearly be incomplete,

(2) the offence has been taken under preliminary investigation exceptionally late, or

(3) the person to be summoned as defendant in the offence is evading apprehension and for t his reason he or she probably cannot be given notice of the summons before the end of the period of limitation

and a very important public interest demands continuation of the period of limitation.

Section 5 - Procedure when continuing the period of limitation (297/2003)
(1) The decision on the continuation of the period of limitation on the right to bring charges shall be made by the court where charges may be heard for the offence in accordance with chapter 4 of the Criminal Procedure Act (297/1997). The application for the continuation of the period of limitation may be made by the public prosecutor and by the complainant if he or she has the right referred to in chapter 1, section 14, subsections 1 or 2, or section 15, subsection 1 of said Act to bring charges. The application shall be made in writing before the period of limitation ends.

(2) The application for continuation of the period of limitation shall be taken up by the court for consideration without delay. It may be considered by a District Court consisting of one chairperson.

(3) If it is probable that a certain person shall be charged for the offence concerned in the application referred to in section 4(1) or (2) for continuation of the period of limitation, he or she shall be reserved an opportunity to be heard on the application. The summons may be delivered in person or by post.

(4) The decision given on the application is not subject to ordinary appeal. An extraordinary appeal on the basis of procedural fault may be submitted to the superior court within thirty days. The extraordinary appeal shall be considered as an urgent matter.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information (statistics, types of cases, outcome) on related court or
other cases related to instances when you established a longer statute of limitations period or
suspended the statute of limitations where an alleged offender had evaded the administration of
justice. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on
Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

**102. Paragraph 1 of article 30**

1. Each State Party shall make the commission of an offence established in accordance with this Convention
liable to sanctions that take into account the gravity of that offence.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the text regarding applicable sanction(s) or other measure(s)*

Please cite the text(s)
See the response immediately above.

Please attach the text(s)
Each provision on criminalization contains the respective penal latitude.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply
with the provision under review:

If available, please provide information on criminal and non-
criminal sanctions imposed

Where applicable, please provide information on the execution of sentences (e.g. time served,
amount of money collection, etc.)

*Have you ever assessed the effectiveness of the measures adopted to make the commission of an offence
established in accordance with the Convention liable to sanctions that take into account the gravity of that
offence?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on
Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

103. Paragraph 2 of article 30

2. Each State Party shall take such measures as may be necessary to establish or maintain, in accordance with its legal system and constitutional principles, an appropriate balance between any immunities or jurisdictional privileges accorded to its public officials for the performance of their functions and the possibility, when necessary, of effectively investigating, prosecuting and adjudicating offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s) or rules

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Public officials do not have any immunities referred to here.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have there been concrete instances where the issue of immunities and/or jurisdictional or other privileges accorded to public officials has arisen and addressed in official documents?

No.

If there have been any relevant official inquiries or reports, please cite, summarize or attach relevant documents

The question is not relevant, since public officials do not have immunities.

Have you ever assessed the effectiveness of the measures adopted to balance immunities or privileges accorded to public officials and the possibility of investigating, prosecuting and adjudicating offences established in accordance with the Convention?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

No, since public officials do not have immunities.
104. Paragraph 3 of article 30

3. Each State Party shall endeavour to ensure that any discretionary legal powers under its domestic law relating to the prosecution of persons for offences established in accordance with this Convention are exercised to maximize the effectiveness of law enforcement measures in respect of those offences and with due regard to the need to deter the commission of such offences.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Finland's criminal justice system is based on the principle of mandatory prosecution. In theory, (1) the police must investigate a suspected offence and, if a suspect has been identified, report the case for prosecution; (2) the prosecutor must prosecute in a case where there is evidence that an identified suspect has committed an offence; and (3) the court must impose a punishment if the evidence shows that the defendant is guilty.

In certain specific cases, however, the possibility exists of waiving measures.

According to the Criminal Procedure Act, the prosecutor may waive prosecution on the grounds that (i) the conduct was petty (chapter 1, section 7(1)), or (ii) it would be unreasonable to charge the offender with an offence (chapter 1, section 8(1)).

The Public Prosecutor’s Guidelines on Preparation and Content of a Decision on Non-Prosecution (VKS:2007:4) notes that this first ground may be used “if no penalty more severe than a fine is to be anticipated for the offence and the offence is deemed of little significance in view of its detrimental effects and the degree of culpability of the offender”.

The second ground referred to allows for the waiver of prosecution “where the trial and punishment are deemed unreasonable or pointless in view of the settlement reached by the offender and the complainant, the other action of the offender to prevent or remove the effects of the offence, the personal circumstances of the offender, the other consequences of the offence to the offender, the welfare or health care measures undertaken and the other circumstances, or other factors” call for waiver “unless an important public or private interest otherwise requires”.

The possibility of waiver is reinforced in the case of the liability of legal persons, in respect of which Criminal Code chapter 9, section 7(1) provides that a prosecutor may waive the bringing of charges against a corporation if the act in question was “of minor significance” or if “only minor damage or danger has been caused” and if “the corporation has voluntarily taken the necessary measures to prevent new offences”.

Please note that these are general grounds for the waiving of measures. It is highly doubtful that, given the seriousness of allegations of corruption, measures in such a case would be waived. There would presumably be very important reasons to investigate the matter thoroughly and authoritatively.

In view of these considerations, Finland can be deemed to be in compliance with the UNCAC provision in question.
Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to ensure that discretionary legal powers are exercised to maximize deterrence and effectiveness of law enforcement action?*

(Y) Yes

Finland’s implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

105. Paragraph 4 of article 30

4. In the case of offences established in accordance with this Convention, each State Party shall take appropriate measures, in accordance with its domestic law and with due regard to the rights of the defence, to seek to ensure that conditions imposed in connection with decisions on release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

According to chapter 1, section 3 of the Coercive Means Act, person may be arrested if he or she is suspected with probable cause of having committed an offence for which the punishment is at least one year and in addition it is probable that the suspect shall (1) seek to escape or evade justice, (2) seek to tamper with the evidence or influence witnesses or other parties, (3) continue his or her criminal activity, or if he or she is not domiciled in Finland and it is probable that he or she shall seek to evade justice by leaving Finland. Furthermore, if the minimum sentence is imprisonment for two years, the suspect may be arrested even if the above conditions are not fulfilled.

According to chapter 1, section 8 of the Coercive Means Act, a person may be remanded for trial on the same grounds described above. The decision on remanding for trial is made by the court.

Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to ensure that conditions for release pending trial or appeal take into consideration the need to ensure the presence of the defendant at subsequent criminal proceedings?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

106. Paragraph 5 of article 30

5. Each State Party shall take into account the gravity of the offences concerned when considering the eventuality of early release or parole of persons convicted of such offences.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

According to Criminal Code chapter 2c, section 5, release on parole is relatively automatic. First-time prisoners are usually released after having served one-half of the sentence, and recidivist prisoners after having served two-thirds of the sentence.

Please attach the text(s)

Release on parole

Section 5 - Definition and determination of release on parole

(1) Release on parole refers to the release of a prisoner serving an unconditional sentence of imprisonment, to serve the rest of his or her sentence at liberty.

(2) Subject to the provisions of section 9, a person serving a determinate sentence of imprisonment shall be released on parole when he or she has served two-thirds of the sentence, or in the case of a sentence imposed for an offence committed under the age of twenty-one years, when he or she has served one-half of the sentence. A prisoner who during the three preceding years has not served a sentence of imprisonment in prison shall be released on parole when he or she has served one-half of the sentence of, in the case of a sentence imposed for an offence committed under the age of twenty-one, when he or she has served one-third of the sentence. The application of this last-mentioned proportion is not barred by the fact that the person has during the three preceding years served a conversion sentence in prison for unpaid fines or a sentence in prison for refusing civil military service referred to in section 74 of the Civil Military Service Act (1446/2007), a civil military service offence referred to in section 75 of said Act, refusing civil military service during
extraordinary military service or general mobilization referred to in section 76 of said Act, or a civil
duty service offence during extraordinary military service or general mobilization referred to in
section 77 of said act. The period of loss of liberty referred to in chapter 6, section 13 of this Code
shall be deducted from said proportions and the proportion referred to in section 12, subsection 1.
(1451/2007)

(3) Release on parole is possible after 14 days have been served of the sentence of imprisonment.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply
with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or
other processes. Please provide per annum figures since the year 2003 (or further back, if available)

_Have you ever assessed the effectiveness of the measures adopted to take into account the gravity of the
offences when considering the eventuality of early release or parole of persons convicted of such offences?
(Y) Yes

The enforcement of imprisonment, and the reintegration of offenders, is under constant review.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

107. Paragraph 6 of article 30

6. Each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider
establishing procedures through which a public official accused of an offence established in accordance
with this Convention may, where appropriate, be removed, suspended or reassigned by the appropriate
authority, bearing in mind respect for the principle of the presumption of innocence.

_Has your country established the procedures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please cite the text(s)
Criminal Code, chapter 6, section 1(3) contains provisions on the punishment of a public official on conviction.

In accordance with chapter 9, section 40(2)(1) of the Public Officials Act, a public official who is suspected of an offence may be suspended from office for the duration if these suspicions may be seen to influence his or her ability to perform his or her duties.

Please attach the text(s)
Criminal Code, chapter 6 - Sentencing (515/2003)
General provisions
Section 1 - The types of punishment
[...]
(3) Special punishments for public officials are warning and dismissal from office.

Public Officials Act (750/1994), chapter 9
section 40(2)(1): A public official may in addition be suspended from office
(1) for the duration of prosecution for an offence and of the necessary investigations, if these can be deemed to have an influence on the ability of the public official to attend to his or her functions

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of your country's procedures through which a public official accused of an offence established in accordance with the Convention may be removed, suspended or reassigned?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

108. Subparagraph 7 (a) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

(a) Holding public office;

Has your country established the procedures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)

Finnish law provides for dismissal and suspension from the office in which an offence was committed. It would be in conflict with the principle of rehabilitation to impose a period of disqualification.

Dismissal or suspension from office would be recorded in the personal file of the public official in question, and thus would be known to an official or authority who is considering possible appointment of this person to a new public office.

Please provide an account of your country’s efforts to date to implement the provision under review:

The question is not relevant.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

The question is not relevant.

Which of the following forms of technical assistance, if available, would assist your country with adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

109. Subparagraph 7 (b) of article 30

7. Where warranted by the gravity of the offence, each State Party, to the extent consistent with the fundamental principles of its legal system, shall consider establishing procedures for the disqualification, by court order or any other appropriate means, for a period of time determined by its domestic law, of persons convicted of offences established in accordance with this Convention from:

... 

(b) Holding office in an enterprise owned in whole or in part by the State.

Has your country established the procedures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable procedure(s) or other measure(s)

Please cite the text(s)

The Business Prohibition Act (1059/1985) provides that a person convicted of offences connected with commercial activities may be prohibited from engaging directly or indirectly in business for at least three, and at most seven years.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of your country’s procedures for the disqualification from holding office in an enterprise owned in whole or in part by the State of persons convicted of offences established in accordance with the Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

110. Paragraph 8 of article 30

8. Paragraph 1 of this article shall be without prejudice to the exercise of disciplinary powers by the competent authorities against civil servants.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Provisions on disciplinary measures are contained in a number of different statutes.

According to chapter 6, section 24 of the Public Officials Act (750/1994), a written warning may be issued to a public official who acts in violation of his or her duties. Also the Chancellor of Justice and the Ombudsman of Parliament are empowered to issue warnings and admonitions.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related disciplinary cases
Have you ever assessed the effectiveness of the measures adopted to regulate the exercise of disciplinary powers against civil servants by competent authorities?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

111. Paragraph 10 of article 30

10. States Parties shall endeavour to promote the reintegration into society of persons convicted of offences established in accordance with this Convention.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable reintegration programme(s) or measure(s)

Please cite the text(s)

This is a fundamental principle of criminal policy in Finland.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If you collect statistics on recidivism rates, please provide them

Have you ever assessed the effectiveness of measures established to promote the reintegration into society of persons convicted of offences established in accordance with the Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
112. Subparagraph 1 (a) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

(a) Proceeds of crime derived from offences established in accordance with this Convention or property the value of which corresponds to that of such proceeds;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)
Criminal Code, chapter 10.

Please attach the text(s)
Chapter 10 - Forfeiture (875/2001)
Section 1 - General prerequisites of forfeiture (875/2001)
(1) A prerequisite for a forfeiture order is an act criminalised by law (offence).
(2) A forfeiture order may be based on an act criminalised by law also

(1) where the perpetrator has not attained the age of fifteen years at the material time, or is without criminal capacity,

(2) where the perpetrator is exempt from criminal liability pursuant to chapter 4, section 2, section 4, subsection 22, section 5, subsection 2, section 6, subsection 3 or chapter 45, section 26b, subsection 2, or (515/2003)

(3) where a corporation may be sentenced to a punishment in accordance with chapter 9 even if the individual committing the offence cannot be identified or for some other reason cannot be sentenced to a punishment.

Section 2 - Forfeiture of the proceeds of crime (875/2001)
(1) The proceeds of crime shall be ordered forfeit to the State. The forfeiture shall be ordered on the perpetrator, a participant or a person on whose behalf or to whose benefit the offence has been committed, where these have benefited from the offence.

(2) If there is no evidence as to the amount of the proceeds of crime, or if such evidence is difficult to present, the proceeds shall be estimated, taking into consideration the nature of the offence, the extent of the criminal activity and the other circumstances.

(3) Forfeiture of the proceeds of crime shall not be ordered in so far as they have been returned to the injured party, or in so far as they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If a claim for compensation or restitution has not been filed or if the claim has still not been decided when the request for forfeiture is being decided, the forfeiture shall be ordered.

Section 3 - Extended forfeiture of the proceeds of crime (875/2001)
(1) Full or partial forfeiture of property to the State may be ordered

(1) on a person who is found guilty of an offence which carries a possible penalty of imprisonment for at least four years, a punishable attempt of such an offence, or an offence referred to in chapter 32, sections 1 or 6, chapter 46, section 4, chapter 50, sections 1 or 4, of this Code, or in section 82 of the Alcohol Act (459/1968), and

(2) on a participant in an offence referred to in paragraph (1) above and on a person on whose
behalf or to whose benefit the said offence has been committed,
provided that the nature of the offence is such that it may result in considerable financial proceeds
and that there is reason to believe that the property is fully or partially derived from criminal activity
that is not to be considered insignificant. (61/2003)

(2) Moreover, full or partial forfeiture of property, referred to in subsection 1, to the State may be
ordered

(1) on a person whose relationship to a person referred to in subsection 1 is one covered by
section 3, subsection 1 of the Act on the Recovery of Assets to Bankruptcy Estates
(758/1991) (close person) and

(2) on a private entrepreneur, a company, another corporation or foundation whose
relationship to a person referred to in subsection 1 or a close person of his or hers is one
covered by section 3, subsection 2, paragraphs (1) or (2) of the Act on the Recovery of Assets
to Bankruptcy Estates,

if there is reason to believe that the property has been conveyed to the same in order to avoid
forfeiture or liability.

(3) A forfeiture referred to in subsection 2 shall not be ordered if the property has been conveyed
more than five years before the commission of the offence referred to in subsection 1.

(4) If the same forfeiture is ordered on two or more persons, their liability is joint and several.

Section 4 - Forfeiture of an instrument of crime (875/2001)

(1) The following instruments shall be ordered forfeit to the State, when used in the commission of
an offence:

(1) a firearm, edged weapon or another similar lethal instrument, and

(2) any other object or property the possession of which is punishable.

(2) Also the following may be ordered forfeit to the State:

(1) an object or property that has been used in the commission of an intentional offence, and

(2) an object or property that is closely connected to an intentional offence for which the
proceedings have been brought, where it has been obtained or prepared solely or mainly for
the intentional offence or where its characteristics make it especially suitable as an instrument
of an intentional offence.

(3) In the assessment of the need for forfeiture, special consideration shall be taken of the prevention
of further offences.

Section 5 - Forfeiture of certain other property (875/2001)

(1) An object or property which has been produced, manufactured or brought about by way of an
offence, or at which an offence has been directed, shall be ordered forfeit to the State if its
possession is punishable.

(2) An object or property which has been produced, manufactured or brought about by way of an
offence, or at which an offence has been directed, may be ordered fully or partially forfeit, if
forfeiture is necessary:

(1) due to the object or property being hazardous to health or the environment,

(2) in order to prevent further offences, where the object or property is especially suitable as a
target of an offence or as an instrument of crime,

(3) in order to achieve the objective of provisions or orders pertaining to economic regulation,
import or export, or

(4) in order to achieve the objective of provisions or orders for the protection of nature and the
environment.
(3) A container, packaging or other material used for the storage of an object or property that is to be
ordered forfeit may likewise be ordered forfeit, if the forfeiture of the object or property cannot
otherwise be enforced without undue inconvenience.

Section 6 - Restrictions on forfeiture (875/2001)

(1) An object or other property referred to in section 4 or 5 may not be ordered forfeit if it belongs in
full or in part to someone else than the offender, a participant or a person on whose behalf or with
whose consent the offence has been committed. However, the object or property may be ordered
forfeit from a person to whom it has been conveyed after the commission of the offence, if, when
receiving it, he or she knew or had justifiable reason to believe that the object or property was linked
to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) Regardless of ownership, an object or property shall be ordered forfeit also if the owner would
commit an offence by having the object or property in his or her possession.

Section 7 - Lapse of forfeiture (875/2001)

(1) Upon deciding a request for forfeiture, the court may on the consent of the defendant order that
the forfeiture shall lapse if the object or property referred to in section 4 or 5 is altered within a given
period as specified in the judgment, or other measures specified in the judgment are carried out
thereon, with the result that the forfeiture thus becomes unnecessary.

(2) The bailiff monitors compliance with the specifications in the judgment and decides whether the
forfeiture shall lapse. The person subject to the forfeiture may appeal against the decision in
accordance with the procedure on appeals in enforcement. For a special reason, the bailiff may
extend the period referred to in subsection 1. The Legal Register Centre shall be notified of a lapse
of forfeiture.

(3) The person subject to the forfeiture is liable for the costs of alteration and the other enforcement
of the judgment.

Section 8 - Forfeiture of value (875/2001)

(1) If an object or property referred to in section 4 or 5 cannot be ordered forfeit owing to a
restriction referred to in section 6, subsection 1, or because the object or property has been hidden or
is otherwise inaccessible, a full or partial forfeiture of the value of the object or property may be
ordered on the offender, a participant or a person on whose behalf or with whose consent the offence
has been committed, instead of forfeiture of the object or property itself. In addition, forfeiture of
value may be ordered on a person to whom the object or property has been conveyed, if, when
receiving it, he or she knew or had justifiable reason to suspect that the object or property was linked
to an offence, or if he or she has received it as a gift or otherwise free of charge.

(2) However, forfeiture of value may not be ordered if the person referred to in subsection 1 shows
that the object or property has probably been destroyed or consumed.

(3) If the forfeiture of the value of the same object or property is ordered on two or more persons,
their liability is joint and several. However, a person on whom forfeiture of value has not been
ordered in full, is liable only to the amount mentioned in the judgment.

Section 9 - Request for forfeiture (875/2001)

(1) Forfeiture shall be ordered on the request of a prosecutor or an official referred to in section 3 of
the Act on Penal Order Procedure (692/1993). Also an injured party may request forfeiture when
prosecuting charges on his or her own in accordance with chapter 7 of the Criminal Procedure Act
(689/1997).

(2) Chapter 1, section 8b, of the Criminal Procedure Act contains provisions on the grounds on
which a prosecutor may waive a request for forfeiture. (650/2003)
Section 10 - Adjustment of forfeiture (875/2001)

(1) Forfeiture need not be ordered, if:

(1) the proceeds of crime are, or the value of the object or property is, insignificant,
(2) the punishment of the offender is waived in accordance with chapter 3, section 5, subsection 3 or 4, or another corresponding provision, or
(3) the forfeiture would be unreasonable in view of the nature of the offence and the object or property, the financial standing of the defendant, and the other circumstances.

(2) On the prerequisites referred to in subsection 1, the forfeiture may be ordered on value instead of the object or property, or only a part of the object, property or value. Likewise, a partial forfeiture of the object or property and a partial forfeiture of the value may be ordered. A partial forfeiture of the proceeds of crime may also be ordered.

Section 11 - Miscellaneous provisions (875/2001)

(1) When the forfeiture liability of someone else than the suspect or the defendant is being considered in a pre-trial investigation or in criminal proceedings, the procedural provisions on the suspect or the defendant apply to that person in so far as appropriate.

(2) If compensation or restitution has been paid or ordered to be paid after the issue of the decision referred to in section 2, subsection 3, the forfeiture may be enforced to a correspondingly reduced amount. If the forfeiture has already been enforced, the amount may be ordered to be paid from State funds. An action to this effect shall be brought in the District Court of the plaintiff’s domicile or the District Court of Helsinki within five years from the date when the judgment containing the forfeiture order became final. The State, represented by the Legal Register Centre, is the respondent in such a case.

(3) A person who in good faith has obtained a mortgage, a lien or a right of retention to an object or property referred to in section 4 or 5 and ordered forfeit may foreclose on the same regardless of whether the underlying receivable has become due. An action to this effect shall be brought as provided in subsection 2. Failing this, the mortgage, lien or right of retention expires.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the number and types of cases in which proceeds were confiscated. Please provide per annum figures since the year 2003 (or further back, if available)

If available, please provide information on the amount of proceeds of offences established in accordance with this Convention confiscated. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to enable confiscation of proceeds of offences established in accordance with this Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

113. Subparagraph 1 (b) of article 31

1. Each State Party shall take, to the greatest extent possible within its domestic legal system, such measures as may be necessary to enable confiscation of:

... 

(b) Property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)
Criminal code, chapter 10, section 4.

Please attach the text(s)
Section 4 - Forfeiture of an instrument of crime (875/2001)

(1) The following instruments shall be ordered forfeit to the State, when used in the commission of an offence:

(1) a firearm, edged weapon or another similar lethal instrument, and
(2) any other object or property the possession of which is punishable.

(2) Also the following may be ordered forfeit to the State:

(1) an object or property that has been used in the commission of an intentional offence, and
(2) an object or property that is closely connected to an intentional offence for which the proceedings have been brought, where it has been obtained or prepared solely or mainly for the intentional offence or where its characteristics make it especially suitable as an instrument of an intentional offence.

(3) In the assessment of the need for forfeiture, special consideration shall be taken of the prevention of further offences.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please provide information on recent cases in which such confiscations took place

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the amount/types of property, equipment or other instrumentalities confiscated
Have you ever assessed the effectiveness of the measures adopted to enable confiscation of property, equipment or other instrumentalities used in or destined for use in offences established in accordance with this Convention?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

114. Paragraph 2 of article 31

2. Each State Party shall take such measures as may be necessary to enable the identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article for the purpose of eventual confiscation.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

See the response to question 112.

Please attach the text(s)

If available, please provide information on the cases and amount of money/value of property frozen or seized. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to enable identification, tracing, freezing or seizure of any item referred to in paragraph 1 of this article?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
115. Paragraph 3 of article 31

3. Each State Party shall adopt, in accordance with its domestic law, such legislative and other measures as may be necessary to regulate the administration by the competent authorities of frozen, seized or confiscated property covered in paragraphs 1 and 2 of this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

According to chapter 4, section 10 of the Coercive Measures Act (450/1987), seized or confiscated property is to maintained as it is. It may not be misused. If the property is very perishable or its value may depreciate very rapidly, it may be sold.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any reports or assessments of the administration of frozen, seized or confiscated property

Have you ever assessed the effectiveness of the measures adopted to regulate the administration of frozen, seized or confiscated property?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

116. Paragraph 4 of article 31

4. If such proceeds of crime have been transformed or converted, in part or in full, into other property, such property shall be liable to the measures referred to in this article instead of the proceeds.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes
Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

If property is transformed into other property, its forfeiture and confiscation would be based on Criminal Code chapter 10, section 1. Forfeiture and confiscation of value would be based on section 8. Both sections are cited above.

Please attach the text(s)

If property is transformed into other property, its forfeiture and confiscation would be based on Criminal Code chapter 10, section 1. Forfeiture and confiscation of value would be based on section 8. Both sections are cited above.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

117. Paragraph 5 of article 31

5. If such proceeds of crime have been intermingled with property acquired from legitimate sources, such property shall, without prejudice to any powers relating to freezing or seizure, be liable to confiscation up to the assessed value of the intermingled proceeds.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

See the responses to question 112 and 116.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

118. Paragraph 6 of article 31

6. **Income or other benefits derived from such proceeds of crime**, from **property** into which such proceeds of crime have been transformed or converted or from **property** with which such proceeds of crime have been intermingled **shall also be liable** to the measures referred to in this article, in the same manner and to the same extent as **proceeds of crime**.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s)*

Please cite the text(s)
This follows from Criminal Code chapter 10, section 1.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

119. Paragraph 7 of article 31

7. For the purpose of this article and article 55 of this Convention, each State Party shall empower its courts or other competent authorities to order that bank, financial or commercial records be made available or seized. A State Party shall not decline to act under the provisions of this paragraph on the ground of bank secrecy.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
This follows from Finnish law and practice. Bank secrecy cannot be cited as a grounds to refuse a legitimate request for mutual legal assistance.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information (statistics, types of cases, outcome) on related cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to order that bank, financial or commercial records be made available to or seized by courts or other competent authorities?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

120. Paragraph 8 of article 31

8. States Parties may consider the possibility of requiring that an offender demonstrate the lawful origin of such alleged proceeds of crime or other property liable to confiscation, to the extent that such a requirement is consistent with the fundamental principles of their domestic law and with the nature of judicial and other proceedings.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)

This follows from basic principles of justice; the suspect can present evidence in his or her defence.

Finland has not, however, adopted a system where the prosecutor can claim that certain assets in the possession of the suspect are the proceeds of crime, and then in this way shift the burden of proof to the suspect.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on recent cases where an offender has been required to demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation

Have you ever assessed the effectiveness of the measures adopted to provide for an offender to demonstrate the lawful origin of alleged proceeds of crime or other property liable to confiscation?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

121. Paragraph 9 of article 31

9. The provisions of this article shall not be so construed as to prejudice the rights of bona fide third
parties.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s)*

Please cite the text(s)

This follows from basic principles of justice.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and, if available, information on recent cases where bona fide third parties were involved and their rights were protected

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

This question is not relevant.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

122. Paragraph 1 of article 32

1. Each State Party shall take appropriate measures in accordance with its domestic legal system and within its means to provide effective protection from potential retaliation or intimidation for witnesses and experts who give testimony concerning offences established in accordance with this Convention and, as appropriate, for their relatives and other persons close to them.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s)*

Please cite the text(s)

A large number of separate statutes contain provisions that are designed to provide protection to witnesses and victims, The key ones are cited in the responses below (questions 123 through 127).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the number of witnesses or experts and their relatives or other persons close to them who have required protection and how long they needed it. Please provide per annum figures since the year 2003 (or further back, if available)

If you have a witness protection programme, how many witnesses or experts and their relatives or persons close to them have entered it? Please provide per annum figures since the year 2003 (or further back, if available)

Do you have an estimated cost per protected person?

*Have you ever assessed the effectiveness of the measures adopted to protect witnesses, experts, their relatives and other persons close to them?*

(V) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

123. Subparagraph 2 (a) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

(a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;

*Has your country adopted and implemented the measures described above? (Check one answer)*

(V) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s)*

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Contact information regarding a witness or other person to be heard need not be given to the
defendant (Criminal Procedure Act, chapter 5, sections 3 and 9).

Correspondingly contact information regarding a witness or other person being heard in the pre-trial investigation need not be given to the suspect (Openness of Government Activities Act, section 11, subsection 1(7) and section 24, subsection 1(31).

The name of a witness or other person being heard may be kept secret in a trial document or the judgment in itself (Publicity of Court Proceedings Act, section 9, subsection 1(5) and section 24, subsection 1(1).

A police officer need not reveal information regarding a person’s identity that was given to him or her in confidence (Police Act, section 44).

The local population registration authority may refuse to provide information, to other than another authority, regarding the domicile of a person who has justified reason to suspect that his or her safety, or the safety of his or her family, is in danger (Population Registration Act, section 25, subsection 4).

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide information on the number of witnesses or experts who have received physical protection, type of protection received and cost

Have you ever assessed the effectiveness of the procedures adopted to provide witnesses and experts with physical protection?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

124. Subparagraph 2 (b) of article 32

2. The measures envisaged in paragraph 1 of this article may include, inter alia, without prejudice to the rights of the defendant, including the right to due process:

... 

(b) Providing evidentiary rules to permit witnesses and experts to give testimony in a manner that ensures the safety of such persons, such as permitting testimony to be given through the use of communications technology such as video or other adequate means.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable rule(s), policy(ies) or other measure(s)

Please cite the text(s)

According to section 20 of the Publicity of CourtProceedings Act, a witness or other person may, for his or her protection, be heard in a session that is closed to the public.,
According to chapter 17, section 34 of the Procedural Code, a witness or other person may, for his or her protection, be heard without the presence of a party or of another specific person or (section 34a) by video-link.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide information on recent cases in which witnesses or experts have given testimony using video or other communications technology

Have you ever assessed the effectiveness of the measures adopted to permit witnesses and experts to give testimony using video or other communications technology?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

125. Paragraph 3 of article 32

3. States Parties shall consider entering into agreements or arrangements with other States for the relocation of persons referred to in paragraph 1 of this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable agreement(s), arrangement(s) or other measure(s)

Please cite the text(s)

Such arrangements have been made among the European Union member states.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide information on the number of witnesses or experts who have been relocated to other States through arrangements or agreements. Please provide per annum figures since the year 2003 (or further back, if available)

_Have you ever assessed the effectiveness of the measures adopted to enter into agreements or arrangements with other States for the relocation of witnesses and experts?_ (N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

126. Paragraph 4 of article 32

4. The provisions of this article shall also apply to victims insofar as they are witnesses.

_In your domestic legal system, do the provisions of this article also apply to victims insofar as they are witnesses? (Check one answer)_ (Y) Yes

_Please cite, summarize and attach the applicable policy(ies), arrangement(s), agreement(s) or other measure(s)_

Please cite the text(s)

The provisions cited above in responses to questions 122 through 125 apply also to the victim.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If you have a protection programme, how many victims have been protected by it and in how many different cases? Please provide per annum figures since the year 2003 (or further back, if available)

If applicable and available, please provide information on the number of victims who have received physical protection. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable and available, please provide information on the number of victims who have been permitted to give testimony in a manner that ensures their safety, such as video or other communications technology. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable and available, please provide information on the number of victims that have been relocated to other States through arrangements or agreements. Please provide per annum figures
since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to protect victims, insofar as they are witnesses?*

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

**127. Paragraph 5 of article 32**

5. Each State Party shall, subject to its domestic law, enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders in a manner not prejudicial to the rights of the defence.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

The victim of an offence is a full party to the criminal proceedings, and thus has the right for example to ask questions, suggest evidence, summon witnesses and also appeal the decision.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the number of victims who have presented their views and concerns at any stage of criminal justice proceedings against offenders. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to enable the views and concerns of victims to be presented and considered at appropriate stages of criminal proceedings against offenders?*

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
128. Article 33

Each State Party shall consider incorporating into its domestic legal system appropriate measures to provide protection against any unjustified treatment for any person who reports in good faith and on reasonable grounds to the competent authorities any facts concerning offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Finland does not have separate whistle-blower legislation. However, the provisions referred to above on the protection of victims and witnesses apply in general to persons reporting offences.

Unjustified treatment on the hands of the authority would be dealt with at the least as an administrative matter.

Unjustified treatment by one's superiors in employment would be dealt with at least as a labour law matter.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to provide protection to reporting persons as prescribed by the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

129. Article 34

With due regard to the rights of third parties acquired in good faith, each State Party shall take measures, in accordance with the fundamental principles of its domestic law, to address consequences of corruption. In this context, States Parties may consider corruption a relevant factor in legal proceedings to annul or rescind a contract, withdraw a concession or other similar instrument or take any other remedial action.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s):

Please cite the text(s)
If a contract was the result of corruption, the lack of good faith on the part of at least one of the parties is grounds for annulling the contract.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

130. Article 35
Each State Party shall take such measures as may be necessary, in accordance with principles of its domestic law, to ensure that entities or persons who have suffered damage as a result of an act of corruption have the right to initiate legal proceedings against those responsible for that damage in order to obtain compensation.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Chapter 2, section 1 of the Compensation Act establishes the general rule that a person who deliberately or through negligence causes damage to another is obliged to pay compensation.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and, if available, information on recent cases, including amount and type of compensation emanating from legal proceedings initiated by a victim against those responsible for a damage resulting from an act of corruption

*Have you ever assessed the effectiveness of the measures adopted to ensure that entities or persons who have suffered damage as a result of an offence established in accordance with this Convention have the right to initiate legal proceedings in order to obtain compensation?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

131. Article 36

Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies or persons specialized in combating corruption through law enforcement. Such body or bodies or persons shall be granted the necessary independence, in accordance with the fundamental principles of the legal system of the State Party, to be able to carry out their functions effectively and without any undue influence. Such persons or staff of such body or bodies should have the appropriate training and resources to carry out their tasks.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies), institutional arrangements, law(s) or other measure(s):*

Please cite the text(s)

This function is fulfilled by the police. Finland has a national police force, with the country divided into 24 police districts. Investigation of offences is primarily the responsibility of the local police. The larger police districts are well capable on their own of investigating most large and complex criminal cases. However, the most serious and complex crimes, including cases of bribery and other forms of corruption, would generally be transferred to the National Bureau of Investigation, where investigators specialize in, for example, financial and economic offences.

The National Bureau of Investigation has an officer whose full-time duty is to follow matters related to corruption in Finland.

The prosecutorial service is independent, under the national Office of the Prosecutor-General. As with investigation, most prosecution is conducted on the local level, but cases of bribery and other forms of corruption can be transferred to be the responsibility of State Prosecutors working in the Office of the Prosecutor-General. One of the State Prosecutors specializes, among others, in corruption cases.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide information on the measures adopted to ensure the independence of the specialized body
See above.

If available, please provide information on how staff is selected and trained

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

132. Paragraph 1 of article 37

1. Each State Party shall take appropriate measures to encourage persons who participate or who have participated in the commission of an offence established in accordance with this Convention to supply information useful to competent authorities for investigative and evidentiary purposes and to provide factual, specific help to competent authorities that may contribute to depriving offenders of the proceeds of crime and to recovering such proceeds.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

According to Criminal Code chapter 6, section 6, attempts of the perpetrator to prevent or remove the effects of the offence or his or her attempt to further the clearing up of the offence are grounds for decreasing the punishment.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the number and nature of such cases that have contributed to depriving offenders of the proceeds of crime and to recovering such proceeds. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to encourage the persons mentioned above to supply information useful to competent authorities?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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133. Paragraph 2 of article 37

2. Each State Party shall consider providing for the possibility, in appropriate cases, of **mitigating punishment of an accused person who provides substantial cooperation** in the investigation or prosecution of an offence established in accordance with this Convention.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 132 above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes related to instances where punishment of an accused person who provided substantial cooperation was mitigated. Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to mitigate punishment of an accused person who provides substantial cooperation?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

134. Paragraph 3 of article 37

3. Each State Party shall consider providing for the possibility, in accordance with the fundamental principles of its domestic law, of granting immunity from prosecution to a person who provides substantial cooperation in the investigation or prosecution of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MSYS) Specificities in our legal system

According to the principle of mandatory prosecution, Finland does not use the "state witness" concept.

Please provide an account of your country’s efforts to date to implement the provision under review:

This question is not relevant.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

This question is not relevant.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

135. Paragraph 4 of article 37

4. Protection of such persons shall be, mutatis mutandis, as provided for in article 32 of this Convention.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)
Please cite the text(s)
As noted above, victims and witnesses (in the broad sense) have a similar status in Finland.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information on the number of cooperating defendants/offenders who have received physical protection, how long they required protection, type of protection received and cost. Please provide per annum figures since the year 2003 (or further back, if available)
If you have a defendant/offender protection programme, how many cooperating defendants/offenders have entered it? Please provide per annum figures since the year 2003 (or further back, if available)
If applicable and available, please provide information on the number of cases where cooperating defendants/offenders have been permitted to give testimony using video or other communications technology. Please provide per annum figures since the year 2003 (or further back, if available)
If applicable and available, please provide information on the number of cooperating defendants/offenders who have been relocated to other States through arrangements or agreements. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

136. Paragraph 5 of article 37
5. Where a person referred to in paragraph 1 of this article located in one State Party can provide substantial cooperation to the competent authorities of another State Party, the States Parties concerned may consider entering into agreements or arrangements, in accordance with their domestic law, concerning the potential provision by the other State Party of the treatment set forth in paragraphs 2 and 3 of this article.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable agreement(s), arrangement(s) or other measure(s)
Please cite the text(s)
This follows from the UNCAC treaty itself. So far, no such cases have appeared.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

137. Subparagraph (a) of article 38
Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

(a) Informing the latter authorities, on their own initiative, where there are reasonable grounds to believe that any of the offences established in accordance with articles 15, 21 and 23 of this Convention has been committed; or

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
This follows from general principles in Finnish administrative law; suspected offences should be reported.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the number of times and cases in which such information has been shared. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

138. Subparagraph (b) of article 38

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. Such cooperation may include:

... (b) Providing, upon request, to the latter authorities all necessary information.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 137.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

139. Article 38

Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between, on the one hand, its public authorities, as well as its public officials, and, on the other hand, its authorities responsible for investigating and prosecuting criminal offences. (Please include here only what was not mentioned in paragraphs (a) and (b).)

Has your country adopted and implemented the measures described above? (Check one answer)
(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)
(ISSUE) Other issues (please specify)
Paragraphs (a) and (b) already are quite comprehensive.

Please provide an account of your country’s efforts to date to implement the provision under review:
This question is not relevant.
Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review
This question is not relevant.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)
(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)
(N) No

140. Paragraph 1 of article 39

1. Each State Party shall take such measures as may be necessary to encourage, in accordance with its domestic law, cooperation between national investigating and prosecuting authorities and entities of the private sector, in particular financial institutions, relating to matters involving the commission of offences established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
Such cooperation is based on the pre-existing close cooperation between the private sector and the public authorities.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
If available, please provide information on recent cases in which entities of the private sector have collaborated with national investigating or prosecuting authorities
If applicable, please list any joint conferences or seminars, secondment policies, task forces, partnerships, other joint activities or forms of collaboration

Have you ever assessed the effectiveness of the measures adopted to encourage cooperation between national investigating and prosecuting authorities and entities of the private sector?
(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

141. Paragraph 2 of article 39
2. Each State Party shall consider encouraging its nationals and other persons with a habitual residence in its territory to report to the national investigating and prosecuting authorities the commission of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
The public in general are encouraged to report offences. There is no general obligation to report offences (with the exception of certain serious offences, such as homicide or robbery, where a report could prevent the offence).

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If you have hotlines or other mechanisms for offences to be reported, how many reports have you received? Please provide per annum figures since the year 2003 (or further back, if available)

If financial incentives are offered to encourage such reports, please provide details, available reports and relevant statistics

If anonymous reports are given due consideration by appropriate authorities, how many of the reports received have contributed to the investigation or prosecution of an offence established in accordance with the Convention? Please provide per annum figures since the year 2003 (or further back, if available)

*Have you ever assessed the effectiveness of the measures adopted to encourage reporting the commission of an offence established in accordance with the Convention?*

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

142. Article 40

Each State Party shall ensure that, in the case of domestic criminal investigations of offences established in accordance with this Convention, there are appropriate mechanisms available within its domestic legal system to overcome obstacles that may arise out of the application of bank secrecy laws.

*Has your country adopted the mechanisms described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable mechanism(s):

Please cite the text(s)

According to chapter 12, section 94(2) of the Credit Institutions Act (1607/1993) (available at http://www.finles.fi/en/laki/kaannokset/1993/ credit institutions have the obligation to provide pre-trial investigation and prosecutorial authorities with information that these authorities need for the investigation of an offence.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the mechanisms established to overcome obstacles arising out of the application of bank secrecy laws in the case mentioned above?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, the OECD Convention and the FATF recommendations, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

143. Article 41

Each State Party may adopt such legislative or other measures as may be necessary to take into consideration, under such terms as and for the purpose that it deems appropriate, any previous conviction in another State of an alleged offender for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable law(s), policy(ies), or other measure(s)

Please cite the text(s)
The European Union Member States are developing instruments that would allow the different Member States to obtain criminal records from one another, and use these in criminal proceedings.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide information on recent cases where you took an alleged offender’s previous conviction(s) in another State into consideration for the purpose of using such information in criminal proceedings relating to an offence established in accordance with this Convention

[none]

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

01.10.2010 Finland

Assessment of the implementation of UNCAC in Finland
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

144. Subparagraph 1 (a) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

(a) The offence is committed in the territory of that State Party; or

_Is your country in compliance with this provision? (Check one answer)_

_Y_ Yes

_Please cite, summarize and attach the applicable measure(s)_

_Please cite the text(s)_

Criminal Code, chapter 1.

_Please attach the text(s)_

Chapter 1 - Scope of application of the criminal law of Finland (626/1996)

Section 1 - Offence committed in Finland

(1) Finnish law applies to an offence committed in Finland.

(2) Application of Finnish law to an offence committed in Finland’s economic zone is subject to the Act on the Economic Zone of Finland (1058/2004) and the Act on the Prevention of Ship-Source Pollution of Waters (300/1979). (1067/2004)

Section 2 - Offence connected with a Finnish vessel

(1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed

(1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or

(2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.

(2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the perpetrator has violated his or her special statutory duty as the master of the vessel or aircraft or a member of its crew.

Section 3 - Offence directed at Finland

(1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.

(2) An offence is deemed to have been directed at Finland

(1) if it is an offence of treason or high treason,

(2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or

(3) if it has been directed at a Finnish authority.
Section 4 - Offence in public office and military offence
(1) Finnish law applies to an offence referred to in chapter 40 of this Code that has been committed outside of Finland by a person referred to in chapter 40, section 11, paragraphs (1), (2), (3) and (5) (604/2002).
(2) Finnish law also applies to an offence referred to in chapter 45 that has been committed outside of Finland by a person subject to the provisions of that chapter.

Section 5 - Offence directed at a Finn
Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

Section 6 - Offence committed by a Finn
(1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, a precondition for the imposition of punishment is that, under Finnish law, the act is punishable by imprisonment for more than six months.
(2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the court proceedings is deemed to be a Finnish citizen.
(3) The following are deemed equivalent to a Finnish citizen:
   (1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the court proceedings, and
   (2) a person who was apprehended in Finland and who at the beginning of the court proceedings is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

Section 7 - International offence
(1) Finnish law applies to an offence committed outside of Finland where the punishability of the act, regardless of the law of the place of commission, is based on an international agreement binding on Finland or on another statute or regulation internationally binding on Finland (international offence). Further provisions on the application of this section shall be issued by Decree.
(2) Regardless of the law of the place of commission, Finnish law applies also to a nuclear explosive offence or the preparation of an endangerment offence that is to be deemed an offence referred to in the Comprehensive Nuclear Test Ban Treaty (Treaties of Finland 15/2001) (841/2003)
(3) Regardless of the law of the place of commission, Finnish law applies also to trafficking in persons, aggravated trafficking in persons and an offence referred to in chapter 34a committed outside of Finland. (650/2004)

Section 8 - Other offence committed outside of Finland
Finnish law applies to an offence committed outside of Finland which, under Finnish law, may be punishable by imprisonment for more than six months, if the State in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the offender be extradited because of the offence, but the extradition request has not been granted.

Section 9 - Corporate criminal liability
If, under this chapter, Finnish law applies to the offence, Finnish law applies also to the
determination of corporate criminal liability.

Section 10 - Place of commission
(1) An offence is deemed to have been committed both where the criminal act was committed and where the consequence contained in the statutory definition of the offence became apparent. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence contained in the statutory definition of the offence became apparent.

(2) If the offence remains an attempt, it is deemed to have been committed also where, had the offence been completed, the consequence contained in the statutory definition of the offence either would probably have become apparent or would in the opinion of the perpetrator have become apparent.

(3) An offence by an inciter and abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the offender is deemed to have been committed.

(4) If there is no certainty as to the place of commission, but there is justified reason to believe that the offence was committed in the territory of Finland, said offence is deemed to have been committed in Finland.

Section 11 - Requirement of dual criminality
(1) If the offence has been committed in the territory of a foreign State, the application of Finnish law may be based on sections 5, 6 and 8 only if the offence is punishable also under the law of the place of commission and a sentence could have been passed for it also by a court of that foreign State. In this event, no sanction that is more severe than what is provided by the law of the place of commission shall be imposed in Finland.

(2) Even if the offence is not punishable under the law of the place of commission, Finnish law applies to it if it has been committed by a Finnish citizen or a person referred to in section 6, subsection 3(1), and the penalty for it has been laid down in

(1) sections 5 or 6 of chapter 11, if the act is a war crime or aggravated war crime referred to in article 15 of the second protocol to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict or an act of participation into said acts (212/2008),

(2) sections 1 - 9 of chapter 15 pursuant to section 12a of said chapter,

(3) sections 1 - 3 of chapter 16 and even if the object of the offence is a person referred to in chapter 40, section 11, paragraph (2), (3) or (5) or a foreign public official who is in the service of the International Criminal Court,

(4) sections 13, 14 and 14a of chapter 16 and even if the provisions are applied pursuant to section 20 of the same chapter,

(5) section 18, 18a or 19 of chapter 17,

(6) sections 6, 7 or 8a of chapter 20, (743/2006)

(7) sections 9 or 9a of chapter 20, if the act is directed at a person below the age of eighteen years, or

(8) sections 1 - 4 of chapter 40, if the offender is a member of Parliament, a foreign public official or a member of a foreign parliament. (650/2004)

Section 12 - Prosecution order by the Prosecutor-General (205/1997)
(1) A criminal case may not be investigated in Finland without a prosecution order by the Prosecutor-General, where

(1) the offence was committed abroad, or
(2) a foreigner has committed an offence on board a foreign vessel when the vessel was in Finnish territorial waters or on board a foreign aircraft when the aircraft was in Finnish airspace and the offence was not directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland or a Finnish corporation, foundation or other legal entity.

(2) However, the order by the Prosecutor-General is not be required, if

(1) the offence was committed by a Finnish citizen or a person who, under section 6, is equivalent to a Finnish citizen and it was directed at Finland, a Finnish citizen, a foreigner permanently resident in Finland, or a Finnish corporation, foundation or other legal entity,

(2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent public prosecutor of the place of commission has requested that the offence be tried in a Finnish court,

(3) the offence was committed aboard a Finnish vessel while on the high seas or in territory not belonging to any State or aboard a Finnish aircraft while it was in or over such territory,

(4) the offence was committed aboard a vessel or aircraft while it was in scheduled traffic between points in Finland or between a point in Finland and a point in Denmark, Iceland, Norway or Sweden,

(5) the offence is to be tried as a criminal case in accordance with the Military Court Procedure Act (326/1983), or

(6) there is a statutory provision to the effect that the President of the Republic or Parliament is to order any charges to be brought.

Section 13 - Foreign judgment

(1) Charges may not be brought in Finland if a judgment has already been passed and has become final in the State where the act was committed or in another member state of the European Union and

(1) the charge was dismissed,
(2) the defendant was found guilty but punishment was waived,
(3) the sentence was enforced or its enforcement is still in progress or
(4) under the law of the State where the judgment was passed, the sentence has lapsed. (814/1998)

(2) The provisions of subsection 1 notwithstanding, the Prosecutor-General may order that the charge be brought in Finland if the judgment passed abroad was not based on a request of a Finnish authority for a judgment or on a request for extradition granted by the Finnish authorities and

(1) under section 3, the offence is deemed to be directed at Finland,
(2) the offence is an offence in public office or a military offence referred to in section 4,
(3) the offence is an international offence referred to in section 7, or
(4) pursuant to section 10, the offence is deemed to have been committed also in Finland. However, the Prosecutor-General shall not order charges to be brought for an offence that has been partially committed in the territory of that member state of the European Union where the judgment was passed. (814/1998)

[subsection 3 has been repealed; 515/2003]

Section 14 - Reference provision

Separate provisions apply to extradition on the basis of an offence and to other international legal assistance and to the immunity in certain cases of persons participating in court proceedings or a criminal investigation.
Section 15 - Treaties and customary international law binding on Finland

If an international treaty binding on Finland or another statute or regulation that is internationally binding on Finland in some event restricts the scope of application of the criminal law of Finland when compared with the provisions of this chapter, such a restriction applies as agreed. The provisions in this chapter notwithstanding, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law also apply.

Decree on the application of chapter 1, section 7 of the Criminal Code (627/1996)

Section 1

In the application of chapter 1, section 7 of the Criminal Code, the following offences are deemed international offences:

1. counterfeiting currency, the preparation of the counterfeiting of currency, or the use of counterfeited currency, referred to in the International Convention for the Suppression of Counterfeiting Currency (Treaties of Finland 47/1936) and counterfeiting of the euro referred to in article 7, paragraph 2 of the Council framework decision of 29 May 2000, on increasing protection by criminal penalties and other sanctions against counterfeiting in connection with the introduction of the euro (Official Journal L 140, 14 June 2000), (370/2001)

2. a war crime, violation of human rights in a state of emergency, aggravated war crime, aggravated violation of human rights in exceptional circumstances or other punishable criminal act which should be deemed a grave breach of the Geneva Conventions for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, Relative to the Treatment of Prisoners of War, and Relative to the Protection of Civilian Persons in Time of War (Treaties of Finland 8/1955), as well as the Protocol Additional to the Geneva Conventions, and relating to the protection of victims of international armed conflicts (Treaties of Finland 82/1980),


4. a narcotics offence, aggravated narcotics offence, preparation of a narcotics offence, promotion of a narcotics offences and concealment offence as referred to in the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 43/1965), the Protocol amending the Single Convention on Narcotic Drugs of 1961 (Treaties of Finland 42/1975), the Convention on psychotropic substances (Treaties of Finland 60/1976), and the United Nations Convention against illicit traffic in narcotic drugs and psychotropic substances (Treaties of Finland 44/1994),

5. such seizure of aircraft or other punishable act by which the perpetrator unlawfully, by force or threat thereof, seizes or exercises control of an aircraft, that is to be deemed an offence referred to in the Convention for the suppression of unlawful seizure of aircraft (Treaties of Finland 62/1971),

6. such criminal traffic mischief or aggravated criminal mischief, preparation of an endangerment offence or other punishable act that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (Treaties of Finland 56/1973),

7. murder, assault or deprivation of liberty directed against the person of an internationally protected person, or violent attack upon the official premises, the private accommodation or the means of transport of such a person, or a threat thereof, referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Treaties of Finland 63/1978),

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(8) taking of a hostage or other deprivation of liberty referred to in the International Convention against the Taking of Hostages (Treaties of Finland 38/1983),
(9) such torture for the purpose of obtaining a confession, assault, aggravated assault or other punishable act that is to be deemed torture referred to in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Treaties of Finland 60/1989),
(10) such nuclear device offence, endangerment of health, nuclear energy use offence or other punishable act directed at or committed by using nuclear material that is be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Treaties of Finland 72/1989),
(11) such deprivation of liberty, aggravated deprivation of liberty, abduction, sabotage, endangerment or other punishable act that is to be deemed an offence referred to in the European Convention on the Suppression of Terrorism (Treaties of Finland 16/1990), (353/1997)
(12) homicide, assault, deprivation of liberty or robbery directed at a person on board a vessel or aircraft, or seizure, theft or damage of a vessel, aircraft or property on board a vessel or aircraft that is to be deemed piracy as referred to in the United Nations Convention on the Law of the Seas (Treaties of Finland 50/1996), (118/1999)
(13) such violation of the prohibition of chemical weapons referred to in the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Treaties of Finland 19/1997), (118/1999)
(14) such unlawful act directed against the safety of maritime navigation that is referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Treaties of Finland 11/1999), (537/2000)
(15) such unlawful act that is directed against the safety of fixed platforms located on the continental shelf as is referred to in the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Treaties of Finland 44/2000), (739/2001)
(17) such offence against a place of public use, state or government facility, a public transportation system or an infrastructure facility as is referred to in the International Convention for the Suppression of Terrorist Bombings (Treaties of Finland 60/2002),
(18) such financing of terrorism as is referred to in the International Convention for the Suppression of the Financing of Terrorism (Treaties of Finland 74/2002), (859/2003)
(19) such wilful killing or causing of serious injury to civilians as is referred to in the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-traps and other Devices as amended on 3 May 1996 (Treaties of Finland 91/1998), (859/2003)

(2) Also a punishable attempt of and punishable participation in an offence referred to in subsection 1 is deemed an international offence.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply

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with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

145. Subparagraph 1 (b) of article 42

1. Each State Party shall adopt such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when:

... 

(b) The offence is committed on board a vessel that is flying the flag of that State Party or an aircraft that is registered under the laws of that State Party at the time that the offence is committed.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Criminal Code chapter 1, section 1.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Section 2 - Offence connected with a Finnish vessel

(1) Finnish law applies to an offence committed on board a Finnish vessel or aircraft if the offence was committed

(1) while the vessel was on the high seas or in territory not belonging to any State or while the aircraft was in or over such territory, or

(2) while the vessel was in the territory of a foreign State or the aircraft was in or over such territory and the offence was committed by the master of the vessel or aircraft, a member of its crew, a passenger or a person who otherwise was on board.

(2) Finnish law also applies to an offence committed outside of Finland by the master of a Finnish vessel or aircraft or a member of its crew if, by the offence, the perpetrator has violated his or her special statutory duty as the master of the vessel or aircraft or a member of its crew.
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

146. Subparagraph 2 (a) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

(a) The offence is committed against a national of that State Party; or

Has your country established its jurisdiction over offences established in accordance with the Convention when such offences are committed against a national of yours? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
Criminal Code chapter 1, section 5.

Please attach the text(s)
Section 5 - Offence directed at a Finn
Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporation, foundation or other legal entity, or a foreigner permanently resident in Finland if, under Finnish law, the act may be punishable by imprisonment for more than six months.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

147. Subparagraph 2 (b) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... 

(b) The offence is committed by a national of that State Party or a stateless person who has his or her habitual residence in its territory; or

Has your country established its jurisdiction over offences established in accordance with this Convention when such offences are committed by a national of yours or a stateless person who has his or her habitual residence in your territory? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Criminal Code chapter 1, section 6.

Please attach the text(s)
Section 6 - Offence committed by a Finn
(1) Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in territory not belonging to any State, a precondition for the imposition of punishment is that, under Finnish law, the act is punishable by imprisonment for more than six months.

(2) A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of the court proceedings is deemed to be a Finnish citizen.

(3) The following are deemed equivalent to a Finnish citizen:

(1) a person who was permanently resident in Finland at the time of the offence or is permanently resident in Finland at the beginning of the court proceedings, and

(2) a person who was apprehended in Finland and who at the beginning of the court proceedings is a citizen of Denmark, Iceland, Norway or Sweden or at that time is permanently resident in one of those countries.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

148. Subparagraph 2 (c) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... 

(c) The offence is one of those established in accordance with article 23, paragraph 1 (b) (ii), of this Convention and is committed outside its territory with a view to the commission of an offence established in accordance with article 23, paragraph (a) (i) or (ii) or (b) (i), of this Convention within its territory; or

Has your country established its jurisdiction over offences committed outside your territory as prescribed by the provision under review? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Under Finnish law, if the offence is committed in Finland, the place where an act of complicity was committed is not relevant.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
149. Subparagraph 2 (d) of article 42

2. Subject to article 4 of this Convention, a State Party may also establish its jurisdiction over any such offence when:

... (d) The offence is committed against the State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Criminal Code chapter 1, section 3.

Please attach the text(s)

Section 3 - Offence directed at Finland

(1) Finnish law applies to an offence committed outside of Finland that has been directed at Finland.

(2) An offence is deemed to have been directed at Finland

(1) if it is an offence of treason or high treason,

(2) if the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or

(3) if it has been directed at a Finnish authority.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

150. Paragraph 3 of article 42
3. For the purposes of article 44 of this Convention, each State Party shall take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite such person solely on the ground that he or she is one of its nationals.

Has your country adopted measures to establish its jurisdiction as described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
This follows from established principles of justice.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to establish jurisdiction over offences established in accordance with the Convention in the case mentioned by the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

151. Paragraph 4 of article 42

4. Each State Party may also take such measures as may be necessary to establish its jurisdiction over the offences established in accordance with this Convention when the alleged offender is present in its territory and it does not extradite him or her.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response immediately above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

*Have you ever assessed the effectiveness of the measures adopted to establish jurisdiction over the offences established in accordance with the Convention in the case mentioned by the provision under review?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

152. Paragraph 5 of article 42

5. If a State Party exercising its jurisdiction under paragraph 1 or 2 of this article has been notified, or has otherwise learned, that any other States Parties are conducting an investigation, prosecution or judicial proceeding in respect of the same conduct, the competent authorities of those States Parties shall, as appropriate, consult one another with a view to coordinating their actions.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This follows from established principles of mutual legal assistance.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and details on factors facilitating such collaboration and coordination

*Have you ever assessed the effectiveness of the measures adopted to facilitate coordination with other States Parties conducting an investigation, prosecution or judicial proceeding in respect of the same conduct?*

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

153. Paragraph 6 of article 42

6. Without prejudice to norms of general international law, this Convention shall not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

The question is not relevant.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

No. The question is not relevant.
IV. International cooperation

44. Extradition

154. Paragraph 1 of article 44

1. This article shall apply to the offences established in accordance with this Convention where the person who is the subject of the request for extradition is present in the territory of the requested State Party, provided that the offence for which extradition is sought is punishable under the domestic law of both the requesting State Party and the requested State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), including your policy on dual criminality

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Please cite the text(s)

This follows from the Convention itself, which has been ratified by Finland.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases where dual criminality issues were raised and resolved.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

Assessment of implementation of UNCAC is currently in progress.

155. Paragraph 2 of article 44

2. Notwithstanding the provisions of paragraph 1 of this article, a State Party whose law so permits may grant the extradition of a person for any of the offences covered by this Convention that are not punishable under its own domestic law.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If available, please provide information on extraditions granted for offences not punishable under your domestic law

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
See the response to question 154.

156. Paragraph 3 of article 44

3. If the request for extradition includes several separate offences, at least one of which is extraditable under this article and some of which are not extraditable by reason of their period of imprisonment but are related to offences established in accordance with this Convention, the requested State Party may apply this article also in respect of those offences.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable rule(s) or measure(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
See the response to question 154.
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent court and other cases and any other information on extradition granted in accordance with the provision under review.

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

See the response to question 154.

157. Paragraph 4 of article 44

4. Each of the offences to which this article applies shall be deemed to be included as an extraditable offence in any extradition treaty existing between States Parties. States Parties undertake to include such offences as extraditable offences in every extradition treaty to be concluded between them. A State Party whose law so permits, in case it uses this Convention as the basis for extradition, shall not consider any of the offences established in accordance with this Convention to be a political offence.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide a sample of relevant extradition treaties

Finland is a party for example to the 1957 Council of Europe Extradition Convention, and has a bilateral convention with the United States.

The Nordic countries have a multilateral agreement on extradition.

The EU Member States apply the European Arrest Warrant among themselves.

Please provide information on recent extradition cases where offences established in accordance with this Convention were not deemed to be a political offence.
Finland has not had any such extradition cases, either those in which these offences would have, or would not have, been deemed to be political offences.

**Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?**

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

The European Commission has reviewed implementation of the framework decision on the European Arrest Warrant.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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**158. Paragraph 5 of article 44**

5. If a State Party that makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, it **may consider this Convention the legal basis for extradition in respect of any offence to which this article applies.**

**Does your country consider this Convention as the legal basis for extradition in respect to any offence to which the article under review applies?**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s)**

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)

See the response to question 154.

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Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If applicable and available, please provide information on extraditions granted without a treaty, using this Convention as the legal basis

**Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?**

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which
assistance would be needed.
See the response to question 154.

159. Subparagraph 6 (a) of article 44
6. A State Party that makes extradition conditional on the existence of a treaty shall:

(a) At the time of deposit of its instrument of ratification, acceptance or approval of or accession to this Convention, inform the Secretary-General of the United Nations whether it will take this Convention as the legal basis for cooperation on extradition with other States Parties to this Convention; and

Does your country make extradition conditional on the existence of a treaty?

(N) No

160. Subparagraph 6 (b) of article 44
A State Party that makes extradition conditional on the existence of a treaty shall:

... (b) If it does not take this Convention as the legal basis for cooperation on extradition, seek, where appropriate, to conclude treaties on extradition with other States Parties to this Convention in order to implement this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)
The question is not relevant to Finland, since Finland takes UNCAC as the legal basis for cooperation on extradition.

Please provide an account of your country’s efforts to date to implement the provision under review:

See the response immediately above.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

See the response immediately above.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No
161. Paragraph 7 of article 44

7. States Parties that do not make extradition conditional on the existence of a treaty shall recognize offences to which this article applies as extraditable offences between themselves.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)

See the response to question 154.

Please provide examples of the successful implementation of this provision (i.e. information on recent extradition cases between your country and other States parties for offences established in accordance with this Convention)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

162. Paragraph 8 of article 44

8. Extradition shall be subject to the conditions provided for by the domestic law of the requested State Party or by applicable extradition treaties, including, inter alia, conditions in relation to the minimum penalty requirement for extradition and the grounds upon which the requested State Party may refuse extradition.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), including relevant domestic law(s) and conditions

Please cite the text(s)
Extradition to and from Finland is subject to the Extradition Act (456/1970).

According to section 3 of the Act, an offender may be extradited for an offence committed in Finland, on a Finnish vessel or in a Finnish aircraft only if this is to be deemed appropriate for the legal investigation of the offence and the expected punishment would not be essentially different from what it would have been in Finland.

According to section 4, the minimum sentence, had the offence been committed in Finland, should be one year imprisonment.

No one may be extradited for a military offence (section 5).

No one may be extradited for a political offence, unless this offence is a minor element of the totality of the offence (section 6).

No one may be extradited if he or she might be persecuted on the basis of his or her race, nationality, religion, political belief, membership in a social group or political reasons (section 7).

No one may be extradited if this would be unreasonable in view of his or her age, health or other personal circumstances (section 8).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide information on conditions and grounds upon which extradition requests were refused

Requests are rarely received, and even more rarely refused. Recent cases have been due to procedural reasons; the evidence provided has not been sufficient to show that the person in question was suspected on probable grounds of the offence.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

163. Paragraph 9 of article 44

9. States Parties shall, subject to their domestic law, endeavour to expedite extradition procedures and to
simplify evidentiary requirements relating thereto in respect of any offence to which this article applies.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
This is a question of extradition procedure, not of legislative text. The question is not relevant.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

164. Paragraph 10 of article 44

10. Subject to the provisions of its domestic law and its extradition treaties, the requested State Party may, upon being satisfied that the circumstances so warrant and are urgent and at the request of the requesting State Party, take a person whose extradition is sought and who is present in its territory into custody or take other appropriate measures to ensure his or her presence at extradition proceedings.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
According to section 19 of the Extradition Act (456/1970), the person in question may be taken into custody in order to promote the investigation and ensure the extradition. According to section 20, the local court is to consider the legality of the custody in the same way as the legality of pre-trial custody.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases in which a person whose extradition was sought and who was present in your territory has been taken into custody and cases in which other appropriate measures were taken to ensure his or her presence at extradition proceedings (please describe those measures)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

165. Paragraph 11 of article 44

11. A State Party in whose territory an alleged offender is found, if it does not extradite such person in respect of an offence to which this article applies solely on the ground that he or she is one of its nationals, shall, at the request of the State Party seeking extradition, be obliged to submit the case without undue delay to its competent authorities for the purpose of prosecution. Those authorities shall take their decision and conduct their proceedings in the same manner as in the case of any other offence of a grave nature under the domestic law of that State Party. The States Parties concerned shall cooperate with each other, in particular on procedural and evidentiary aspects, to ensure the efficiency of such prosecution.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable practice(s) or measure(s)

Please cite the text(s)

Finland applies this established principle, but there is no direct reference to it in statutory law. Legal praxis has developed on the basis of art. 6(2) of the Council of Europe Extradition Convention.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases submitted for prosecution by your authorities (statistics, types of cases, outcomes). Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

166. Paragraph 12 of article 44

12. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State Party to serve the sentence imposed as a result of the trial or proceedings for which the extradition or surrender of the person was sought and that State Party and the State Party seeking the extradition of the person agree with this option and other terms that they may deem appropriate, such conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 11 of this article.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This procedure is used in connection with the European Arrest Warrant. The text is available on the EU website (http://europa.eu/legislation_summaries/justice_freedom_security/judicial_cooperation_in_criminal_matters).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on court or other recent cases of conditional extradition or
surrender (including number of cases, outcomes, etc.). If possible, please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Implementation of the European Arrest Warrant instrument has been assessed by the European Commission.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

167. Paragraph 13 of article 44

13. If extradition, sought for purposes of enforcing a sentence, is refused because the person sought is a national of the requested State Party, the requested State Party shall, if its domestic law so permits and in conformity with the requirements of such law, upon application of the requesting State Party, consider the enforcement of the sentence imposed under the domestic law of the requesting State Party or the remainder thereof.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
According to the Act on International Cooperation in the Enforcement of Certain Penal Sanctions (21/1987) (section 8), a sanction imposed by a foreign court can be converted into a sanction to be imposed in Finland.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on court or other recent cases in which such a sentence has been enforced

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

168. Paragraph 14 of article 44

14. Any person regarding whom proceedings are being carried out in connection with any of the offences to which this article applies shall be guaranteed fair treatment at all stages of the proceedings, including enjoyment of all the rights and guarantees provided by the domestic law of the State Party in the territory of which that person is present.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)

This follows from basic procedural law and constitutional principles.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

169. Paragraph 15 of article 44

15. Nothing in this Convention shall be interpreted as imposing an obligation to extradite if the requested State Party has substantial grounds for believing that the request has been made for the purpose of prosecuting or punishing a person on account of that person’s sex, race, religion, nationality, ethnic origin or political opinions or that compliance with the request would cause prejudice to that person’s position for any one of these reasons.
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), practice(s), or measure(s)

Please cite the text(s)
Reference has already been made to section 7 of the Extradition Act which prohibits extradition if there is the danger that the person may be subjected to persecution.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases where extradition was refused on such grounds

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

170. Paragraph 16 of article 44

16. States Parties may not refuse a request for extradition on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
The question is not relevant. Finnish law does not include a provision allowing for refusal on the grounds referred to.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

Please provide information on recent cases in which extradition involving fiscal matters was not refused

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland’s implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

171. Paragraph 17 of article 44

17. Before refusing extradition, the requested State Party shall, where appropriate, consult with the requesting State Party to provide it with ample opportunity to present its opinions and to provide information relevant to its allegation.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This is part of standard extradition procedure and international comity.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

Please provide information on recent court or other cases and illustrations of relevant exchanges between your country and other States

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

172. Paragraph 18 of article 44

18. States Parties shall seek to conclude bilateral and multilateral agreements or arrangements to carry out or to enhance the effectiveness of extradition.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach any other bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been attached in previous answers related to this article

Please cite the text(s)

As already noted, Finland is a party to the Nordic and the Council of Europe Extradition Agreements, as well as to the EU framework decision on the European Arrest Warrant.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

173. Article 45
States Parties may consider entering into bilateral or multilateral agreements or arrangements on the transfer to their territory of persons sentenced to imprisonment or other forms of deprivation of liberty for offences established in accordance with this Convention in order that they may complete their sentences there.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach applicable bilateral or multilateral agreement(s) or arrangement(s) related to extradition that have not already been attached in previous answers

Please cite the text(s)
Such transfer is possible under the Extradition Act (456/1970) and the Act on International Cooperation in the Enforcement of Penal Sanctions (21/1987) even in the absence of a treaty.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

174. Paragraph 1 of article 46

1. States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offences covered by this Convention.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
See the response to question 154.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

175. Paragraph 2 of article 46

2. Mutual legal assistance shall be afforded to the fullest extent possible under relevant laws, treaties, agreements and arrangements of the requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to the offences for which a legal person may be held liable in accordance with article 26 of this Convention in the requesting State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If available, please provide information on recent cases in which mutual legal assistance was
provided to a requesting State Party with respect to investigations, prosecutors and judicial proceedings in relation to offences for which a legal person was or could be held liable under this Convention

If applicable, please provide information on recent cases in which you denied mutual legal assistance to a requesting State Party with respect to investigations, prosecutions and judicial proceedings in relation to offences for which a legal person was or could be held liable under this Convention

If available, please provide information on recent cases in which mutual legal assistance was received from a requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to offences for which a legal person was or could be held liable under this Convention

If applicable, please provide information on recent cases in which your country was denied mutual legal assistance by a requested State Party with respect to investigations, prosecutions and judicial proceedings in relation to offences for which a legal person was or could be held liable under this Convention

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

176. Subparagraph 3 (a) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(a) Taking evidence or statements from persons;

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request for evidence or statement from persons to be taken

If available, please provide information on some recent cases in which you have received a request for evidence or statement from persons to be taken

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

177. Subparagraph 3 (b) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 
(b) Effecting service of judicial documents;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes
See the response to question 154.

Please cite, summarize and attach the applicable measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request for service of judicial documents

If available, please provide information on some recent cases in which you have received a request for service of judicial documents

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Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

178. Subparagraph 3 (c) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

(c) Executing searches and seizures, and freezing;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If available, please provide information on recent court or other cases in which you have made a request to execute searches, seizures, and freezing
If available, please provide information on some recent cases in which you have received a request to execute searches, seizures, and freezing

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

179. Subparagraph 3 (d) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 

(d) Examining objects and sites;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request to examine objects and sites

If available, please provide information on some recent cases in which you have received a request to examine objects and sites

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

180. Subparagraph 3 (e) of article 46
3. **Mutual legal assistance** to be afforded in accordance with this article may be requested for any of the following purposes:

... 

(e) Providing information, evidentiary items and expert evaluations;

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request to receive information, evidentiary items and expert evaluations

If available, please provide information on some recent cases in which you have received a request to provide information, evidentiary items and expert evaluations

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

181. **Subparagraph 3 (f) of article 46**

3. **Mutual legal assistance** to be afforded in accordance with this article may be requested for any of the following purposes:

... 

(f) Providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request to receive originals or certified copies of relevant documents and records

If available, please provide information on some recent cases in which you have received a request to provide originals or certified copies of relevant documents and records

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

182. Subparagraph 3 (g) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (g) Identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request for identification or tracing of proceeds of crime, property, instrumentalities or other things for evidentiary purposes

If available, please provide information on some recent cases in which you have received a request to identify or trace proceeds of crime, property, instrumentalities or other things for evidentiary purposes

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

183. Subparagraph 3 (h) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 

(h) Facilitating the voluntary appearance of persons in the requesting State Party;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If available, please provide information on recent court or other cases in which you have made a request for facilitation of the voluntary appearance of persons
If available, please provide information on some recent cases in which you have received a request to facilitate the voluntary appearance of persons

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

184. Subparagraph 3 (i) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

…

(i) Any other type of assistance that is not contrary to the domestic law of the requested State Party;

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review
If available, please provide information on recent court or other cases in which you have made a request to receive other types of assistance
If available, please provide information on some recent cases in which you have received a request
to provide other types of assistance

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

185. Subparagraph 3 (j) of article 46
3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... 

(j) Identifying, freezing and tracing proceeds of crime in accordance with the provisions of chapter V of this Convention;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request for identification, freezing and tracing the proceeds of crime in accordance with this Convention

If available, please provide information on some recent cases in which you have received a request to identify, freeze and trace the proceeds of crime in accordance with this Convention

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

186. Subparagraph 3 (k) of article 46

3. Mutual legal assistance to be afforded in accordance with this article may be requested for any of the following purposes:

... (k) The recovery of assets, in accordance with the provisions of chapter V of this Convention.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have made a request for the recovery of assets in accordance with this Convention

If available, please provide information on some recent cases in which you have received a request to recover assets in accordance with this Convention

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

187. Paragraph 4 of article 46

4. Without prejudice to domestic law, the competent authorities of a State Party may, without prior request, transmit information relating to criminal matters to a competent authority in another State
Party where they believe that such information could assist the authority in undertaking or successfully concluding inquiries and criminal proceedings or could result in a request formulated by the latter State Party to this Convention.

Is it possible for your country to transmit information as described above?

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which you have received information relating to criminal matters, without prior request, that could assist authorities in undertaking or successfully concluding inquiries and criminal proceedings

If available, please provide information on some recent cases in which you have transmitted information relating to criminal matters, without prior request, that could assist authorities in undertaking or successfully concluding inquiries and criminal proceedings

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

188. Paragraph 5 of article 46

5. The transmission of information pursuant to paragraph 4 of this article shall be without prejudice to inquiries and criminal proceedings in the State of the competent authorities providing the information. The competent authorities receiving the information shall comply with a request that said information remain confidential, even temporarily, or with restriction on its use. However, this shall not prevent the receiving State Party from disclosing in its proceedings information that is exculpatory to an accused person. In such a case, the receiving State Party shall notify the transmitting State Party prior to disclosure and, if so requested, consult with the transmitting State Party. If, in an exceptional case, advance notice is not possible, the receiving State Party shall inform the transmitting State Party of the disclosure without delay.
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

Please provide information on the handling of recent court or other cases in which exculpatory evidence was disclosed by your authorities

Please provide information on the handling of some recent cases in which exculpatory evidence was disclosed by the authorities of a requested State Party

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

189. Paragraph 6 of article 46

6. The provisions of this article shall not affect the obligations under any other treaty, bilateral or multilateral, that governs or will govern, in whole or in part, mutual legal assistance.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
See the response to question 154.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

190. Paragraph 7 of article 46

7. Paragraphs 9 to 29 of this article shall apply to requests made pursuant to this article if the States Parties in question are not bound by a treaty of mutual legal assistance. If those States Parties are bound by such a treaty, the corresponding provisions of that treaty shall apply unless the States Parties agree to apply paragraphs 9 to 29 of this article in lieu thereof. States Parties are strongly encouraged to apply those paragraphs if they facilitate cooperation.

*Is your country bound by such treaty(ies) of mutual legal assistance?*

(Y) Yes

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable treaty(ies), provision(s) or other measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide relevant treaty provisions or agreements with other States
Finland is a party for example to the 1959 Council of Europe MLA Convention and to a number of EU instruments that deal with a number of different aspects of MLA.

Please provide information on recent cases in which mutual legal assistance was based on such treaty provisions or agreements

If available, please provide examples of recent cases in which your country and another State Party agreed to apply the provisions set forth in paragraphs 9 to 29 in order to facilitate cooperation.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

191. Paragraph 8 of article 46

8. States Parties shall not decline to render mutual legal assistance pursuant to this article on the ground of bank secrecy.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases in which bank secrecy rules or issues did not impede effective mutual legal assistance.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
192. Subparagraph 9 (a) of article 46

9. (a) A requested State Party, in responding to a request for assistance pursuant to this article in the absence of dual criminality, shall take into account the purposes of this Convention, as set forth in article 1;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), practice(s), or other measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication);

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related mutual legal assistance and other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

193. Subparagraph 9 (b) of article 46

(b) States Parties may decline to render assistance pursuant to this article on the ground of absence of dual criminality. However, a requested State Party shall, where consistent with the basic concepts of its legal system, render assistance that does not involve coercive action. Such assistance may be refused when requests involve matters of a de minimis nature or matters for which the cooperation or assistance sought is available under other provisions of this Convention;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), practice(s) or other measure(s)
Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please explain what measures you consider to be coercive; please attach any available definitions or relevant legal texts
Coercive measures are any measures which an authority may take even without the consent of the person in question. The most important such measures are taking a person into custody, restricting a person's freedom of movement (including his or her freedom to leave the country), conducting electronic surveillance or conducting a house search.

Please explain what matters you consider to be of a de minimis nature; please attach any available definitions or relevant legal texts

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent cases in which your country provided assistance to another State Party in the absence of dual criminality

If applicable and available, please provide information on recent cases in which you received assistance from another State Party in the absence of dual criminality

Please provide information on the types of non-coercive actions taken when rendering assistance in the absence of dual criminality
- taking evidence or statements from persons;
- effecting service of judicial documents;
- examining objects and sites;
- providing information, evidentiary items and expert evaluations;
- providing originals or certified copies of relevant documents and records, including government, bank, financial, corporate or business records;
- identifying or tracing proceeds of crime, property, instrumentalities or other things for evidentiary purposes;
- facilitating the voluntary appearance of persons in the requesting State Party;

Please provide information on recent cases in which your country refused mutual legal assistance on the ground of absence of dual criminality

Please provide information on recent cases in which your request for mutual legal assistance was refused on the ground of absence of dual criminality

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
194. Subparagraph 9 (c) of article 46

(c) Each State Party may consider adopting such measures as may be necessary to enable it to provide a wider scope of assistance pursuant to this article in the absence of dual criminality.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), practice(s), or other measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases in which assistance was provided despite the lack of dual criminality

Have you ever assessed the effectiveness of the measures adopted to facilitate the provision of assistance in the absence of dual criminality?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

195. Subparagraph 10 (a) of article 46

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

(a) The person freely gives his or her informed consent;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)
196. Subparagraph 10 (b) of article 46

10. A person who is being detained or is serving a sentence in the territory of one State Party whose presence in another State Party is requested for purposes of identification, testimony or otherwise providing assistance in obtaining evidence for investigations, prosecutions or judicial proceedings in relation to offences covered by this Convention may be transferred if the following conditions are met:

... 

(b) The competent authorities of both States Parties agree, subject to such conditions as those States Parties may deem appropriate.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s), agreement(s) and condition(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

197. Subparagraph 11 (a) of article 46

11. For the purposes of paragraph 10 of this article:

(a) The State Party to which the person is transferred shall have the authority and obligation to keep the person transferred in custody, unless otherwise requested or authorized by the State Party from which the person was transferred;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which
assistance would be needed.

198. Subparagraph 11 (b) of article 46

11. For the purposes of paragraph 10 of this article:

... 

(b) The State Party to which the person is transferred shall without delay implement its obligation to return the person to the custody of the State Party from which the person was transferred as agreed beforehand, or as otherwise agreed, by the competent authorities of both States Parties;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related transfer cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

199. Subparagraph 11 (c) of article 46

11. For the purposes of paragraph 10 of this article:

... 

(c) The State Party to which the person is transferred shall not require the State Party from which the person was transferred to initiate extradition proceedings for the return of the person;
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

200. Subparagraph 11 (d) of article 46

11. For the purposes of paragraph 10 of this article:

... 

(d) The person transferred shall receive credit for service of the sentence being served in the State from which he or she was transferred for time spent in the custody of the State Party to which he or she was transferred.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related transfer cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

201. Paragraph 12 of article 46

12. Unless the State Party from which a person is to be transferred in accordance with paragraphs 10 and 11 of this article so agrees, that person, whatever his or her nationality, shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in the territory of the State to which that person is transferred in respect of acts, omissions or convictions prior to his or her departure from the territory of the State from which he or she was transferred.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

202. Paragraph 13 of article 46

13. Each State Party shall designate a central authority that shall have the responsibility and power to receive requests for mutual legal assistance and either to execute them or to transmit them to the competent authorities for execution. Where a State Party has a special region or territory with a separate system of mutual legal assistance, it may designate a distinct central authority that shall have the same function for that region or territory. Central authorities shall ensure the speedy and proper execution or transmission of the requests received. Where the central authority transmits the request to a competent authority for execution, it shall encourage the speedy and proper execution of the request by the competent authority. The Secretary-General of the United Nations shall be notified of the central authority designated for this purpose at the time each State Party deposits its instrument of ratification, acceptance or approval of or accession to this Convention. Requests for mutual legal assistance and any communication related thereto shall be transmitted to the central authorities designated by the States Parties. This requirement shall be without prejudice to the right of a State Party to require that such requests and communications be addressed to it through diplomatic channels and, in urgent circumstances, where the States Parties agree, through the International Criminal Police Organization, if possible.

Has your country established a central authority(ies) as described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable arrangement(s) or measure(s)

Please cite the text(s)

The Secretary-General has been informed that the Ministry of Justice of Finland serves as the central authority for Finland.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide recent court or other cases

Have you ever assessed the effectiveness of the measures adopted to designate a central authority responsible for receiving requests for mutual legal assistance and for executing or transmitting them? (Check one answer)

(N) No

See the response to question 154.
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

**Has your country notified the Secretary-General of the United Nations as prescribed above?** (Check one answer)

(Y) Yes

**Does your country allow that requests for mutual legal assistance and any related communications be transmitted to the central authorities designated by States Parties?** (Check one answer)

(Y) Yes

**Does your country require that such requests and related communications be addressed to it through diplomatic channels?** (Check one answer)

(N) No

**Does your country agree that, in urgent circumstances, requests for mutual legal assistance and related communications be addressed to it through the International Criminal Police Organization?** (Check one answer)

(Y) Yes

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**203. Paragraph 14 of article 46**

14. Requests shall be made in writing or, where possible, by any means capable of producing a written record, in a language acceptable to the requested State Party, under conditions allowing that State Party to establish authenticity. The Secretary-General of the United Nations shall be notified of the language or languages acceptable to each State Party at the time it deposits its instrument of ratification, acceptance or approval of or accession to this Convention. In urgent circumstances and where agreed by the States Parties, requests may be made orally but shall be confirmed in writing forthwith.

**Has your country notified the Secretary-General of the United Nations as prescribed above?** (Check one answer)

(Y) Yes

**Is your country in compliance with this provision?** (Check one answer)

(Y) Yes

**Please cite, summarize and attach the applicable measure(s) and language(s)**

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Notification to the Secretary-General.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
This question is not relevant.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

204. Paragraph 15 of article 46

15. A request for mutual legal assistance shall contain:

(a) The identity of the authority making the request;
(b) The subject matter and nature of the investigation, prosecution or judicial proceeding to which the request relates and the name and functions of the authority conducting the investigation, prosecution or judicial proceeding;
(c) A summary of the relevant facts, except in relation to requests for the service of judicial documents;
(d) A description of the assistance sought and details of any particular procedure that the requesting State Party wishes to be followed;
(e) Where possible, the identity, location and nationality of any person concerned; and
(f) The purpose for which the evidence, information or action is sought.

Is your country in compliance with provision (a) above? (Check one answer)
   (Y) Yes

Is your country in compliance with provision (b) above? (Check one answer)
   (Y) Yes

Is your country in compliance with provision (c) above? (Check one answer)
   (Y) Yes

Is your country in compliance with provision (d) above? (Check one answer)
   (Y) Yes

Is your country in compliance with provision (e) above? (Check one answer)
   (Y) Yes

Is your country in compliance with provision (f) above? (Check one answer)
   (Y) Yes

Please provide a sample request for mutual legal assistance containing all the requirements.

Have you ever assessed the effectiveness of any of the measures adopted to comply with the provision under review? (Check one answer)
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

205. Paragraph 16 of article 46

16. The requested State Party may request additional information when it appears necessary for the execution of the request in accordance with its domestic law or when it can facilitate such execution.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s) and types of additional information you may need

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases where additional information was necessary

Please describe the types of additional information deemed necessary
This question is not relevant. The question states that the requested State Party "may" request additional information. So far, no such requests have been received, and so it would be impossible to foresee what additional information might, in some unspecified case, appear to be "necessary".

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

206. Paragraph 17 of article 46
17. A request shall be executed in accordance with the domestic law of the requested State Party and, to the extent not contrary to the domestic law of the requested State Party and where possible, in accordance with the procedures specified in the request.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or other measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide information on requests executed in ways different from those specified in the request due to domestic legal requirements

We are not aware of any such requests.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

207. Paragraph 18 of article 46

18. Whenever possible and consistent with fundamental principles of domestic law, when an individual is in the territory of a State Party and has to be heard as a witness or expert by the judicial authorities of another State Party, the first State Party may, at the request of the other, permit the hearing to take place by video conference if it is not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party. States Parties may agree that the hearing shall be conducted by a judicial authority of the requesting State Party and attended by a judicial authority of the requested State Party.

Does your country permit hearings of individuals mentioned above to take place by video conference as described above? (Check one answer)

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If applicable and available, please provide information on recent cases in which a hearing has been permitted to take place by video conference if it was not possible or desirable for the individual in question to appear in person in the territory of the requesting State Party

Please provide information on recent relevant cases in which you made or received such a request

There have been no such cases or requests.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

208. Paragraph 19 of article 46

19. The requesting State Party shall not transmit or use information or evidence furnished by the requested State Party for investigations, prosecutions or judicial proceedings other than those stated in the request without the prior consent of the requested State Party. Nothing in this paragraph shall prevent the requesting State Party from disclosing in its proceedings information or evidence that is exculpatory to an accused person. In the latter case, the requesting State Party shall notify the requested State Party prior to the disclosure and, if so requested, consult with the requested State Party. If, in an exceptional case, advance notice is not possible, the requesting State Party shall inform the requested State Party of the disclosure without delay.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

Please provide information on the handling of recent cases in which exculpatory evidence was disclosed by your authorities

There have been no such cases.

Please provide information on recent court or other cases in which exculpatory evidence was disclosed by the authorities of a requesting State

There have been no such cases.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

209. Paragraph 20 of article 46

20. The requesting State Party may require that the requested State Party keep confidential the fact and substance of the request, except to the extent necessary to execute the request. If the requested State Party cannot comply with the requirement of confidentiality, it shall promptly inform the requesting State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent cases in which it was not possible to comply with the requirement of confidentiality

Please provide information on how such cases were handled

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

210. Subparagraph 21 (a) of article 46

21. Mutual legal assistance may be refused:

(a) If the request is not made in conformity with the provisions of this article;

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases in which you refused mutual legal assistance because the request was not made in conformity with the provisions of this article

If applicable and available, please provide information on other recent cases in which you were refused mutual legal assistance because the request was not made in conformity with the provisions of this article

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*
(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

211. Subparagraph 21 (b) of article 46

21. Mutual legal assistance may be refused:

... 

(b) If the requested State Party considers that execution of the request is likely to prejudice its sovereignty, security, ordre public or other essential interests;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases in which you refused mutual legal assistance because you considered that the execution of the request was likely to prejudice your sovereignty, security, ordre public or other essential interests

If applicable and available, please provide information on recent other cases in which you were refused mutual legal assistance because the execution of the request was considered to be likely to prejudice other States parties' sovereignty, security, ordre public or other essential interests

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
212. Subparagraph 21 (c) of article 46

21. Mutual legal assistance may be refused:

... (c) If the authorities of the requested State Party would be prohibited by its domestic law from carrying out the action requested with regard to any similar offence, had it been subject to investigation, prosecution or judicial proceedings under their own jurisdiction;

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases in which you refused mutual legal assistance because the requested action was prohibited by your domestic law

If applicable and available, please provide information on other recent cases in which you were refused mutual legal assistance because the requested action was prohibited by the requested State Party’s domestic law

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

213. Subparagraph 21 (d) of article 46

21. Mutual legal assistance may be refused:

...
(d) If it would be contrary to the legal system of the requested State Party relating to mutual legal assistance for the request to be granted.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If applicable and available, please provide information on recent court or other cases in which you refused mutual legal assistance because it would have been contrary to your legislative framework on mutual legal assistance

If applicable and available, please provide information on other recent cases in which you were refused mutual legal assistance because it would have been contrary to the requested State Party’s legislative framework on mutual legal assistance

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

214. Paragraph 22 of article 46

22. States Parties may not refuse a request for mutual legal assistance on the sole ground that the offence is also considered to involve fiscal matters.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including mutual legal assistance in recent cases involving fiscal matters

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

215. Paragraph 23 of article 46

23. Reasons shall be given for any refusal of mutual legal assistance.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

216. Paragraph 24 of article 46

24. The requested State Party shall execute the request for mutual legal assistance as soon as possible and shall take as full account as possible of any deadlines suggested by the requesting State Party and for which reasons are given, preferably in the request. The requesting State Party may make reasonable requests for information on the status and progress of measures taken by the requested State Party to satisfy its request. The requested State Party shall respond to reasonable requests by the requesting State Party on the status, and progress in its handling, of the request. The requesting State Party shall promptly inform the requested State Party when the assistance sought is no longer required.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Please provide information on the customary length of time between receiving requests for mutual legal assistance and responding to them

This depends on the type of MLA requested. Finland is usually able to respond within two months.

Note should be taken of the fact that MLA among European Union countries has shifted from cooperation between central authorities, to direct contacts. In these cases, routine requests may take only a few weeks to be filled.

Please provide information on recent cases in which a requesting State inquired about the status and progress of measures taken by your authorities

- 

Please provide information on recent cases in which your country was able to respond to such inquiries and how

- 

Please provide information on recent cases in which the requesting State Party informed you that the assistance sought was no longer required

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
Please provide information on the customary length of time between submitting requests for mutual legal assistance and receiving a response to them

This depends entirely on the country, the case, and the applicable agreement. Within the European Union, with direct requests, the time frame can be a few weeks. With countries that are parties to the Council of Europe MLA Convention, the time frame is usually around a few months. Outside of the European Union and Council of Europe spheres, there are fewer requests, and thus it is more difficult to state a "customary length of time". However, it would certainly be several months at least.

Please provide information on recent cases in which you requested information about the status and progress of measures taken by another State Party’s authorities

This is part of standard MLA procedure. The question does not seem relevant. Such requests are sent as a matter of course when considerable time has elapsed without any response.

Please provide information on recent cases in which another State Party was able to respond to such inquiries and how. Please provide information on recent cases where you informed another State Party that the assistance sought was no longer required

No information is available on such cases.

Have you ever assessed the effectiveness of the measures adopted to regulate the execution of requests for mutual legal assistance?

(N) No

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

217. Paragraph 25 of article 46

25. Mutual legal assistance may be postponed by the requested State Party on the ground that it interferes with an ongoing investigation, prosecution or judicial proceeding.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

See the response to question 154.
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including recent cases in which the provision of mutual legal assistance was postponed by the requested State Party on the ground that it interfered with an ongoing investigation, prosecution or judicial proceeding.

Please provide information on recent cases in which you postponed the provision of mutual legal assistance on the ground that it interfered with an ongoing investigation, prosecution or judicial proceeding.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

218. Paragraph 26 of article 46

26. Before refusing a request pursuant to paragraph 21 of this article or postponing its execution pursuant to paragraph 25 of this article, the requested State Party shall consult with the requesting State Party to consider whether assistance may be granted subject to such terms and conditions as it deems necessary. If the requesting State Party accepts assistance subject to those conditions, it shall comply with the conditions.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, recent related cases, and ways in which they were handled.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

219. Paragraph 27 of article 46

27. Without prejudice to the application of paragraph 12 of this article, a witness, expert or other person who, at the request of the requesting State Party, consents to give evidence in a proceeding or to assist in an investigation, prosecution or judicial proceeding in the territory of the requesting State Party shall not be prosecuted, detained, punished or subjected to any other restriction of his or her personal liberty in that territory in respect of acts, omissions or convictions prior to his or her departure from the territory of the requested State Party. Such safe conduct shall cease when the witness, expert or other person having had, for a period of fifteen consecutive days or for any period agreed upon by the States Parties from the date on which he or she has been officially informed that his or her presence is no longer required by the judicial authorities, an opportunity of leaving, has nevertheless remained voluntarily in the territory of the requesting State Party or, having left it, has returned of his or her own free will.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

220. Paragraph 28 of article 46
28. The **ordinary costs** of executing a request shall be **borne by the requested State Party**, unless otherwise agreed by the States Parties concerned. If expenses of a substantial or extraordinary nature are or will be required to fulfil the request, the States Parties shall consult to determine the terms and conditions under which the request will be executed, as well as the manner in which the costs shall be borne.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable policy(ies) or other measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide examples of recent arrangements related to cases in which costs were not covered (only) by the requested State

There have not recently been any such cases.

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

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221. **Subparagraph 29 (a) of article 46**

29. The requested State Party:

(a) **Shall provide** to the requesting State Party copies of government records, documents or information in its possession that under its domestic law are **available to the general public**;

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on how such records, documents or information can be obtained and how they were provided to the requesting State Party

Reference has already been made of the Openness of Government Activities Act, and to the constitutional principle that all documents in the possession of the authorities is public, unless an exception has explicitly been made in an Act of Parliament. If a State Party requests recordsm, documents or information in the possession of the authorities, this will be provided in the same way and on the same grounds as to any individual.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

222. Subparagraph 29 (b) of article 46

29. The requested State Party:

...

(b) May, at its discretion, provide to the requesting State Party in whole, in part or subject to such conditions as it deems appropriate, copies of any government records, documents or information in its possession that under its domestic law are not available to the general public.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including the types of records, documents or information not available to the general public and ways in which they were provided to the requesting State Party and provided to you by a requested State Party

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
  See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

223. Paragraph 30 of article 46

30. States Parties shall consider, as may be necessary, the possibility of concluding bilateral or multilateral agreements or arrangements that would serve the purposes of, give practical effect to, or enhance the provisions of this article.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
  See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to conclude such bilateral or multilateral agreements or arrangements?

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

224. Article 47

States Parties shall consider the possibility of transferring to one another proceedings for the prosecution of an offence established in accordance with this Convention in cases where such transfer is considered to be in the interests of the proper administration of justice, in particular in cases where several jurisdictions are involved, with a view to concentrating the prosecution.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent court or other cases in which proceedings for the prosecution of an offence of corruption have been transferred to and from you

Have you ever assessed the effectiveness of the measures adopted to facilitate the transfer of proceedings for the prosecution of an offence established in accordance with the Convention?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

225. Subparagraph 1 (a) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

(a) To enhance and, where necessary, to establish channels of communication between their competent authorities, agencies and services in order to facilitate the secure and rapid exchange of information concerning all aspects of the offences covered by this Convention, including, if the States Parties concerned deem it appropriate, links with other criminal activities;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Do you have a database through which information can be shared?

The European Judicial Network is developing a general data base, access to which is restricted to competent authorities of the European Union member states.

The European Union is currently developing a more general data base intended for the use of the public, and containing information also on domestic legal matters.

If available, please provide examples of recent cases in which your law enforcement authorities have exchanged information with those of other State Parties for offences covered by this Convention (please describe the aspects of such offences covered by information exchanges)

If applicable, please provide information on exchange of information for recent cases involving other criminal activities

Have you ever assessed the effectiveness of the measures adopted to establish or enhance channels of communication with other States Parties’ law enforcement authorities, agencies and services?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

226. Subparagraph 1 (b) (i) of article 48
1. States Parties shall **cooperate closely** with one another, consistent with their respective domestic legal and administrative systems, to **enhance the effectiveness of law enforcement action to combat the offences covered by this Convention**. States Parties shall, in particular, take effective measures:

... 

(b) To **cooperate** with other States Parties in **conducting inquiries with respect to offences covered by this Convention** concerning:

(i) The identity, whereabouts and activities of persons suspected of involvement in such offences or the location of other persons concerned;

---

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

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**227. Subparagraph 1 (b) (ii) of article 48**

1. States Parties shall **cooperate closely** with one another, consistent with their respective domestic legal and administrative systems, to **enhance the effectiveness of law enforcement action to combat the offences covered by this Convention**. States Parties shall, in particular, take effective measures:

... 

b) To **cooperate** with other States Parties in **conducting inquiries with respect to offences covered by this Convention** concerning:

... 

(ii) The movement of proceeds of crime or property derived from the commission of such offences;
Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

228. Subparagraph 1 (b) (iii) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... b) To cooperate with other States Parties in conducting inquiries with respect to offences covered by this Convention concerning:

... (iii) The movement of property, equipment or other instrumentalities used or intended for use in the commission of such offences;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

229. Subparagraph 1 (c) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... 

(c) To provide, where appropriate, necessary items or quantities of substances for analytical or investigative purposes;

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

230. Subparagraph 1 (d) of article 48
1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

   (d) To exchange, where appropriate, information with other States Parties concerning specific means and methods used to commit offences covered by this Convention, including the use of false identities, forged, altered or false documents and other means of concealing activities;

Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related analyses, reports or typologies related to means and methods used to commit offences established in accordance with the Convention

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.
231. Subparagraph 1 (e) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... (e) To facilitate effective coordination between their competent authorities, agencies and services and to promote the exchange of personnel and other experts, including, subject to bilateral agreements or arrangements between the States Parties concerned, the posting of liaison officers;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable, please identify/describe the liaison officer positions within your law enforcement authorities

Have you ever assessed the effectiveness of the measures adopted to facilitate the exchange of personnel and other experts?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

232. Subparagraph 1 (f) of article 48

1. States Parties shall cooperate closely with one another, consistent with their respective domestic legal and administrative systems, to enhance the effectiveness of law enforcement action to combat the offences covered by this Convention. States Parties shall, in particular, take effective measures:

... (f) To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the offences covered by this Convention.
Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to exchange information and coordinate administrative and other measures taken for the purpose of early identification of offences established in accordance with the Convention?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

233. Paragraph 2 of article 48

2. With a view to giving effect to this Convention, States Parties shall consider entering into bilateral or multilateral agreements or arrangements on direct cooperation between their law enforcement agencies and, where such agreements or arrangements already exist, amending them. In the absence of such agreements or arrangements between the States Parties concerned, the States Parties may consider this Convention to be the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention. Whenever appropriate, States Parties shall make full use of agreements or arrangements, including international or regional organizations, to enhance the cooperation between their law enforcement agencies.

Has your country entered into bilateral or multilateral agreements or arrangements on direct cooperation with law enforcement agencies of other States Parties? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

As a member state of the European Union, Finland cooperates extensively with other EU member states in law enforcement, both bilaterally and through Europol.
Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Does your country consider this Convention as the basis for mutual law enforcement cooperation in respect of the offences covered by this Convention? (Check one answer)

(Y) Yes
"Yes", to the extent that also other instruments provide such a basis. UNCAC is only one of several possible bases for such cooperation.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide information on mutual law enforcement cooperation provided or received using this Convention as the legal basis

If applicable and available, please provide information on mutual law enforcement cooperation provided or received making use of international or regional organizations

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

234. Paragraph 3 of article 48

3. States Parties shall endeavour to cooperate within their means to respond to offences covered by this Convention committed through the use of modern technology.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under
review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

**235. Article 49**

States Parties shall consider concluding bilateral or multilateral agreements or arrangements whereby, in relation to matters that are the subject of investigations, prosecutions or judicial proceedings in one or more States, the competent authorities concerned may establish joint investigative bodies. In the absence of such agreements or arrangements, joint investigations may be undertaken by agreement on a case-by-case basis. The States Parties involved shall ensure that the sovereignty of the State Party in whose territory such investigation is to take place is fully respected.

*Has your country concluded bilateral or multilateral agreements that allow for the establishment of joint investigative bodies or has your country undertaken joint investigations on a case-by-case basis as described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)

This is done within the European Union on the basis of the relevant instruments on joint investigation teams.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on all joint investigations and joint investigative bodies

*Have you ever assessed the effectiveness of the measures adopted to provide for joint investigations and joint investigative bodies?*
(Y) Yes
The implementation of the EU instruments has been assessed by the European Commission.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

236. Paragraph 1 of article 50
1. In order to combat corruption effectively, each State Party shall, to the extent permitted by the basic principles of its domestic legal system and in accordance with the conditions prescribed by its domestic law, take such measures as may be necessary, within its means, to allow for the appropriate use by its competent authorities of controlled delivery and, where it deems appropriate, other special investigative techniques, such as electronic or other forms of surveillance and undercover operations, within its territory, and to allow for the admissibility in court of evidence derived therefrom.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Chapter 5a of the Coercive Measures Act (450/1987) contains extensive provisions on electronic surveillance. Provisions are also included in sections 31b - 31f of the Police Act (493/1995). Sections 31a and 32a of the Police Act contain provisions on undercover activity, and section 31b contains provisions on the right of a police officer to purchase property (such as stolen goods) in the course of an investigation.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If available, please provide information (statistics, types of cases, outcome) on related legal (civil, administrative or criminal) cases or other processes. Please provide per annum figures since the year 2003 (or further back, if available)

If available, please provide information on recent cases in which controlled delivery or other special investigative techniques have been used and admitted in court

Have you ever assessed the effectiveness of the measures adopted to allow for the use of controlled delivery and other special investigative techniques, and for the admissibility in court of evidence derived therefrom?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

01.10.2010 Finland
Assessment of the implementation of UNCAC in Finland
Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

237. Paragraph 2 of article 50

2. For the purpose of investigating the offences covered by this Convention, States parties are encouraged to conclude, when necessary, appropriate bilateral or multilateral agreements or arrangements for using such special investigative techniques in the context of cooperation at the international level. Such agreements or arrangements shall be concluded and implemented in full compliance with the principle of sovereign equality of States and shall be carried out strictly in accordance with the terms of those agreements or arrangements.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)

Please cite the text(s)
Such arrangements exist within the so-called Schengen accords structure (within the wider scope of the European Union).

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on recent cases in which bilateral or multilateral agreements or arrangements have facilitated the use of special investigative techniques

Have you ever assessed the effectiveness of the measures adopted to encourage agreements or arrangements to facilitate cross-border cooperation in the use of special investigative techniques?

(Y) Yes
This is under continuous review by Europol and other EU bodies.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

238. Paragraph 3 of article 50
3. In the **absence of an agreement or arrangement** as set forth in paragraph 2 of this article, decisions to use such special investigative techniques at the international level shall be made on a **case-by-case basis** and may, when necessary, take into consideration financial arrangements and understandings with respect to the exercise of jurisdiction by the States Parties concerned.

**Is your country in compliance with this provision? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s) or policy(ies)**

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review, including instances when decisions to use special investigative techniques at the international level were made on a case-by-case basis.

**Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?**

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

**239. Paragraph 4 of article 50**

4. Decisions to use **controlled delivery at the international level** may, with the consent of the States Parties concerned, include methods such as intercepting and allowing the goods or funds to continue intact or be removed or replaced in whole or in part.

**Is your country in compliance with this provision? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s)**

Please cite the text(s)

See the response to question 154.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent cases where goods or funds have been intercepted or allowed to continue intact or removed or replaced in whole or in part

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
V. Asset recovery

52. Prevention and detection of transfers of proceeds of crime

240. Paragraph 1 of article 52

1. Without prejudice to article 14 of this Convention, each State Party shall take such measures as may be necessary, in accordance with its domestic law, to require financial institutions within its jurisdiction to verify the identity of customers, to take reasonable steps to determine the identity of beneficial owners of funds deposited into high-value accounts and to conduct enhanced scrutiny of accounts sought or maintained by or on behalf of individuals who are, or have been, entrusted with prominent public functions and their family members and close associates. Such enhanced scrutiny shall be reasonably designed to detect suspicious transactions for the purpose of reporting to competent authorities and should not be so construed as to discourage or prohibit financial institutions from doing business with any legitimate customer.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies), law(s) or other measure(s) and threshold amount above which these apply

Please cite the text(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Do these measures apply equally to all types of financial institutions (eg, banks, money service businesses, money transfer service providers, bureaux de change, brokerages, mutual funds, mortgage providers, casinos, etc.)? Please outline current provisions regarding nominee accounts

Yes. According to section 3 of the Act:

Section 3
Parties subject to the obligation to report
(1) For the purposes of this Act, the following are parties subject to the obligation to report:
1) credit and financial institutions referred to in the Act on Credit Institutions (1607/1993);
2) branches and agencies of foreign credit and financial institutions referred to in the Act on the Operation of a Foreign Credit Institution or Financial Institution in Finland (1608/1993);
3) investment firms referred to in the Act on Investment Firms (579/1996) and such other institutions which are not investment firms but which, as a business, practise professional activities referred to in section 16 of the Act on Investment Firms;
4) branches and agencies of foreign investment firms referred to in the Act on the Right of a Foreign Investment Firm to Provide Investment Services in Finland (580/1996);
4a) management companies and custodians referred to in the Act on Common Funds (48/1999);
(54/1999)
5) limited-liability companies or co-operatives practising restricted credit institution activities referred to in section 1a of the Act on Credit Institutions; (365/2003)
6) insurance companies referred to in the Insurance Companies Act (1062/1979);
7) agencies of foreign insurance companies referred to in the Act on Foreign Insurance Companies (398/1995);
8) insurance brokers referred to in the Insurance Brokers Act (251/1993);
9) pawnshops referred to in the Pawnshops Act (1353/1992);
10) gaming operators referred to in section 12(1) of the Lotteries Act (1047/2001) practising pools, betting, totalisator betting or casino activities, as well as businesses, professions and institutions supplying registration and charges for participation in pools, betting and totalisator betting referred to in the Lotteries Act; (1052/2001)
11) real estate businesses and apartment rental agencies referred to in the Act on Real Estate Businesses and Apartment Rental Agencies (1075/2000); (365/2003)
12) the Central Securities Depository, account operators, and agencies located in Finland of other foreign institutions which have been granted the rights of an account operator referred to in the Act on the Book-entry System (826/1991); (365/2003)
13) businesses or professions practising payments transfer activity other than payment intermediation referred to in the Act on Credit Institutions; (365/2003)
14) businesses or professions carrying out duties referred to in section 1(1) of the Auditing Act (936/1994); (365/2003)
15) businesses or professions performing external accounting functions; (365/2003)
16) businesses or professions dealing in precious stones or metals, works of art or vehicles; (365/2003)
17) businesses or professions holding auctions; (365/2003)
18) businesses or professions providing assistance in legal matters. (365/2003)

(2) Businesses or professions providing assistance in legal matters referred to in subsection 1(18) above are subject to the obligation to report when they prepare for or carry out transactions on behalf of their client concerning buying and selling of real estate and business entities, managing of client money, securities or other assets, opening or management of bank, savings or securities accounts, organisation of contributions for the creation, operation or management of companies, or creation, operation or management of trusts, companies or similar legal arrangements, and buying and selling of business entities on behalf of and for a client. Legal professionals carrying out duties of an attorney are not subject to the obligation to report. For the purposes of this Act, duties of an attorney include, in addition to duties related to actual legal proceedings, the provision of legal advice concerning a client’s legal position in the pre-trial investigation of an offence or other pre-trial handling of the case, and instituting or avoiding proceedings. (365/2003)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

How do you promote compliance?
Compliance is required by law. Each type of financial institution is subject to intensive supervision of its own, under the relevant legislation.

If available, please provide statistical or other information on suspicious activities/transactions reported in connection with politically exposed persons (PEPs) and on cases of non-compliance. Please provide per annum figures since the year 2003 (or further back, if available)

What sanctions, if any, are provided for non-compliance?
See sections 16, 16a and 16b of the Act:

Section 16
Content of the obligation to identify (365/2003)
A person who, deliberately or through negligence, fails to fulfil the obligation to identify a customer laid down in sections 6, 7 or 11a or the obligation to keep records on the identification data referred to in section 8 shall be sentenced for violation of obligation to identify to a fine, unless a more severe penalty for the act is provided elsewhere in the law.

Section 16a
Violation of obligation to report money laundering (365/2003)
A person who, deliberately or through negligence, fails to make a report referred to in sections 10 or 11a, discloses such reporting in violation of the prohibition laid down in section 10, or fails to fulfil the customer due diligence obligation referred to in section 9 and, therefore, does not realise the existence of the obligation to report referred to in section 10 shall be sentenced for violation of obligation to report money laundering to a fine.
Section 16b
Violation of obligation to notify of payments transfer activity (365/2003)
A person who, deliberately or through negligence, fails to make a notification of payments transfer activity referred to in section 13a shall be sentenced for violation of obligation to notify of payments transfer activity to a fine, unless a more severe penalty for the act is provided elsewhere in the law.

**Have you ever assessed the effectiveness of the measures adopted to require financial institutions to verify the identity of their customers and conduct enhanced scrutiny of accounts sought or maintained by the individuals mentioned above?**

(Y) Yes
This is assessed not only domestically, but also by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

### 241. Subparagraph 2 (a) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

(a) **Issue advisories** regarding the types of natural or legal person to whose accounts financial institutions within its jurisdiction will be expected to apply **enhanced scrutiny**, the types of accounts and transactions to which to pay particular attention and appropriate account-opening, maintenance and record-keeping measures to take concerning such accounts; and

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please cite the text(s)
This follows from the FATF recommendations and from section 11a of the Money Laundering Act.

Section 11a
Enhanced identification, customer due diligence and reporting obligation (365/2003)
(1) If a transaction is connected with a State whose system of preventing and clearing money laundering does not meet the international standards, an enhanced identification, customer due diligence and reporting obligation applies to the transaction.
(2) To fulfil an enhanced obligation to report, parties subject to the obligation to report shall make a report referred to in section 10 to the Clearing House if their customers do not provide them with an account they have requested in order to fulfil the customer due diligence obligation, or if they consider that this account is unreliable. The same applies if the account obtained by parties subject to the obligation to report does not provide sufficient information on the grounds for the transaction and on the origin of the assets. Parties subject to the obligation to report shall also make a report to the Clearing House if a legal person cannot be identified or beneficiaries established in a reliable way. The same also applies if a person on behalf of whom a customer is acting cannot be identified.
If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please attach relevant sample advisories or guidelines

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

How often are advisories issued?

... 

If the advisories are publicly available, how can they be obtained?

*Have you ever assessed the effectiveness of the measures adopted to issue advisories regarding the types of natural or legal person to whose accounts financial institutions will be expected to apply enhanced scrutiny?*

(Y) Yes

Implementation of the FATF recommendations is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

242. Subparagraph 2 (b) of article 52

2. In order to facilitate implementation of the measures provided for in paragraph 1 of this article, each State Party, in accordance with its domestic law and inspired by relevant initiatives of regional, interregional and multilateral organizations against money-laundering, shall:

...

(b) Where appropriate, notify financial institutions within its jurisdiction, at the request of another State Party or on its own initiative, of the identity of particular natural or legal persons to whose accounts such institutions will be expected to apply enhanced scrutiny, in addition to those whom the financial institutions may otherwise identify.

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

Money Laundering Act.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on such requests made by another State Party and the ways in which those requests were handled/successfully fulfilled

Have you ever assessed the effectiveness of the measures adopted to notify financial institutions of the identity of natural or legal persons to whose accounts enhanced scrutiny is expected to apply?

(Y) Yes
Implementation of the FATF recommendations is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

243. Paragraph 3 of article 52
3. In the context of paragraph 2 (a) of this article, each State Party shall implement measures to ensure that its financial institutions maintain adequate records, over an appropriate period of time, of accounts and transactions involving the persons mentioned in paragraph 1 of this article, which should, as a minimum, contain information relating to the identity of the customer as well as, as far as possible, of the beneficial owner.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s). Please specify the period of time for which different types of institutions must maintain such records. Please provide information on sanctions provided in cases of non-compliance

Please cite the text(s)
Money Laundering Act, section 8.

Section 8
Keeping records on the identification data
(1) Records shall be kept on customer identification data in a secure manner for at least five years after the business transaction or relation is ended.

In addition, separate legislation on the different types of financial institutions contain their own provisions on record keeping.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:
*Have you ever assessed the effectiveness of the measures adopted to ensure that financial institutions maintain adequate records of accounts and transactions involving the persons mentioned in paragraph 1 of this article?*

(Y) Yes

Implementation of the FATF recommendations is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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**244. Paragraph 4 of article 52 (part 1)**

4. With the aim of enting and detecting transfers of proceeds of offences established in accordance with this Convention, each State Party shall implement appropriate and effective measures to prevent, with the help of its regulatory and oversight bodies, the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group…

*Has your country adopted and implemented the measures described above? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable rule(s) or measure(s)

Please cite the text(s)

   The Credit Institutions Act (1607/1993) sets out the criteria for establishing a bank. One criterion is that they have a physical presence in Finland or in another European Union member state.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please outline regulatory arrangements for online financial institutions

---

If applicable and available, please provide information on how such cases were handled

*Have you ever assessed the effectiveness of the measures adopted to prevent the establishment of banks that have no physical presence and that are not affiliated with a regulated financial group?*

(Y) Yes

Implementation of the FATF recommendations is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

245. Paragraph 4 of article 52 (part 2)

4. … Moreover, States Parties may consider requiring their financial institutions to refuse to enter into or continue a correspondent banking relationship with such institutions and to guard against establishing relations with foreign financial institutions that permit their accounts to be used by banks that have no physical presence and that are not affiliated with a regulated financial group.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Credit Institutions Act and the relevant specific legislation on different types of financial institutions.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to require financial institutions to operate as prescribed by the provision under review?

(Y) Yes

Implementation of the FATF recommendations is assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

246. Paragraph 5 of article 52

5. Each State Party shall consider establishing, in accordance with its domestic law, effective financial disclosure systems for appropriate public officials and shall provide for appropriate sanctions for non-compliance.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

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Please cite, summarize and attach the applicable measure(s). Please explain which categories of public officials are subject to such measures.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

See the response to question 20.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If financial disclosures by public officials are publicly available, how can they be obtained?

These are public documents, available from the authority in question.

If available, please provide information on instances where sanctions have been imposed for non-compliance

Non-compliance in such cases does not exist; the information is available as a constitutional right.

Have you ever assessed the effectiveness of the measures adopted to establish financial disclosure systems for appropriate public officials and appropriate sanctions for non-compliance?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

247. Paragraph 6 of article 52

6. Each State Party shall consider taking such measures as may be necessary, in accordance with its domestic law, to require appropriate public officials having an interest in or signature or other authority over a financial account in a foreign country to report that relationship to appropriate authorities and to maintain appropriate records related to such accounts. Such measures shall also provide for appropriate sanctions for non-compliance.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s). Please explain which categories of public officials are subject to such measures

Please cite the text(s)

See the response to question 20.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If records of such accounts are publicly available, how can they be obtained?

If available, please provide information on recent cases in which sanctions have been imposed for non-compliance

Are there cases in which the investigation of such accounts led to charges or convictions for offences established in accordance with this Convention?

No such cases are known.

Are there cases in which the investigation of such accounts led to charges or convictions for offences established in accordance with the UN Convention against Transnational Organized Crime or its Protocols?

No such cases are known.

Have you ever assessed the effectiveness of the measures adopted to require public officials mentioned above to operate as prescribed by the provision under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

248. Subparagraph (a) of article 53

Each State Party shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit another State Party to initiate civil action in its courts to establish title to or ownership of property acquired through the commission of an offence established in accordance with this Convention;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Any natural or legal person may bring an action in a Finnish court. This right extends also to States.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable
if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to permit another State Party to initiate civil action in your courts as prescribed by the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

249. Subparagraph (b) of article 53

Each State Party shall, in accordance with its domestic law:

...

(b) Take such measures as may be necessary to permit its courts to order those who have committed offences established in accordance with this Convention to pay compensation or damages to another State Party that has been harmed by such offences; and

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
As noted in the previous response, a State may take legal action before a Finnish court. This right extends to the right to request compensation for any harm caused.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to permit your courts to order corruption
offenders to pay compensation or damages to another State Party harmed by such offences?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

250. Subparagraph (c) of article 53
Each State Party shall, in accordance with its domestic law:

... (c) Take such measures as may be necessary to permit its courts or competent authorities, when having to decide on confiscation, to recognize another State Party’s claim as a legitimate owner of property acquired through the commission of an offence established in accordance with this Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
As noted in the responses to questions 248 and 249 above, this follows from the right of a State to bring legal action in a court of Finland.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to permit your courts or competent authorities, when deciding on confiscation, to recognize another State Party’s claim as prescribed by the provision under review?

(Y) Yes
Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
251. Subparagraph 1 (a) of article 54

1. Each State Party, in order to provide [mutual legal assistance](#) pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to [permit its competent authorities](#) to give effect to an order of confiscation issued by a court of another State Party;

---

**Has your country adopted and implemented the measures described above? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s)**

Please cite the text(s)


Please attach the text(s)


Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

---

**Have you ever assessed the effectiveness of the measures adopted to permit your competent authorities to give effect to an order of confiscation issued by a court of another State Party?**

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

---

252. Subparagraph 1 (b) of article 54

1. Each State Party, in order to provide [mutual legal assistance](#) pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

... 

(b) Take such measures as may be necessary to [permit its competent authorities](#), where they have jurisdiction, to [order the confiscation of such property of foreign origin](#) by adjudication of an offence of money-laundering or such other offence as may be within its jurisdiction or by other procedures authorized under its domestic law; and
Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 251.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to permit your competent authorities to order the confiscation of property of foreign origin by adjudication of an offence of money-laundering or such other offence as prescribed by the provision under review?

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

253. Subparagraph 1 (c) of article 54

1. Each State Party, in order to provide mutual legal assistance pursuant to article 55 of this Convention with respect to property acquired through or involved in the commission of an offence established in accordance with this Convention, shall, in accordance with its domestic law:

... (c) Consider taking such measures as may be necessary to allow confiscation of such property without a criminal conviction in cases in which the offender cannot be prosecuted by reason of death, flight or absence or in other appropriate cases.

Has your country adopted and implemented the measures described above? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(MYSYS) Specificities in our legal system

Finnish law does not allow for criminal trials in absentia.
Please provide an account of your country’s efforts to date to implement the provision under review:

The question is not relevant, as the Finnish legal system does not accept "in absentia" criminal trials.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

The question is not relevant, as the Finnish legal system does not accept "in absentia" criminal trials.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

254. Subparagraph 2 (a) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(a) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a freezing or seizure order issued by a court or competent authority of a requesting State Party that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article;

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

Freezing: Act on International Assistance in Criminal Matters (4/1994), section 23; the European Union framework decision on the execution of orders freezing property or evidence

Enforcement of a court decision: Act on International Cooperation in the Enforcement of Certain Penal Sanctions (21/1987), section 1

Please attach the text(s)


Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases
Have you ever assessed the effectiveness of the measures adopted to permit your competent authorities to freeze or seize property upon a freezing or seizure order as prescribed by the provision under review?
(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Implementation of the EU framework decision has been reviewed by the European Commission.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

255. Subparagraph 2 (b) of article 54

2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

... 

(b) Take such measures as may be necessary to permit its competent authorities to freeze or seize property upon a request that provides a reasonable basis for the requested State Party to believe that there are sufficient grounds for taking such actions and that the property would eventually be subject to an order of confiscation for purposes of paragraph 1 (a) of this article; and

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures to permit your competent authorities to freeze or seize property upon a request as prescribed by the provision under review?
(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

256. Subparagraph 2 (c) of article 54
2. Each State Party, in order to provide mutual legal assistance upon a request made pursuant to paragraph 2 of article 55 of this Convention, shall, in accordance with its domestic law:

(c) Consider taking additional measures to permit its competent authorities to preserve property for confiscation, such as on the basis of a foreign arrest or criminal charge related to the acquisition of such property.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

Have you ever assessed the effectiveness of the measures adopted to permit your competent authorities to preserve property for confiscation as prescribed by the provision under review?

(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

257. Subparagraph 1 (a) of article 55
1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

(a) Submit the request to its competent authorities for the purpose of obtaining an order of confiscation
and, if such an order is granted, give effect to it; or

**Is your country in compliance with this provision? (Check one answer)**

(Y) Yes

**Please cite, summarize and attach the applicable measure(s).**

**What is the process by which received requests are processed?**

The question is not clear. Requests are directed to the Central Authority, which is the Ministry of Justice. The Central Authority forwards the request to the appropriate authority for action.

Requests within the European Union rely on direct contacts, in accordance with the framework decision referred to above.

**Please cite the text(s)**

See the response to question 254.

**Please attach the text(s)**

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on the received requests that have resulted in an order for confiscation and, if such an order has been granted, on the orders which have been given effect.

**Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?**

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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258. **Subparagraph 1 (b) of article 55**

1. A State Party that has received a request from another State Party having jurisdiction over an offence established in accordance with this Convention for confiscation of proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention situated in its territory shall, to the greatest extent possible within its domestic legal system:

   ...

   (b) Submit to its competent authorities, with a view to giving effect to it to the extent requested, an order of confiscation issued by a court in the territory of the requesting State Party in accordance with articles 31, paragraph 1, and 54, paragraph 1 (a), of this Convention insofar as it relates to proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, situated in the territory...
of the requested State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on requests submitted to your competent authorities in response to a request for an order of confiscation issued by a court of another country.

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

259. Paragraph 2 of article 55

2. Following a request made by another State Party having jurisdiction over an offence established in accordance with this Convention, the requested State Party shall take measures to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities referred to in article 31, paragraph 1, of this Convention for the purpose of eventual confiscation to be ordered either by the requesting State Party or, pursuant to a request under paragraph 1 of this article, by the requested State Party.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)
See the response to question 254.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and related court or other recent cases

If available, please provide information on recent cases in which you have made a request for identification, freezing and tracing or seizure of the proceeds of crime for the purpose of eventual confiscation

If available, please provide information on recent cases in which you have received a request to identify, freeze and trace or seize the proceeds of crime for the purpose of eventual confiscation

Have you ever assessed the effectiveness of the measures adopted to identify, trace and freeze or seize proceeds of crime, property, equipment or other instrumentalities for the purpose of eventual confiscation as prescribed by the provision under review?
(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

260. Subparagraph 3 (a) of article 55
3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

(a) In the case of a request pertaining to paragraph 1 (a) of this article, a description of the property to be confiscated, including, to the extent possible, the location and, where relevant, the estimated value of the property and a statement of the facts relied upon by the requesting State Party sufficient to enable the requested State Party to seek the order under its domestic law;

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 254. The requirements of the contents of the request follow directly from UNCAC itself.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide relevant parts of sample request(s) and ways in which they were handled

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

261. Subparagraph 3 (b) of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

... 

(b) In the case of a request pertaining to paragraph 1 (b) of this article, a legally admissible copy of an order of confiscation upon which the request is based issued by the requesting State Party, a statement of the facts and information as to the extent to which execution of the order is requested, a statement specifying the measures taken by the requesting State Party to provide adequate notification to bona fide third parties and to ensure due process and a statement that the confiscation order is final;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254. The requirements of the contents of the request follow directly from UNCAC itself.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or
legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide relevant parts of sample request(s) and ways in which they were handled

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

262. Subparagraph 3 (c) of article 55

3. The provisions of article 46 of this Convention are applicable, mutatis mutandis, to this article. In addition to the information specified in article 46, paragraph 15, requests made pursuant to this article shall contain:

... (c) In the case of a request pertaining to paragraph 2 of this article, a statement of the facts relied upon by the requesting State Party and a description of the actions requested and, where available, a legally admissible copy of an order on which the request is based.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254. The requirements of the content of the request follow directly from UNCAC itself.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide relevant parts of sample request(s) and ways in which they were
handled

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

263. Paragraph 4 of article 55

4. The decisions or actions provided for in paragraphs 1 and 2 of this article shall be taken by the requested State Party in accordance with and subject to the provisions of its domestic law and its procedural rules or any bilateral or multilateral agreement or arrangement to which it may be bound in relation to the requesting State Party.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

264. Paragraph 5 of article 55

5. Each State Party shall furnish copies of its laws and regulations that give effect to this article and of any subsequent changes to such laws and regulations or a description thereof to the Secretary-General of the United Nations.

Has your country furnished copies of its laws to the Secretary-General of the United Nations as prescribed above? (Check one answer)

(Y) Yes

265. Paragraph 6 of article 55

6. If a State Party elects to make the taking of the measures referred to in paragraphs 1 and 2 of this article conditional on the existence of a relevant treaty, that State Party shall consider this Convention the necessary and sufficient treaty basis.

Does your country make cooperation for purposes of confiscation conditional on the existence of a treaty?

(Y) Yes

Does your country rely on the Convention as legal basis for cooperation?

(Y) Yes
266. Paragraph 7 of article 55

7. Cooperation under this article may also be refused or provisional measures lifted if the requested State Party does not receive sufficient and timely evidence or if the property is of de minimis value.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254. If the request does not meet the requirements of form specified in the Act, the request will not be enforced.

Finland does not have a clear-cut de minimis level. Requests for the enforcement of very petty sums will be refused, since already the expense of translating the documents may exceed the sum to be collected.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please provide information on recent cases in which you have refused cooperation or lifted provisional measures due to insufficient or untimely evidence or because the property was of de minimis value

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

267. Paragraph 8 of article 55

8. Before lifting any provisional measure taken pursuant to this article, the requested State Party shall, wherever possible, give the requesting State Party an opportunity to present its reasons in favour of continuing the measure.
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This follows from praxis in mutual legal assistance. There is no specific provision.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If available, please provide information on recent cases in which a requesting State Party has been given the opportunity to present its reasons in favour of continuing a provisional measure before it is lifted

Please describe how the case(s) were handled

[To our knowledge, there have not been any such cases recently.]

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

268. Paragraph 9 of article 55

9. The provisions of this article shall not be construed as prejudicing the rights of bona fide third parties.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This follows from basic principles of justice. If a third party asserts ownership of the property, he or she can challenge the request in court.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one
of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review and recent related cases in which innocent third parties were involved

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

269. Article 56

Without prejudice to its domestic law, each State Party shall endeavour to take measures to permit it to forward, without prejudice to its own investigations, prosecutions or judicial proceedings, information on proceeds of offences established in accordance with this Convention to another State Party without prior request, when it considers that the disclosure of such information might assist the receiving State Party in initiating or carrying out investigations, prosecutions or judicial proceedings or might lead to a request by that State Party under this chapter of the Convention.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

This follows from UNCAC itself and from a pragmatic approach to MLA. Spontaneous provision of information does not require a statutory basis.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review, including related court or other recent cases
Have you ever assessed the effectiveness of the measures adopted to permit your relevant authorities to forward information on proceeds of offences established in accordance with this Convention to another State Party without prior request?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

270. Paragraph 1 of article 57

1. Property confiscated by a State Party pursuant to article 31 or 55 of this Convention shall be disposed of, including by return to its prior legitimate owners, pursuant to paragraph 3 of this article, by that State Party in accordance with the provisions of this Convention and its domestic law.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent cases and total monetary value of property(ies) confiscated and disposed of, including by return to its prior legitimate owners, by your country. Please provide per annum figures since the year 2003 (or further back, if available)

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
271. Paragraph 2 of article 57

2. Each State Party shall adopt such legislative and other measures, in accordance with the fundamental principles of its domestic law, as may be necessary to enable its competent authorities to return confiscated property, when acting on the request made by another State Party, in accordance with this Convention, taking into account the rights of bona fide third parties.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

See the response to question 254.

Please attach the text(s)

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent cases and total monetary value of confiscated property(ies) confiscated, which have been returned when acting on the request of another State Party

Have you ever assessed the effectiveness of the measures adopted to enable your competent authorities to return confiscated property as prescribed above?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

272. Subparagraph 3 (a) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

(a) In the case of embezzlement of public funds or of laundering of embezzled public funds as referred to in articles 17 and 23 of this Convention, when confiscation was executed in accordance with article 55 and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party;
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable policy(ies) or measure(s):

Please cite the text(s)
See the response to question 254. The requesting State has the same rights as any owner of property or assets to show its rights of ownership. If the requesting State indicates that the proceeds of crime belong to it, then these assets will be returned.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review.

If available, please provide information on recent cases and total monetary value of confiscated property(ies), in the case of embezzlement of public funds or of laundering of embezzled public funds, which have been returned to a requesting State Party.

Please outline any lessons learnt, analyses, or reports related to such cases
[To our knowledge, there have been no such cases recently.]

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes
See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

273. Subparagraph 3 (b) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

... 

(b) In the case of proceeds of any other offence covered by this Convention, when the confiscation was executed in accordance with article 55 of this Convention and on the basis of a final judgement in the requesting State Party, a requirement that can be waived by the requested State Party, return the confiscated property to the requesting State Party, when the requesting State Party reasonably establishes its prior ownership of such confiscated property to the requested State Party or when the requested State Party recognizes damage to the requesting State Party as a basis for returning the confiscated property;
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review

If available, please provide information on recent cases and total monetary value of confiscated property(ies), as it relates to this provision, which have been returned to a requesting State Party

Please outline any lessons learnt, analyses, or reports related to such cases

[To our knowledge, there have been no such cases recently.]

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

274. Subparagraph 3 (c) of article 57

3. In accordance with articles 46 and 55 of this Convention and paragraphs 1 and 2 of this article, the requested State Party shall:

... 

(c) In all other cases, give priority consideration to returning confiscated property to the requesting State Party, returning such property to its prior legitimate owners or compensating the victims of the crime.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

01.10.2010 Finland Assessment of the implementation of UNCAC in Finland
See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples and as much detail as possible of the successful implementation of domestic measures adopted to comply with the provision under review

Please describe relevant cases and outline any lessons learnt, analyses, or reports related to such cases

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

275. Paragraph 4 of article 57

4. Where appropriate, unless States Parties decide otherwise, the requested State Party may deduct reasonable expenses incurred in investigations, prosecutions or judicial proceedings leading to the return or disposition of confiscated property pursuant to this article.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 254.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):
Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Are there any recent cases in which you have deducted expenses incurred in investigations, prosecutions or judicial proceedings leading to the return of disposition of confiscated property?

No.

If available, please provide information on amounts deducted in each case

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(Y) Yes

See the response to question 254.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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**276. Paragraph 5 of article 57**

5. Where appropriate, States Parties may also give special consideration to concluding agreements or arrangements, on a case-by-case basis, for the final disposal of confiscated property.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable agreement(s), arrangement(s) or other measure(s)*

Please cite the text(s)

There have been no such cases.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide details of recent cases in which agreements or arrangements were made for the final disposal of confiscated property. If possible, please explain the legal basis or criteria used

There have been no such cases.

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

277. Article 58

States Parties shall cooperate with one another for the purpose of preventing and combating the transfer of proceeds of offences established in accordance with this Convention and of promoting ways and means of recovering such proceeds and, to that end, shall consider establishing a financial intelligence unit to be responsible for receiving, analysing and disseminating to the competent authorities reports of suspicious financial transactions.

Has your country adopted and implemented the measures described above? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable institutional arrangement(s) and measure(s)

Please cite the text(s)

Please attach the text(s)
Section 4
Money Laundering Clearing House
For carrying out duties pertaining to clearing money laundering, a Money Laundering Clearing House, hereafter the Clearing House, is located at the National Bureau of Investigation. The Clearing House shall also promote cooperation between different authorities in the prevention of money laundering, as well as cooperation and exchange of information with foreign authorities and international organisations responsible for clearing money laundering. The National Bureau of Investigation shall provide the ministry responsible for police activities with an annual report on the activity of the Clearing House and the progress of anti-money laundering action in Finland in general.

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide the website address of your financial intelligence unit
http://www.poliisi.fi/poliisi/kp/home.nsf/pages/indexeng is the website address of the National Bureau of Investigation, where Finland's FIU is located

If applicable, please provide any reports or other documents published by your financial intelligence unit (or corresponding web links)

Have you ever assessed the effectiveness of the measures adopted to establish a financial intelligence unit as prescribed above?
(Y) Yes
This has been assessed by the FATF.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

278. Article 59
States Parties shall consider concluding bilateral or multilateral agreements or arrangements to enhance the effectiveness of international cooperation undertaken pursuant to this chapter of the Convention.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable agreement(s), arrangement(s) or other measure(s)

Please cite the text(s)
Finland is a party to the relevant European Union and Council of Europe instruments, such as the 1990 and the 2005 Council of Europe Money Laundering Conventions. Finland is also a member of the FATF.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes
Finland's implementation of the Council of Europe conventions, the OECD Convention on bribery, and the FATF recommendations, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
VI. Technical assistance and information exchange

60. Training and technical assistance

279. Paragraph 1 of article 60

1. Each State Party shall, to the extent necessary, initiate, develop or improve specific training programmes for its personnel responsible for preventing and combating corruption. Such training programmes could deal, inter alia, with the following areas:

(a) Effective measures to prevent, detect, investigate, punish and control corruption, including the use of evidence-gathering and investigative methods;

(b) Building capacity in the development and planning of strategic anti-corruption policy;

(c) Training competent authorities in the preparation of requests for mutual legal assistance that meet the requirements of this Convention;

(d) Evaluation and strengthening of institutions, public service management and the management of public finances, including public procurement, and the private sector;

(e) Preventing and combating the transfer of proceeds of offences established in accordance with this Convention and recovering such proceeds;

(f) Detecting and freezing of the transfer of proceeds of offences established in accordance with this Convention;

(g) Surveillance of the movement of proceeds of offences established in accordance with this Convention and of the methods used to transfer, conceal or disguise such proceeds;

(h) Appropriate and efficient legal and administrative mechanisms and methods for facilitating the return of proceeds;

(i) Methods used in protecting victims and witnesses who cooperate with judicial authorities;

(j) Training in national and international regulations and in languages.

Is your country in compliance with provision (a) above? (Check one answer)

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with effective measures to prevent, detect, investigate, punish and control corruption, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

Is your country in compliance with provision (b) above? (Check one answer)

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

If available, please provide information on the total number of personnel per training sessions dealing with building capacity in the development and planning of strategic anti-corruption policy, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)
If applicable, please provide information and attach evaluations or self-assessments of training sessions

**Is your country in compliance with provision (c) above? (Check one answer)**

(Y) Yes

If available, please provide information on the total number of personnel and authorities per training sessions dealing with the preparation of requests for mutual legal assistance that meet the requirements of this Convention, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

If available, please provide information and attach any reports or risk/vulnerability assessments conducted (Please refer to article 5 and preparations of national plans and strategies, have research and analytical products been converted into training programmes/aids?)

**Is your country in compliance with provision (d) above? (Check one answer)**

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with the evaluation and strengthening of institutions, public service management and the management of public finances, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

**Is your country in compliance with provision (e) above? (Check one answer)**

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with preventing and combating the transfer of proceeds of offences established in accordance with this Convention, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

**Is your country in compliance with provision (f) above? (Check one answer)**

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with detecting and freezing of the transfer of proceeds of offences established in accordance with this Convention, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

**Is your country in compliance with provision (g) above? (Check one answer)**
(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with the surveillance of the movement of proceeds of offences established in accordance with this Convention and the methods used to transfer, conceal or disguise such proceeds, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

Is your country in compliance with provision (h) above? (Check one answer)

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with the appropriate and efficient legal and administrative mechanisms and methods for facilitating the return of proceeds of offences established in accordance with this Convention, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

Is your country in compliance with provision (i) above? (Check one answer)

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with methods used in protecting victims and witnesses who cooperate with judicial authorities, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

Is your country in compliance with measure (j) described above? (Check one answer)

(Y) Yes

If available, please provide information on the total number of personnel per training sessions dealing with national and international regulations and in languages, frequency and length of such sessions. Please provide per annum figures since the year 2003 (or further back, if available)

If applicable, please provide information and attach evaluations or self-assessments of training sessions

Have you ever assessed the effectiveness of the measures adopted to comply with the provision/s under review?

(Y) Yes

Finland's implementation of the Council of Europe Criminal Law Convention on Corruption, and the OECD Convention, has been reviewed.

Please outline (or, if available, attach) the results of such an assessment including methods, tools
and resources utilized:

280. Paragraph 1 of article 60

1. Each State Party shall, to the extent necessary, initiate, develop or improve **specific training programmes for its personnel responsible for preventing and combating corruption**… (Please include here only what does not apply to paragraphs (a) - (j).)

Has your country adopted and implemented any measures other than those specified in the sub-paragraphs of the provision under review? (Check one answer)

(N) No

Which challenges and issues are you facing in (fully) adopting/implementing the provision under review? (Check all the answers that apply and provide an explanation in the "Comments" field)

(ISSUE) Other issues (please specify)

Paragraphs (a) . (j) are sufficiently comprehensive in themselves.

Please provide an account of your country’s efforts to date to implement the provision under review:

The question is not relevant.

Please outline the steps or action (and related timeframe) that domestic or other authorities would need to take to ensure full compliance with the provision under review

The question is not relevant.

Which of the following forms of technical assistance, if available, would assist your country in adopting or better implementing the provision under review? (Check all the answers that apply)

(NO) No assistance would be required

Are any of the forms of technical assistance previously mentioned already provided? (Check one answer)

(N) No

281. Paragraph 2 of article 60

2. States Parties shall, according to their capacity, consider **affording one another the widest measure of technical assistance**, especially for the benefit of developing countries, in their respective plans and programmes to combat corruption, including material support and training in the areas referred to in paragraph 1 of this article, and training and assistance and the mutual exchange of relevant experience and specialized knowledge, which will facilitate international cooperation between States Parties in the areas of extradition and mutual legal assistance.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If technical assistance as prescribed above is provided in the context of programmes or projects, please provide a description of their themes, specific topics and geographic scope (e.g. country/region)

-Socially sustainable development is at the core of Finnish development policy. It includes work to support the rule of law, democratic governance, democracy and human rights in the Partner Countries of Finland (Ethiopia, Kenya, Mozambique, Nepal, Nicaragua, Tanzania, Vietnam and Zambia). Anti-corruption forms a part of democratic governance work in Finnish development policy. Development is only possible in socially sustainable societies. For this reason, the Ministry of Foreign Affairs, together with the Ministry of the Interior and the Ministry of Justice, has actively promoted anti-corruption in Finland’s development policy. The major part of work is carried out in multilateral fora and on the EU level, as well as in bilateral relations with its eight long-term Partner Countries. Finland has participated actively in many international projects in different countries funded through the European Union, including so-called Twinning projects.

In multilateral fora, Finland has worked for strengthened governance and anti-corruption agendas in the framework both of the United Nations system, and of international and regional financial institutions such as the World Bank. Finnish development policy stresses that the international norms to which the target countries have committed themselves, are the normative foundation of democratic governance work. This applies in particular to the United Nations Convention against Corruption which, together with international human rights conventions, lies at the core of this normative foundation.

Finland is actively involved in the governance work of the EU. During the Finnish Presidency in the autumn 2006 the Council adopted Conclusions on “Governance in the European Consensus on Development. Towards a harmonised approach within the European Union”. The Conclusions recognized an incentive tranche to the African, Caribbean and Pacific countries as a tool to support democratic governance on the basis of their governance performance and their future vision on governance. A similar philosophy of recognizing good governance performance has been applied to other regions by the EU. Finland uses several types of instruments in its operational activities in the field of anticorruption.

The recent trend is to pay attention to natural resources management. Worldwide, 3.5 billion people live in countries that are rich in oil, gas and minerals. With good governance, the exploitation of these resources can generate large revenues to foster growth and reduce poverty. Finland has recently joined the Extractive Industries Transparency Initiative (EITI). The EITI supports improved governance in resource-rich countries through the verification and full publication of company payments and government revenues from oil, gas and mining. Similar types of initiatives are supported in the field of forestry. Currently Finland gives more attention to sectoral governance, and in this way tries to increase the efficiency of anti-corruption work in politically difficult environments.

Finland is also a member of the European Partners against Corruption (EPAC), which cooperates with national police oversight bodies and anti-corruption authorities of the European Union.
At the core of Finnish anti-corruption work is support to civil society. Finland uses several aid instruments (direct support to local, national and international non-governmental organisations, local co-operation funds etc) in order to support civil society in different parts of the world. In multi- and bilateral co-operation Finland directly supports anti-corruption programmes in the prevention of corruption. These programmes include, for example, support to anti-corruption commissions, justice sector reforms, the strengthening of the role of parliaments, and better access to information.

Finland participates in many good governance projects spearheaded by the UNDP.

Finland has been an active supporter of the work of the World Bank on the development of good governance agendas, of OECD’s Network on Governance Anti-Corruption Task Team, of Transparency International, the World Economic Forum’s Partnering against Corruption, and of the recently established International Association of Anti-Corruption Authorities, IAACA.

Please provide information on corresponding budgets

It is not possible to separate technical assistance for anti-corruption projects from more general rule-of-law and other development projects.

Please provide available final programme/project reports

See the website noted above.

Please provide any evaluation reports available

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

282. Paragraph 3 of article 60

3. States Parties shall strengthen, to the extent necessary, efforts to maximize operational and training activities in international and regional organizations and in the framework of relevant bilateral and multilateral agreements or arrangements.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable international or regional training programme(s) or other measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

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If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

If available, please provide information on the number of staff that have participated in international and regional training sessions as well as information about the content of those training sessions. Please provide per annum figures since the year 2003 (or further back, if available)

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

**283. Paragraph 4 of article 60**

4. States Parties shall consider assisting one another, upon request, in conducting *evaluations, studies and research relating to the types, causes, effects and costs of corruption* in their respective countries, with a view to developing, with the participation of competent authorities and society, strategies and action plans to combat corruption.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

If you have provided technical assistance to other States Parties in conducting evaluations, studies and research as prescribed above, please list which countries you have assisted and in what capacity. If such assistance is provided in the context of projects, please also provide titles and short description of such projects

If you have received technical assistance from other States Parties in conducting evaluations, studies and research as prescribed above, please list which countries have assisted you and in what capacity. If such assistance is received in the context of projects, please also provide titles and short descriptions of such projects

Please provide information on evaluations, research and studies (completed or ongoing) on the types, causes, effects, costs and prevention of corruption

This process is currently underway within the framework of UNCAC.

**284. Paragraph 5 of article 60**

5. In order to facilitate the recovery of proceeds of offences established in accordance with this Convention, States Parties may cooperate in providing each other with the names of experts who could assist in
achieving that objective.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please list the countries that you have provided with the names of your domestic experts who could assist in recovery of proceeds of corruption

Please list the countries that have provided you with the names of their domestic experts who could assist in recovery of proceeds of corruption

285. Paragraph 6 of article 60

6. States Parties shall consider using subregional, regional and international conferences and seminars to promote cooperation and technical assistance and to stimulate discussion on problems of mutual concern, including the special problems and needs of developing countries and countries with economies in transition.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite the applicable conferences and seminars and summarize the applicable cooperation, technical assistance and discussion(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide details on subregional, regional and international conferences and seminars used to promote cooperation and technical assistance as prescribed above

If available, please provide information on cooperation and technical assistance that have been provided or received as a result of discussions at such conferences and seminars

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.
Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

286. Paragraph 7 of article 60
7. States Parties shall consider establishing voluntary mechanisms with a view to contributing financially to the efforts of developing countries and countries with economies in transition to apply this Convention through technical assistance programmes and projects.

*Has your country established the voluntary mechanisms described above? (Check one answer)*

(N) No

If you have contributed financially to other States Parties, please list which countries you have assisted, in what capacity, criteria for assistance, allocated budget, priorities, areas of concentration, timeframes, annual reports of activities, and evaluation reports.

If you have received a financial contribution from other States Parties, please list which countries have assisted you, in what capacity, allocated budget, priorities, areas of concentration, timeframes, annual reports of activities, and evaluation reports.

287. Paragraph 8 of article 60
8. Each State Party shall consider making voluntary contributions to the United Nations Office on Drugs and Crime for the purpose of fostering, through the Office, programmes and projects in developing countries with a view to implementing this Convention.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

288. Paragraph 1 of article 61
1. Each State Party shall consider analysing, in consultation with experts, trends in corruption in its territory, as well as the circumstances in which corruption offences are committed.

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

*Please cite, summarize and attach the applicable measure(s)*

Please cite the text(s)

See the response to question 154.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If applicable and available, please provide the results of your analysis(es) on trends in corruption in your territory and circumstances in which corruption offences are committed

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No

See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

289. Paragraph 2 of article 61

2. States Parties shall consider developing and sharing with each other and through international and regional organizations statistics, analytical expertise concerning corruption and information with a view to developing, insofar as possible, common definitions, standards and methodologies, as well as information on best practices to prevent and combat corruption.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)

See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

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Assessment of the implementation of UNCAC in Finland
Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

290. Paragraph 3 of article 61

3. Each State Party shall consider monitoring its policies and actual measures to combat corruption and making assessments of their effectiveness and efficiency.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See the response to question 154.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Please provide any available reports and analyses

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(N) No
See the response to question 154.

Would you require any assistance in conducting such an assessment? If so, please describe which assistance would be needed.

291. Paragraph 1 of article 62

1. States Parties shall take measures conducive to the optimal implementation of this Convention to the extent possible, through international cooperation, taking into account the negative effects of corruption on society in general, in particular on sustainable development.
Has your country adopted and implemented the measures described above? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please cite the text(s)

Socially sustainable development is at the core of Finnish development policy. It includes work to support the rule of law, democratic governance, democracy and human rights in the Partner Countries of Finland. Anti-corruption forms a part of democratic governance work in Finnish development policy. Development is only possible in socially sustainable societies.

For this reason, the Ministry of Foreign Affairs, together with the Ministry of the Interior and the Ministry of Justice, has actively promoted anti-corruption in Finland's development policy. The major part of work is carried out in multilateral fora and on the EU level, as well as in bilateral relations with its eight long-term Partner Countries. Finland has participated actively in many international projects in different countries funded through the European Union, including so-called Twinning projects.

In multilateral fora, Finland has worked for strengthened governance and anti-corruption agendas in the framework both of the United Nations system, and of international and regional financial institutions such as the World Bank. Finnish development policy stresses that the international norms to which the target countries have committed themselves, are the normative foundation of democratic governance work. This applies in particular to the United Nations Convention against Corruption which, together with international human rights conventions, lies at the core of this normative foundation.

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

292. Subparagraph 2 (a) of article 62

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

(a) To enhance their cooperation at various levels with developing countries, with a view to strengthening the capacity of the latter to prevent and combat corruption;
Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

If you have received such coordinated assistance, how have you benefited from it?

What would you like to see done differently in the future, listed by priority
[ No response]  

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

293. Subparagraph 2 (b) of article 62

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

... 

(b) To enhance financial and material assistance to support the efforts of developing countries to prevent and fight corruption effectively and to help them implement this Convention successfully;

Is your country in compliance with this provision? (Check one answer)

(Y) Yes

Please cite, summarize and attach the applicable measure(s)
Please cite the text(s)
See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?*

(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

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**294. Subparagraph 2 (c) of article 62 (part 1)**

2. States Parties shall make concrete efforts to the extent possible and in coordination with each other, as well as with international and regional organizations:

... (c) To provide technical assistance to developing countries and countries with economies in transition to assist them in meeting their needs for the implementation of this Convention…;

*Is your country in compliance with this provision? (Check one answer)*

(Y) Yes

Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

*Have you ever assessed the effectiveness of the measures adopted to comply with the provision under*
295. Subparagraph 2 (c) of article 62 (part 2)

2. States Parties shall make **concrete efforts** to the extent possible and in coordination with each other, as well as with international and regional organizations:

...  
(c) ...To that end, States parties shall endeavour to **make adequate and regular voluntary contributions to an account specifically designated for that purpose in a United Nations funding mechanism.** States Parties may also give special consideration, in accordance with their domestic law and the provisions of this Convention, to contributing to that account a percentage of the money or of the corresponding value of **proceeds of crime or property confiscated** in accordance with the provisions of this Convention;

Is your country in compliance with this provision? (Check one answer)  
(Y) Yes

If you have made voluntary contributions to other States Parties through an account specifically designated for that purpose in a United Nations funding mechanism, please list which countries you have assisted. If your contributions have been ear-marked for specific projects, please provide information on allocated budget, priorities, areas of concentration, timeframes, annual reports of activities, and evaluation reports.

If you have received voluntary contributions from other States Parties through an account specifically designated for that purpose in a United Nations funding mechanism, please list which countries have assisted you. If the contributions have been ear-marked for specific projects, please provide information on allocated budget, priorities, areas of concentration, timeframes, annual reports of activities, and evaluation reports.

296. Subparagraph 2 (d) of article 62

2. States Parties shall make **concrete efforts** to the extent possible and in coordination with each other, as well as with international and regional organizations:

...  
(d) To **encourage and persuade other States and financial institutions as appropriate to join them in efforts** in accordance with this article, in particular by providing more training programmes and modern equipment to developing countries in order to assist them in achieving the objectives of this Convention.

Is your country in compliance with this provision? (Check one answer)

(Y) Yes
Please cite, summarize and attach the applicable measure(s)

Please cite the text(s)
Finland works closely together with other countries through a variety of structures, including the UN, the OECD, the Council of Europe and the EU, in addition to work on a bilateral basis.

Please attach the text(s)
Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:

297. Paragraph 3 of article 62
3. To the extent possible, these measures shall be without prejudice to existing foreign assistance commitments or to other financial cooperation arrangements at the bilateral, regional or international level.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

298. Paragraph 4 of article 62
4. States Parties may conclude bilateral or multilateral agreements or arrangements on material and logistical assistance, taking into consideration the financial arrangements necessary for the means of international cooperation provided for by this Convention to be effective and for the prevention, detection and control of corruption.

Is your country in compliance with this provision? (Check one answer)
(Y) Yes

Please cite, summarize and attach the applicable bilateral or multilateral agreement(s) or arrangement(s) or other measure(s)
Please cite the text(s)
See above.

Please attach the text(s)

Please attach summary(ies) in English - obligatory, if the text(s) previously provided are not in one of the following languages: Arabic, Chinese, English, French, Russian or Spanish. Highly desirable if the text(s) previously provided are in Arabic, Chinese or Russian.

If applicable, please provide copies of draft bills or other measures related to the provision under review which are about to be adopted (e.g. legislation in final formal stages of enactment or legislation pending official publication):

Please provide examples of the successful implementation of domestic measures adopted to comply with the provision under review:

Have you ever assessed the effectiveness of the measures adopted to comply with the provision under review?
(Y) Yes

Please outline (or, if available, attach) the results of such an assessment including methods, tools and resources utilized:
B. Other information

299. Other information

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of, or difficulties in, implementing the Convention other than those mentioned above.

Please provide any other information you believe is important for the Conference of the States Parties to the United Nations Convention against Corruption to consider at this stage regarding aspects of or difficulties in implementing the Convention other than those mentioned above.