

**Translation from Finnish**

**Legally binding only in Finnish and Swedish**

**Ministry of Justice, Finland**

**Criminal Code**

*(39/1889; amendments up to 433/2021 included)*

**Chapter 1 (626/1996)**

**Scope of application of the criminal law of Finland**

**Section 1 (626/1996)**

**Offence committed in Finland**

Finnish law applies to an offence committed in Finland.

Provisions on the application of Finnish law to an offence committed in the exclusive economic zone of Finland are laid down in the Act on the Exclusive Economic Zone of Finland (1058/2004) and the Act on Environmental Protection in Maritime Transport (1672/2009). (1680/2009)

**Section 2 (626/1996)**

**Offence connected to a Finnish vessel**

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 a territory not belonging to any state, or while the aircraft was in or over such a territory, or

2) while the vessel was in the territory of a foreign state or the aircraft was in or over such a 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.

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 the perpetrator has, by the offence, violated his or her special statutory duty as the master of the vessel or aircraft or as a member of its crew.

### **Section 3 (626/1996)**

#### **Offence directed at Finland**

Finnish law applies to such an offence committed outside of Finland that was directed at Finland.

An offence is deemed to have been directed at Finland, if

- 1) it is an offence of treason or high treason,
- 2) the act has otherwise seriously violated or endangered the national, military or economic rights or interests of Finland, or
- 3) it has been directed at a Finnish authority.

### **Section 4 (626/1996)**

#### **Offence in public office and military offence**

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)

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 (626/1996)**

#### **Offence directed at a Finnish person**

Finnish law applies to an offence committed outside of Finland that has been directed at a Finnish citizen, a Finnish corporate entity, a Finnish foundation or another Finnish legal person, or an alien permanently resident in Finland, if a sentence of imprisonment of more than six months may be imposed for the act under Finnish law.

### **Section 6 (626/1996)**

#### **Offence committed by a Finnish citizen**

Finnish law applies to an offence committed outside of Finland by a Finnish citizen. If the offence was committed in a territory not belonging to any state, a prerequisite for punishability is that a sentence of imprisonment of more than six months may be imposed for the act under Finnish law.

A person who was a Finnish citizen at the time of the offence or is a Finnish citizen at the beginning of judicial proceedings is deemed to be a Finnish citizen.

The following are equated with 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 judicial proceedings, and
- 2) a person who is caught in Finland and who at the beginning of judicial proceedings is a citizen of Denmark, Iceland, Norway or Sweden or permanently resident in one of these countries at that time.

## **Section 7 (626/1996)**

### **International offence**

Finnish law applies to such an offence committed outside of Finland where the punishability of the act is, regardless of the law of the place of commission, 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 are issued by decree.

Regardless of the law of the place of commission, Finnish law also applies to such a nuclear device offence or preparation of endangerment that is to be deemed an offence referred to in the Comprehensive Nuclear-Test-Ban Treaty (Finnish Treaty Series 15/2001). (841/1998)

Regardless of the law of the place of commission, Finnish law also applies to the following offences committed outside of Finland:

- 1) trafficking in human beings and aggravated trafficking in human beings,
- 2) offences punishable under chapter 34a,
- 3) robbery, aggravated robbery, extortion and aggravated extortion committed for the purpose of committing an offence referred to in chapter 34a, section 1 or 1a or section 2, paragraph 3, and
- 4) forgery and aggravated forgery committed for the purpose of committing an offence referred to in chapter 34a, section 1, subsection 1, paragraphs 2–8 or subsection 2; section 1a; section 2, paragraph 3; or section 4, 5 or 5c. (281/2021)

## **Section 8 (626/1996)**

### **Other offence committed outside of Finland**

Finnish law applies to such an offence committed outside of Finland for which a sentence of imprisonment of more than six months may be imposed under Finnish law, if the state in whose territory the offence was committed has requested that charges be brought in a Finnish court or that the perpetrator be extradited because of the offence, but the request has not been granted.

## **Section 9 (626/1996)**

### **Corporate criminal liability**

If, under this chapter, Finnish law applies to an offence, corporate criminal liability is also determined under Finnish law.

## **Section 10 (626/1996)**

### **Place of commission**

An offence is deemed to have been committed both where the criminal act was committed and where the consequence specified in the statutory definition of the offence occurred. An offence of omission is deemed to have been committed both where the perpetrator should have acted and where the consequence specified in the statutory definition of the offence occurred.

If an offence remains an attempt, it is also deemed to have been committed where the consequence specified in the statutory definition of the offence either probably or in the opinion of the perpetrator would have occurred, if the offence had been completed.

An offence by an inciter and an abettor is deemed to have been committed both where the act of complicity was committed and where the offence by the perpetrator is deemed to have been committed.

If there is no certainty as to the place of commission, but there is justified reason to believe that an offence was committed in the territory of Finland, the offence is deemed to have been committed in Finland.

## **Section 11 (626/1996)**

### **Requirement of dual criminality**

If an offence has been committed in the territory of a foreign state, the application of Finnish law may only be based on sections 5, 6 and 8 if the offence is also punishable under the law of the place of commission and a punishment could also have been imposed for it 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 for the offence in Finland.

Even if an act is not punishable under the law of the place of commission, Finnish law applies to it if it was committed by a Finnish citizen or a person referred to in section 6, subsection 3, paragraph 1 and a punishment for it is provided in:

- 1) chapter 11, section 5 or 6, if the act is a war crime or aggravated war crime referred to in Article 15 of the Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict or an act of complicity in these offences,
- 2) chapter 15, sections 1–9 under section 12a of the same chapter,
- 3) chapter 16, sections 1–3 and even if the offence is directed at a person referred to in chapter 40, section 11, paragraph 2, 3 or 5 or a foreign public official in the service of the International Criminal Court,
- 4) chapter 16, section 13, 14, 14a or 14b and even if the provisions are applied under section 20 of the same chapter,
- 5) chapter 17, section 18, 18a or 19,
- 6) chapter 20, section 1, 2, 4, 5, 6, 7, 7b or 8a–8c, (486/2019)
- 7) chapter 20, section 9 or 9a, if the act is directed at a person under 18 years of age,
- 8) chapter 21, section 5 or 6, chapter 22, section 1 or 2, or chapter 25, section 8, if the act is forced marriage referred to in Article 37, female genital mutilation referred to in Article 38, or forced abortion or forced sterilisation referred to in Article 39 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Finnish Treaty Series 53/2015),

9) chapter 29, section 1, 2, 5–7 or 7a, chapter 32, section 6 or 7, or chapter 36, section 1 or 2, if the act is fraud affecting the Union's financial interests referred to in Article 3(2) or another criminal offence affecting the Union's financial interests referred to in Article 4(1)–(3) of Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law,

10) chapter 30, section 7, 7a, 8 or 8a and even if the provisions are applied under section 14 of the same chapter,

11) chapter 40, sections 1–4 or 4a, if the perpetrator is a Member of Parliament, a foreign public official or a member of a foreign parliament, or

12) chapter 40, section 7, 8, 8a or 8b, if the act is misappropriation referred to in Article 4(3) of Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law, and the perpetrator is a Member of Parliament, a foreign public official or a member of a foreign parliament. (368/2019)

Even if an act is not punishable under the law of the place of commission, it shall be deemed a predicate offence for money laundering or aggravated money laundering, if the act is punishable under:

1) chapter 16, section 13 or 14,

2) chapter 17, section 1a, 8, 8a, 18, 18a or 19,

3) chapter 20, section 1, 2, 4, 5, 6, 7, 7b or 8a–8c,

4) chapter 20, section 9 or 9a and the act is directed at a person under 18 years of age,

5) chapter 30, section 7, 7a, 8 or 8a, or

6) chapter 40, section 1 or 2. (943/2020)

## **Section 12 (205/1997)**

### **Prosecution order by the Prosecutor General**

A criminal case shall not be considered in Finland without a prosecution order issued by the Prosecutor General, where:

1) the offence was committed abroad, or

2) the offence was committed by an alien on board a foreign vessel when the vessel was in Finland's territorial waters, or on board a foreign aircraft while the aircraft was in Finland's airspace, and the offence was not directed at Finland, a Finnish citizen, an alien permanently resident in Finland or a Finnish corporate entity, a Finnish foundation or another Finnish legal person.

However, an order by the Prosecutor General is not required, if:

1) the offence was committed by a Finnish citizen or a person who under section 6 is equated with a Finnish citizen, and the offence was directed at Finland, a Finnish citizen, an alien permanently resident in Finland, or a Finnish corporate entity, a Finnish foundation or another Finnish legal person,

2) the offence was committed in Denmark, Iceland, Norway or Sweden and the competent prosecutor of the place of commission has requested that the offence be considered by a Finnish court, (441/2011)

3) the offence was committed on board a Finnish vessel while it was on the high seas or in a territory not belonging to any state or on board a Finnish aircraft while it was in or over such a territory,

4) the offence was committed on board a vessel or aircraft while it was in scheduled traffic between locations in Finland or between a location in Finland and a location in Denmark, Iceland, Norway or Sweden,

5) the offence shall be considered as a criminal case under the Military Court Procedure Act (326/1983), or

6) under the law, it is the President of the Republic or Parliament that decides whether charges are to be brought.

### **Section 13 (626/1996)**

#### **Foreign judgment**

Charges shall not be brought in Finland if a final judgment has already been passed 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 accused was found guilty but punishment was waived,
  - 3) the sentence has been 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)

Notwithstanding the provisions of subsection 1, the Prosecutor General may order that charges be brought in Finland, if the judgment passed abroad was not based on a request made by a Finnish authority or a request for extradition granted by the Finnish authorities and

- 1) under section 3, the offence is deemed to have been 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) under section 10, the offence is deemed to have also been committed 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.

*Subsection 3 was repealed by Act 515/2003.*

## **Section 14 (626/1996)**

### **Reference provision**

Separate provisions apply to extradition and other international legal assistance and to the immunity in certain cases of persons participating in judicial proceedings or in a criminal investigation.

## **Section 15 (626/1996)**

### **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.

Notwithstanding the provisions of this chapter, the restrictions on the scope of application of Finnish law based on generally recognised rules of international law shall also apply.

## **Chapter 2**

### **Punishments**

#### **Section 1 (515/2003)**

*Section 1 was repealed by Act 515/2003.*

#### **Section 2 (780/2005)**

*Section 2 was repealed by Act 780/2005.*

#### **Section 3 (613/1974)**

Where an offence is punishable under law by imprisonment in the penitentiary, a sentence of imprisonment shall be imposed instead of imprisonment in the penitentiary.

A sentence of life imprisonment shall be imposed instead of imprisonment in the penitentiary for life. A sentence of imprisonment shall be imposed instead of imprisonment in the penitentiary for a fixed term in accordance with the penal scale specified for imprisonment in the penitentiary in the appropriate penal provision. If no specific minimum and maximum terms have been determined in the penal provision, a sentence of imprisonment of at least six months and at most twelve years shall be imposed instead of imprisonment in the penitentiary.

Unless otherwise provided, the maximum term of imprisonment under a penal provision issued before 1 July 1975 is four years.

The provisions on imprisonment in the penitentiary for life also apply to life imprisonment.

#### **Sections 4–5**

*Sections 4–5 were repealed by Act 550/1999.*

#### **Section 6**

If a punishment is to be determined on the basis of the value of given property, the value of the property at the time of commission of the offence is decisive.

## **Section 7 (792/1989)**

Removal from office referred to in the penal provisions of chapters 11 and 40 of this Code comprises the forfeiture of the public office or function in which the offence was committed. If the public official has been transferred from the office in which the offence was committed to another corresponding office, the removal from office comprises the forfeiture of that office. (990/2009)

In cases referred to in section 10 of this chapter, the removal from office comprises the forfeiture of the public office and function or the public offices and functions that the sentenced person has when the sentence is imposed.

## **Sections 8–9**

*Sections 8–9 were repealed by Act 792/1989.*

## **Section 10 (604/2002)**

A public official, a person holding a public position of trust or a person exercising public authority who is sentenced to life imprisonment shall also be sentenced to be removed from office. A person shall also be sentenced to be removed from office if he or she is sentenced to imprisonment for a fixed term of at least two years, unless the court deems that the offence does not demonstrate that the sentenced person is unsuitable to serve as a public official or attend to a public function.

If a person referred to in subsection 1 is sentenced for an intentional offence to imprisonment for a term of less than two years, he or she may, at the same time, be sentenced to be removed from office, if the offence demonstrates that he or she is manifestly unsuitable to serve as a public official or attend to a public function.

However, a member of the representative body of a public sector entity who has been elected in a general election shall not be sentenced to be removed from that office under this section.

## **Section 11 (1/1969)**

*Section 11 was repealed by Act 1/1969.*

## **Section 12 (604/2002)**

*Section 12 was repealed by Act 604/2002.*

### **Section 13 (780/2005)**

If a prisoner or a remand prisoner, in prison or otherwise while under the supervision of a public official of the Criminal Sanctions Agency, commits an offence that is not expected to lead to a more severe punishment than a fine, a disciplinary punishment may be imposed for the offence as provided in chapter 15 of the Imprisonment Act (767/2005) and chapter 10 of the Remand Imprisonment Act (768/2005). If the offence can be expected to lead to a more severe punishment than a fine, the offence shall be reported to the police or another criminal investigation authority. (731/2011)

If a prisoner or a remand prisoner commits an offence outside of prison, the matter shall be reported to the police or another criminal investigation authority.

### **Section 14 (1/1969)**

*Section 14 was repealed by Act 1/1969.*

### **Section 14a (578/1995)**

A person sentenced to a punishment for an offence of treason or high treason or to imprisonment for at least two years for another offence shall be sentenced to be stripped of his or her military rank, unless this is to be deemed unreasonable, taking into consideration the nature of the offence, the circumstances that led to the offence and are manifested in it, and the other consequences of the loss of military rank to the perpetrator.

However, no one shall be sentenced to be stripped of the lowest military rank. (559/2000)

### **Section 15 (395/2015)**

*Section 15 was repealed by Act 395/2015.*

### **Section 16 (875/2001)**

*Section 16 was repealed by Act 875/2001.*

### **Section 17 (463/2003)**

*Section 17 was repealed by Act 463/2003.*

## **Section 18**

In certain cases, sanctions other than those referred to here shall be used, as separately provided in this Code.

### **Chapter 2a (550/1999)**

#### **Fine, conversion sentence and fixed fine**

##### **Fine**

### **Section 1 (550/1999)**

#### **Number of unit fines**

A fine shall be imposed as unit fines, the minimum number of which is one and the maximum number of which is 120.

Chapter 7 contains provisions on the maximum and minimum for a joint fine.

For a special reason, a specific minimum or maximum for a fine may be provided by law, within the limits laid down in subsection 1.

A specific minimum or maximum for a fine provided by law before 1 June 1969 shall not apply.

### **Section 2 (808/2007)**

#### **Monetary amount of a unit fine**

The monetary amount of a unit fine shall be determined so that it is reasonable in view of the solvency of the person fined.

One sixtieth of the average monthly income of the person fined, less the taxes and fees defined by government decree and a fixed deduction for basic consumption, is deemed to be a reasonable monetary amount for a unit fine. Maintenance liability of the person fined may decrease the amount of the unit fine.

The primary basis for calculating the monthly income is the income of the person fined as indicated in tax information. If the income of the person fined cannot reliably be ascertained based on tax information or if it has essentially changed since taxation, the income may also be assessed based on other information. (321/2019)

In court, the amount of a unit fine is determined based on the information available at the time of judicial proceedings, and in the procedure under the Act on Imposing Fines and Fixed Fines (754/2010), the amount of a unit fine is determined based on the information available at the time of issue of an order for a fine, a demand for a fine or a demand for a punishment. However, the prosecutor shall determine the amount of a unit fine on the basis of the information available at the time of issuing a penal order, if it has become evident that the solvency of the person to whom a demand for a fine or a demand for a punishment has been issued has essentially changed since the demand was issued. (985/2016)

Further provisions on the taxation to be used as the basis for calculating the monthly income, the calculation of the average monthly income, the rounding-off of the monetary amount of the unit fine, the amount of the fixed deduction for basic consumption, the manner in which the maintenance liability shall be taken into account, and the minimum monetary amount of a unit fine are issued by government decree. (321/2019)

### **Section 3 (808/2007)**

#### **Total monetary amount of a fine**

The total monetary amount of a fine is equal to the monetary amount of a unit fine multiplied by the number of unit fines.

It may be provided by government decree that the total monetary amount of a fine imposed for certain offences shall be increased so that it is equal to the maximum amount of a fixed fine or a traffic penalty fee determined in the Road Traffic Act (729/2018) that can be imposed for a similar type of offence or violation. (732/2018)

The increase referred to in subsection 2 shall be made before the provisions of chapter 7, section 3a concerning an increase of the total monetary amount when imposing a joint punishment for offences punishable by a fine and a fixed fine are applied to the punishment. (985/2016)

#### **Conversion sentence**

### **Section 4 (578/2008)**

#### **Imposing a conversion sentence**

If a person has been sentenced to a fine and the collection of the fine has failed, imprisonment shall be imposed on the person instead of the fine (*conversion sentence*). An unpaid conditional

fine, the collection of which has failed, shall be converted into imprisonment, if the court has imposed it in order to ensure the conduct of judicial proceedings or under the Enforcement Code (705/2007). Any other conditional fine shall not be converted into imprisonment.

However, a fine shall not be converted into imprisonment if:

- 1) the fine has been imposed in the procedure specified in the Act on Imposing Fines and Fixed Fines,
- 2) the number of unpaid unit fines is less than 16, or
- 3) the offence for which the fine was imposed was committed by a person under 18 years of age. (603/2019)

## **Section 5 (603/2019)**

### **Length of a conversion sentence**

The length of a conversion sentence is determined so that four unpaid unit fines correspond to one day of imprisonment. If the number of unit fines to be converted is not divisible by four, the remainder shall be left unconverted. If only a part of a unit fine has been paid, the unit fine is deemed unpaid.

When determining the length of a conversion sentence for a conditional fine imposed as a lump sum in euros, every full EUR 30 corresponds to one day of imprisonment.

The length of a conversion sentence is at least four days and at most 40 days. A conversion sentence shall not be imposed without a special reason if the total amount of unpaid conditional fines is less than EUR 120.

If two or more fines are to be converted at the same time, only one conversion sentence shall be imposed as provided in subsection 3. In this case, a conditional fine is equated with a fine.

On the grounds laid down in section 6, subsection 1 or section 7, a court may determine that a conversion sentence be shorter than what is provided in this section, but its length shall, however, be at least four days.

## **Section 6 (603/2019)**

### **Waiving of conversion of a fine or a part of a fine**

A court may waive a conversion sentence, if the conversion sentence is to be deemed unreasonable or unnecessary when taking into consideration:

- 1) the personal circumstances or state of health of the person fined,
- 2) the participation of the person fined in healthcare and social welfare measures, or
- 3) a sentence of imprisonment or a community sanction imposed for some other offence on the person fined.

When determining a conversion sentence for a joint fine, the court shall assess the proportion of such fines in the joint punishment that cannot be converted into imprisonment and waive conversion for that part.

The part of a fine that constitutes an increase made to the total monetary amount of the fine under section 3, subsection 2 or chapter 7, section 3a shall not be converted into imprisonment.

## **Section 7 (550/1999)**

### **Waiving of conversion of a conditional fine**

A court may waive a conversion sentence for an unpaid conditional fine, if

- 1) the main obligation has been complied with in full or in part, or
- 2) the conversion sentence is to be deemed unreasonable or unnecessary when taking into consideration the personal circumstances of the person subject to the obligation, the other consequences of the failure to comply with the main obligation to that person, or other circumstances.

## **Fixed fine**

### **Section 8 (985/2016)**

#### **Fixed fine**

A fixed fine is a pecuniary punishment of a fixed amount in euros that is less severe than a fine and that is, as provided in the Act on Violations Giving Rise to a Fixed Fine (986/2016), the only punishment for certain violations.

An unpaid fixed fine shall not be converted into imprisonment.

### **Sections 9–11**

*Sections 9–11 were repealed by Act 985/2016.*

### **Chapter 2b (520/2001)**

#### **Conditional imprisonment**

### **Sections 1–2**

*Sections 1–2 were repealed by Act 515/2003.*

### **Section 3 (520/2001)**

#### **Content of conditional imprisonment**

When a sentence of imprisonment is imposed conditionally, the enforcement of the sentence is postponed for the duration of a probationary period. The duration of the probationary period is at least one year and at most three years. The probationary period begins when the judgment is pronounced or issued.

The sentence shall lapse if not ordered to be enforced under section 5.

Separate provisions apply to the choice between conditional and unconditional imprisonment and to sanctions that are ancillary to conditional imprisonment. (515/2003)

## **Section 4 (520/2001)**

### **Notice of the effects of a sentence**

A person sentenced to conditional imprisonment shall be notified, in connection with the pronouncement or issue of the judgment, of the end date of the probationary period and of the grounds on which the sentence may be ordered to be enforced.

## **Section 5 (520/2001)**

### **Ordering the enforcement of conditional imprisonment**

The court may order the enforcement of conditional imprisonment if the sentenced person commits such an offence during the probationary period for which the court deems a sentence of unconditional imprisonment or a combination sentence to be the appropriate sanction and for which charges have been brought within one year from the end of the probationary period. In such a case, a joint sentence of unconditional imprisonment or a combination sentence shall be imposed to cover the sentence to be enforced and the sentence to be imposed for the new offence committed during the probationary period, combined with any sentences of imprisonment to be imposed for other offences, in compliance with the provisions of chapter 2c, section 11 and chapter 7. (800/2017)

The court may also order that conditional imprisonment be enforced only in part, in which case the remainder of the sentence shall continue to be conditional, subject to the previously determined probationary period.

## **Chapter 2c (780/2005)**

### **Imprisonment and combination sentence (800/2017)**

#### **General provisions**

## **Section 1 (780/2005)**

### **Content of imprisonment**

The content of a sentence of imprisonment is deprivation or restriction of liberty. Provisions on the enforcement of a sentence of imprisonment are laid down in the Imprisonment Act.

## **Section 2 (780/2005)**

### **Length of imprisonment**

A sentence of imprisonment is imposed for a fixed term or for life.

A fixed-term sentence of imprisonment is imposed for at least fourteen days and at most twelve years or, when imposing a joint sentence under chapter 7, for at most fifteen years.

## **Section 3 (395/2015)**

### **Units of time in a sentence of imprisonment**

When imposing a sentence of imprisonment, years, months and days are used as units of time. Sentences of less than three months are imposed in days. A year is considered to consist of 365 days and a month is considered to consist of 30 days.

## **Section 4 (800/2017)**

### **Combining sentences of imprisonment**

If a sentenced person is simultaneously to serve several fixed-term sentences of imprisonment or prison terms that are part of a combination sentence, and they are not joined to form a joint sentence of imprisonment, the sentences shall be combined together at the prison.

A sentence of life imprisonment incorporates all sentences of imprisonment, combination sentences, conversion sentences for unpaid fines, and confinement that are to be enforced at the same time as the sentence of life imprisonment.

### **Conditional release**

## **Section 5 (521/2019)**

### **Definition of conditional release and determining the time for conditional release**

Conditional release means the release of a prisoner sentenced to unconditional imprisonment so that he or she can serve the rest of the sentence in freedom.

Unless otherwise provided in section 9, a person serving a fixed-term sentence of imprisonment is conditionally released once he or she has served two thirds of the sentence. A prisoner who has not served a sentence of imprisonment in prison during the five years preceding the offence is conditionally released once he or she has served half of the sentence.

Notwithstanding the provisions of subsection 2, a person serving a fixed-term sentence of imprisonment imposed for an offence committed under the age of 21 is conditionally released once he or she has served half of the sentence, unless otherwise provided in section 9. A prisoner who has committed an offence when under the age of 21 and who has not served a sentence of imprisonment in prison during the three years preceding the offence is conditionally released once he or she has served one third of the sentence.

The application of the more lenient proportions referred to in subsections 2 and 3 above is not precluded by the fact that the person has during the five or three years preceding the offence served in prison a conversion sentence for unpaid fines or a sentence for refusal to perform non-military service referred to in section 74 of the Non-Military Service Act (1446/2007), for a non-military service offence referred to in section 75 of the said Act, for refusal to perform non-military service during supplementary service or mobilisation referred to in section 76 of the said Act or for a non-military service offence during supplementary service or mobilisation referred to in section 77 of the said Act, or a sentence for refusing military service referred to in section 118 of the Conscription Act (1438/2007), for call-up absence during mobilisation referred to in section 120 of the said Act, for dodging military service referred to in section 122 of the said Act, or for dodging service during mobilisation referred to in section 123 of the said Act. Parts of a day are not taken into account when calculating the proportions. The period of deprivation of liberty referred to in chapter 6, section 13 of this Code is deducted from the proportions referred to above.

Conditional release is possible after 14 days of a sentence of imprisonment have been served.

## **Section 6 (521/2019)**

### **Conditional release from a joint sentence of imprisonment**

If the individual offences committed by a person serving a joint sentence of imprisonment would result in the application of two different proportions referred to in section 5, subsections 2 and 3, the larger proportion is applied to the conditional release of the person.

## **Section 7 (800/2017)**

### **Conditional release from several fixed-term sentences of imprisonment enforced at the same time**

A person serving several fixed-term sentences of imprisonment that are enforced at the same time is conditionally released once he or she has served the time that is arrived at when the periods to be served of each sentence, calculated on the basis of the proportions referred to in section 5,

subsections 2 and 3, are added up. In adding up the proportions, parts of a day are not taken into account. (521/2019)

A person serving several fixed-term sentences of imprisonment that are enforced at the same time shall be conditionally released at the latest once he or she has served a total of fifteen years in prison. However, if a person is to serve a prison term that is part of a combination sentence at the same time as one or more fixed-term sentences of imprisonment, the prisoner shall be conditionally released at the latest once he or she has served a total of twenty years in prison. The provisions of section 11, subsection 5 apply to the enforcement of supervision. When calculating the maximum times, the deductions to be made from the sentences in accordance with chapter 6, section 13 are taken into account.

If a prisoner or a remand prisoner serving a fixed-term sentence of imprisonment or a combination sentence commits an offence referred to in section 11, subsection 2, paragraph 1, the court may, on the request of the prosecutor, order that the provisions of subsection 2 of this section concerning the maximum times to be served shall not be applied to the sentence to be imposed.

## **Section 8 (800/2017)**

### **Probationary liberty under supervision**

A prisoner may be placed outside prison in probationary liberty under supervision effected by technical or other means six months before his or her conditional release at the earliest.

## **Section 9 (780/2005)**

### **Postponement of conditional release**

With the consent of the prisoner, his or her conditional release may be postponed if new sentences of imprisonment or conversion sentences for unpaid fines are to be enforced or if the prisoner wishes that his or her conditional release be postponed for some other justifiable reason.

Conditional release may be postponed without the consent of the prisoner if there is an evident risk, judging from the behaviour of the prisoner or threats made by him or her, that the prisoner would, if released, commit an aggravated offence against life, health or liberty and that postponement of the release is necessary in order to prevent the offence.

A decision to postpone conditional release in accordance with subsection 2 shall be taken up for reconsideration at intervals of at most six months.

Provisions on requesting a review of a decision to postpone conditional release are laid down in chapter 20 of the Imprisonment Act and provisions on the power of decision in matters concerning postponement are laid down in chapter 21 of the same Act.

## **Section 10 (1099/2010)**

### **Conditional release from life imprisonment**

A person sentenced to life imprisonment may be conditionally released at the earliest once he or she has served twelve years in prison. A person sentenced to life imprisonment for an offence committed below the age of 21 may be conditionally released at the earliest once he or she has served ten years in prison.

When considering conditional release, attention shall be paid to the nature of the offence or offences that had led to the sentence of life imprisonment, other punishments that were incorporated into the sentence of life imprisonment or that have been served during the period to be served in prison referred to in section 10a, other possible subsequent criminality of the sentenced person, and the circumstances referred to in section 9, subsection 2. When considering the release, account shall be taken of the implementation of the sentence plan referred to in chapter 4, section 6 of the Imprisonment Act and of the behaviour of the prisoner while in prison also in other respects. The commitment of the prisoner to complying with the conditions of medical treatment referred to in section 4 of the Act on Probationary Liberty under Supervision (629/2013) and of other possible related treatment and support may also be taken into account in the consideration. (628/2013)

Before a person sentenced to life imprisonment is conditionally released, he or she may be placed in probationary liberty under supervision. If the Central Administration of the Criminal Sanctions Agency considers that conditional release of a prisoner shall be reconsidered because he or she is found to have committed an offence before the conditional release, because the consent referred to in section 23, subsection 1 of the Act on Probationary Liberty under Supervision has been revoked, or because probationary liberty referred to in section 26, subsection 1 of the said Act has been revoked, it shall refer the matter for reconsideration to the Helsinki Court of Appeal. The same procedure shall be followed in matters concerning time counted as part of the term of sentence as referred to in section 28 of the Act on Probationary Liberty under Supervision and in chapter 3, section 7 of the Imprisonment Act. (628/2013)

Provisions on the consideration of such a matter at the Helsinki Court of Appeal are laid down in the Act on the Procedure for the Release of Life Prisoners (781/2005). (800/2017)

## **Section 10a (1099/2010)**

### **Calculation of the period to be served in prison by a life prisoner**

The term of sentence of a life prisoner and the time that he or she has been under arrest, on remand or otherwise deprived of his or her liberty due to the offence that led to the imposition of the sentence of life imprisonment before he or she started serving the sentence are taken into account when calculating the period to be served in prison.

The period of deprivation of liberty referred to in subsection 1 above is counted as part of the period to be served in prison even in cases where the prisoner is simultaneously serving a fixed-term sentence of imprisonment, a conversion sentence for unpaid fines, or confinement.

If a sentence of life imprisonment incorporates other sentences of imprisonment, any deductions made from these sentences under chapter 6, section 13 that concern the time before the beginning of the period of deprivation of liberty referred to in subsection 1 are not taken into account when calculating the period to be served in prison.

## **Section 11 (800/2017)**

### **Combination sentence**

When imposing a punishment, the court may, on the request of the prosecutor, decide that the accused be sentenced to a combination sentence that consists of unconditional imprisonment, the length of which is at most the length of the maximum punishment provided by law for the offence in question, and of a one-year supervision term that immediately follows the prison term. The provisions concerning conditional release and probationary liberty under supervision do not apply to combination sentences.

The prerequisites for the imposition of a combination sentence are that:

1) the perpetrator is sentenced to a fixed-term sentence of imprisonment of at least three years for murder, manslaughter, killing, aggravated assault, aggravated rape, aggravated sexual abuse of a child, aggravated rape of a child, aggravated robbery, aggravated criminal mischief, genocide, crime against humanity, aggravated crime against humanity, crime of aggression, war crime, aggravated war crime, torture, aggravated trafficking in human beings, hostage taking,

aggravated endangerment of health, nuclear device offence, hijacking, an offence committed with a terrorist intent, or an attempt at or complicity in such an offence, (486/2019)

2) the perpetrator has committed an offence mentioned in paragraph 1 during the ten years preceding the offence or within three years from having been released from serving a prison term that is part of a combination sentence or from serving a sentence of life imprisonment, and

3) the perpetrator is deemed, on the basis of circumstances related to the offences and an examination referred to in chapter 17, section 37, subsection 3 of the Code of Judicial Procedure, to be particularly dangerous to the life, health or liberty of another person.

If some other sentence than life imprisonment is imposed for two or more offences and at least one of the offences is an offence mentioned in subsection 2, paragraph 1, for which the court deems a combination sentence to be the appropriate punishment, the perpetrator shall be sentenced to a combination sentence. The provisions of chapter 7, section 2 on the maximum and minimum length of a fixed-term joint sentence of imprisonment apply to the length of a prison term that is part of a combination sentence. The length of the supervision term is one year also in cases referred to in this subsection.

The length of the supervision term is a total of one year also in cases where several combination sentences are to be enforced simultaneously.

If a person serving a combination sentence is simultaneously serving a fixed-term sentence of imprisonment, from which the person is conditionally released and he or she starts serving the supervision term that is part of the combination sentence at the same time, the Act on the Enforcement of Combination Sentences (801/2017) applies to the enforcement. The probationary period of conditional release elapses during this time. If the probationary period of conditional release is longer than the supervision term of the combination sentence, the provisions concerning the probationary period of conditional release apply to the enforcement of the remaining probationary period.

## **Section 12 (800/2017)**

### **Combination sentence as a basis for increasing the punishment**

If a person who has served a prison term that is part of a combination sentence commits, within three years from the end of the prison term, an offence for which the court deems unconditional

imprisonment or a combination sentence to be the appropriate punishment, this is deemed to constitute a basis for increasing the punishment.

### **Section 13 (780/2005)**

#### **Probationary period of conditional release**

A probationary period, the length of which equals the length of the sentence remaining at the time of release, begins when a sentenced person is conditionally released. However, the maximum length of the probationary period is three years.

The length of the probationary period of conditional release and the length of the sentence remaining after conditional release of a person sentenced to life imprisonment is three years. (800/2017)

Provisions on the enforcement of supervision of conditionally released persons are laid down in the Act on the Enforcement of Community Sanctions (400/2015). (401/2015)

### **Section 14 (780/2005)**

#### **Ordering the enforcement of a sentence remaining after conditional release**

On the request of the prosecutor, the court may order that the sentence remaining after conditional release be enforced, if the sentenced person, during the probationary period, commits a new offence for which the court deems unconditional imprisonment or a combination sentence to be the appropriate punishment and for which charges have been brought within one year from the end of the probationary period. In such a case, a joint sentence of unconditional imprisonment or a combination sentence is imposed to cover the sentence remaining after conditional release to be enforced and the sentence to be imposed for the new offence committed during the probationary period, combined with any sentences of imprisonment to be imposed for other offences, in compliance with the provisions of chapter 2c, section 11 and chapter 7. However, the sentence remaining after conditional release shall not be deemed the most severe punishment referred to in chapter 7, section 5, subsection 2. When determining the length of the sentence remaining after conditional release to be enforced, the court shall take into consideration the provisions of subsection 2 below. (800/2017)

Enforcement of a sentence remaining after conditional release may be waived in particular if:

- 1) most of the probationary period had been served before the offence referred to in subsection 1 was committed,
- 2) the sentence remaining after conditional release is short,
- 3) the sentence to be imposed for the new offence committed during the probationary period is short, or
- 4) ordering the enforcement of the sentence remaining after conditional release would lead to an unreasonable outcome for the perpetrator due to other consequences of the offence committed during the probationary period or due to other consequences of the sentence.

The court may also order that the sentence remaining after conditional release be enforced only in part, in which case the conditional release period and the previously determined probationary period continue.

When the court orders that a sentence remaining after conditional release be enforced, it shall state the length of the sentence remaining after conditional release or the part of it to be enforced.

## **Chapter 3 (515/2003)**

### **General prerequisites for criminal liability**

#### **Section 1 (515/2003)**

##### **Principle of legality**

A person may be found guilty of an offence only on the basis of an act that was specifically punishable under law at the time of its commission.

Punishments and other criminal sanctions shall be based on law.

#### **Section 2 (515/2003)**

##### **Temporal applicability**

The law in force when an offence was committed applies to the offence.

However, if the law in force at the time of sentencing is different from the law in force at the time of commission of the offence, the new law applies if its application leads to a more lenient result.

If the law is intended to be in force only for a fixed period of time, the law in force at the time of commission of an act applies to an act committed during this period, unless otherwise provided.

If the specific contents of a criminal provision in law are determined by other provisions in law or by provisions or rules issued under it, the punishability of an act is assessed on the basis of the provisions or rules in force at the time of the act, unless there are provisions in law to the contrary or unless the new provisions demonstrate that the attitude towards the punishability of the act has changed.

### **Section 3 (515/2003)**

#### **Punishability of omission**

An omission is punishable if so specifically determined in the statutory definition of an offence.

An omission is also punishable if the perpetrator has failed to prevent a consequence specified in the statutory definition of the offence from occurring, even though he or she had had a special legal duty to prevent the consequence from occurring. Such a duty may be based on:

- 1) a public office, function or position,
- 2) the relationship between the perpetrator and the victim,
- 3) the assumption of an assignment or a contract,
- 4) the perpetrator's actions that caused danger, or
- 5) some other reason comparable to these.

### **Section 4 (515/2003)**

#### **Age of criminal liability and criminal capacity**

Prerequisites for criminal liability are that the perpetrator had reached the age of fifteen years at the time of the act and has criminal capacity.

The perpetrator has no criminal capacity if at the time of the act, due to a mental illness, a severe mental deficiency or a serious mental disturbance or a serious disturbance of consciousness, he or she is not able to understand the factual nature or unlawfulness of his or her act or if the person's ability to control his or her behaviour is decisively weakened for such a reason (*criminal incapacity*).

If the perpetrator is not criminally incapable pursuant to subsection 2 but, due to a mental illness, a mental deficiency, a mental disturbance or a disturbance of consciousness, his or her ability to understand the factual nature or unlawfulness of his or her act or his or her ability to control his or her behaviour is significantly weakened (*diminished criminal capacity*), the provisions of chapter 6, section 8, subsections 3 and 4 shall be taken into account when determining the punishment.

Intoxication or another temporary disturbance of consciousness induced by the perpetrator himself or herself shall not be taken into account in the assessment of criminal capacity, unless there are particularly serious reasons for this.

If the court waives punishment due to the mental condition of a person accused of an offence, the court shall, unless this is manifestly unnecessary, refer the question of the person's need for treatment for assessment as provided in section 21 of the Mental Health Act (1116/1990).

## **Section 5 (515/2003)**

### **Imputability**

Intent or negligence is a prerequisite for criminal liability.

Unless otherwise provided, an act referred to in this Code is only punishable when intentional.

What is provided in subsection 2 also applies to an act referred to elsewhere in law for which the most severe punishment provided by law is imprisonment for more than six months or concerning which the penal provision has been issued after this Code entered into force.

## **Section 6 (515/2003)**

### **Intent**

A perpetrator has intentionally caused the consequence specified in the statutory definition if the perpetrator intended to cause the consequence or if he or she had considered the consequence a certain or a quite probable result of his or her act. A consequence has also been intentionally caused if the perpetrator has considered it certainly connected with the consequence that he or she has aimed for.

## **Section 7 (515/2003)**

### **Negligence**

The conduct of a perpetrator is negligent if he or she breaches the duty of care called for in the circumstances and required of him or her, even though he or she would have been able to comply with it (*negligence*).

Whether or not negligence is to be deemed gross (*gross negligence*) is decided on the basis of an overall assessment. In the assessment, the significance of the duty of care breached, the importance of the interests jeopardised, the probability of the violation, the deliberateness of risk taking and the other circumstances related to the act and the perpetrator shall be taken into consideration.

An act that is deemed to have occurred more by accident than through negligence is not punishable.

## **Chapter 4 (515/2003)**

### **Grounds for exemption from liability**

#### **Section 1 (515/2003)**

##### **Mistake as to the statutory definition of an offence**

If, at the time of commission of an act, the perpetrator was not aware of the existence of all the factors required for the statutory definition of an offence to be met, or if he or she was mistaken regarding such a factor, the act is not intentional. Nonetheless, the person may be deemed liable for a negligent offence under the provisions concerning the punishability of negligence.

#### **Section 2 (515/2003)**

##### **Mistake as to the unlawfulness of the act**

If the perpetrator falsely believes that his or her act is lawful, he or she is exempt from criminal liability if the mistake is to be deemed manifestly excusable due to the following factors:

- 1) defective or erroneous publication of the law,
- 2) particular obscurity of the contents of the law,
- 3) erroneous advice provided by an authority, or

4) some other factor comparable to these.

### **Section 3 (515/2003)**

#### **Mistake as to the grounds for exemption from liability**

If the act does not involve any of the grounds referred to in sections 4–6 below that would exempt the perpetrator from liability, but such grounds would have been connected with the situation in which the act was committed as reasonably understood by the perpetrator, he or she shall not be punished for an intentional offence. Nonetheless, the person may be deemed liable for a negligent offence under the provisions concerning the punishability of negligence.

### **Section 4 (515/2003)**

#### **Self-defence**

An act that is necessary to defend against an ongoing or imminent unlawful attack is permissible as self-defence, unless the act manifestly exceeds what is to be deemed justifiable when assessed as a whole, taking into consideration the nature and strength of the attack, the personal characteristics of the defender and the attacker, and the other circumstances.

If the defence exceeds the limits of self-defence (*excessive self-defence*), the perpetrator is, nonetheless, exempt from criminal liability if the circumstances were such that the perpetrator could not have reasonably been expected to act otherwise, taking into consideration the dangerousness and unexpected nature of the attack and the situation also in other respects.

### **Section 5 (515/2003)**

#### **Necessity**

An act necessary to ward off an immediate, compelling and imminent danger to a legally protected interest, other than one referred to in section 4 above, is permissible as an act of necessity, if the act is justifiable when assessed as a whole, taking into consideration the nature and extent of the interest to be defended and the damage and harm caused by the act, the origin of the danger, and the other circumstances.

If the act committed to defend a legally protected interest is not to be deemed permissible under subsection 1, the perpetrator is, nonetheless, exempt from criminal liability, if the perpetrator could not have reasonably been expected to act otherwise, taking into consideration the

importance of the interest to be defended, the unexpected and compelling nature of the situation, and the other circumstances.

## **Section 6 (515/2003)**

### **Use of force**

Separate provisions on the right to use force in the performance of official duties or for another comparable reason and on the right to assist persons appointed to maintain public order are issued by an act.

In the use of force, only such measures necessary to perform the task may be resorted to that can be deemed justifiable when assessed as a whole, taking into consideration the importance and urgency of the task, the dangerousness of the resistance, and the situation also in other respects.

If the limits specified in subsection 2 have been exceeded in the use of force, the perpetrator is, nonetheless, exempt from criminal liability, if there are very serious grounds to consider that the perpetrator could not have reasonably been expected to act otherwise, taking into consideration his or her position and training, the importance of the task, and the unexpected nature of the situation.

## **Section 7 (515/2003)**

### **Mitigation of criminal liability**

Even if the perpetrator is not fully exempted from criminal liability on the grounds provided in this chapter, the circumstances may nonetheless be taken into account as factors mitigating the criminal liability in accordance with chapter 6, section 8, subsection 1, paragraph 4 and subsections 2 and 4 of the said section.

## **Chapter 5 (515/2003)**

### **Attempt and complicity**

## **Section 1 (515/2003)**

### **Attempt**

A punishment for an attempt at an offence shall only be imposed if an attempt is punishable under the provision concerning the intentional offence in question.

An act has reached the stage of an attempt at an offence when the perpetrator has begun the commission of the offence and brought about a risk that the offence will be completed. An act also constitutes an attempt at an offence when such a risk does not arise, but this is only due to coincidental reasons.

When determining a punishment for an attempt at an offence, the provisions of chapter 6, section 8, subsection 1, paragraph 2 and subsections 2 and 4 of the same section apply unless an attempt is equated with a completed act under the criminal provision applicable to the case.

## **Section 2 (515/2003)**

### **Withdrawal from an attempt and elimination of the effects of an offence**

An attempt is not punishable, if the perpetrator has voluntarily withdrawn from the completion of the offence or otherwise prevented the consequence referred to in the statutory definition of the offence from occurring.

If the offence involves several accomplices, the perpetrator, the inciter or the abettor is only exempted from liability on the basis of withdrawal from an offence and elimination of the effects of an offence if he or she has also succeeded in getting the other accomplices to withdraw from the completion of the offence, or if he or she has otherwise been able to prevent the consequence referred to in the statutory definition of the offence from occurring or in another manner eliminated the significance of his or her own actions on the completion of the offence.

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 does not occur for a reason that is independent of the perpetrator, inciter or abettor, but the person has voluntarily and seriously attempted to prevent the completion of the offence or the occurrence of the consequence.

If an attempt is not punishable under subsections 1–3 but at the same time constitutes another, completed offence, such an offence is punishable.

## **Section 3 (515/2003)**

### **Complicity in an offence**

If two or more persons have committed an intentional offence together, each shall be punished as a perpetrator.

## **Section 4 (515/2003)**

### **Commission of an offence through an agent**

A person shall be sentenced as the perpetrator if he or she has committed an intentional offence by using, as an agent, another person who cannot be punished for the offence due to criminal incapacity or lack of intent or for another reason connected with the prerequisites for criminal liability.

## **Section 5 (515/2003)**

### **Incitement**

A person who intentionally persuades another person to commit an intentional offence or to make a punishable attempt at such an offence shall be sentenced for incitement to the offence as if he or she was the perpetrator.

## **Section 6 (515/2003)**

### **Abetting**

A person who, before or during the commission of an offence, intentionally assists another person in committing an intentional offence or a punishable attempt at such an offence through advice, action or otherwise shall be sentenced for abetting under the same provision of law as the perpetrator. However, the provisions of chapter 6, section 8, subsection 1, paragraph 3 and subsections 2 and 4 of the same section apply when determining the punishment.

Incitement to punishable abetting shall be punished as abetting.

## **Section 7 (515/2003)**

### **Special circumstances related to a person**

Where a special circumstance related to a person excludes, reduces or increases the punishability of an act, it only applies to the perpetrator, inciter or abettor to whom the circumstance pertains.

An inciter or abettor is not exempted from criminal liability due to the fact that he or she is not affected by such a special circumstance related to a person that constitutes grounds for the punishability of the perpetrator's act.

## **Section 8 (515/2003)**

### **Acting on behalf of a legal person**

A member of a statutory body or management of a corporate entity, 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 a public-service employment relationship or an employment relationship or by commission may be sentenced for an offence committed in the operations of the legal person, even if he or she does not fulfil the special conditions set for a perpetrator in the statutory definition of the offence, if the legal person fulfils the said conditions.

If the offence has been committed in organised activity that is part of a trader's business or in other organised activity comparable to the activity of a legal person, the provisions of subsection 1 on an offence committed in the operations of a legal person shall apply correspondingly.

The provisions of this section do not apply if otherwise provided elsewhere by law.

## **Chapter 6 (515/2003)**

### **Determination of punishment**

#### **General provisions**

## **Section 1 (515/2003)**

### **Types of punishment**

The general punishments are a fixed fine, a fine, conditional imprisonment, community service, a monitoring sentence and unconditional imprisonment. (329/2011)

A special punishment for an offence committed by a person under 18 years of age is a juvenile punishment. A special punishment for a reoffender who has committed another serious offence is a combination sentence that can be imposed under chapter 2c, section 11. (800/2017)

Special punishments for public officials are a warning and removal from office.

Disciplinary punishments for soldiers and other persons subject to the provisions of chapter 45 are admonition, extra duty, a warning, confinement to barracks, a disciplinary fine and detention.

When a provision specifying a disciplinary punishment as the sanction is applied on a person other

than those subject to the provisions of chapter 45, the person shall be sentenced to a fine instead of a disciplinary punishment. (256/2014)

A corporate fine is imposed on a legal person as provided in chapter 9.

## **Section 2 (800/2017)**

### **Penal scale and deviating from it**

A punishment is determined in accordance with the penal scale provided for the offence. It is possible to deviate from the penal scale as provided in sections 8 and 8a. The maximum punishment according to the scale may be exceeded when imposing a combination sentence as provided in chapter 2c, section 11. The maximum punishment according to the scale may also be exceeded when imposing a joint punishment as provided in chapter 7.

## **Section 3 (515/2003)**

### **Starting points for determining a punishment**

When determining a punishment, all grounds affecting the extent and type of punishment under the law and the uniformity of the sentencing practice shall be taken into account.

The grounds to be taken into account when determining the extent of a punishment are those mentioned in sections 4–8 of this chapter and those provided elsewhere by law.

When deciding on the type of punishment, the provisions of sections 9–12 apply in addition to the grounds to be taken into account when determining the extent of a punishment.

### **Determining the extent of a punishment**

## **Section 4 (515/2003)**

### **General principle**

The extent of a punishment shall be determined so that it is in just proportion to the harmfulness and dangerousness of the offence, the motives for the act, and the other culpability of the perpetrator as manifested in the offence.

## **Section 5 (564/2015)**

### **Grounds for increasing the punishment**

The following are grounds for increasing the punishment:

- 1) premeditated nature of the criminal activity,
- 2) commission of the offence as part of the activities of an organised criminal group,
- 3) commission of the offence in exchange for a remuneration,
- 4) commission of the offence for a motive based on race, colour, descent, national or ethnic origin, religion or belief, sexual orientation or disability or for another comparable motive, and
- 5) the previous criminality of the perpetrator, if the relationship between it and the new offence, due to similarities between the offences or otherwise, demonstrates manifest disregard of the prohibitions and commands of the law on the part of the perpetrator.

'Organised criminal group' means a structured group of at least three persons, established over a period of time and acting in concert to commit offences for which the maximum punishment provided is imprisonment for at least four years or offences referred to in chapter 11, section 10 or chapter 15, section 9.

## **Section 6 (515/2003)**

### **Grounds for mitigating the punishment**

The following are grounds for mitigating the punishment:

- 1) significant pressure, threat or another similar factor that has affected the commission of the offence,
- 2) strong empathy that has led to the offence or an exceptional and sudden temptation, an exceptionally great contribution of the injured party, or another equivalent factor that has been conducive to decreasing the perpetrator's ability to comply with the law,
- 3) settlement reached between the perpetrator and the injured party, other endeavours of the perpetrator to prevent or remove the effects of the offence, or the perpetrator's endeavours to further the investigation of the offence, and
- 4) the grounds mentioned in section 8, subsections 1 and 3.

## **Section 7 (515/2003)**

### **Grounds for mitigating the punishment for reasons of equity**

In addition to what is provided in section 6 above, the following shall be taken into account as factors mitigating the punishment, if the punishment determined in accordance with the established practice would, for these reasons, lead to an unreasonable or exceptionally detrimental outcome:

- 1) some other consequence resulting from the offence or sentence to the perpetrator,
- 2) the advanced age, poor health or other personal circumstances of the perpetrator, and
- 3) a considerably long period that has passed since the commission of the offence.

## **Section 8 (515/2003)**

### **Application of a reduced penal scale**

A reduced penal scale shall be applied in determining the punishment, if:

- 1) the perpetrator was under 18 years of age upon committing the offence,
- 2) the offence remained an attempt,
- 3) the perpetrator is sentenced as an abettor in the offence in accordance with the provisions of chapter 5, section 6, or his or her complicity in the offence is otherwise clearly lesser than that of other accomplices,
- 4) the offence was committed in circumstances that closely resemble those that lead to the application of grounds for exemption from liability, or
- 5) there are special reasons for this, on the grounds specified in section 6 or 7 or on other exceptional grounds, that are mentioned in the judgment.

When determining the punishment under subsection 1, at most three quarters of the maximum amount of imprisonment or fine provided for the offence and at least the minimum amount of the type of punishment provided for the offence may be imposed on the perpetrator. If the offence is punishable by life imprisonment, the maximum punishment is, instead, imprisonment for twelve years and the minimum punishment is imprisonment for two years.

The provisions of subsection 2 also apply when determining the punishment for a person who committed an offence in a state of diminished criminal capacity. However, diminished criminal capacity does not affect the applicable maximum punishment.

If the most severe punishment provided for the offence is imprisonment for a fixed term, the court may, in cases referred to in this section, impose a fine as the punishment instead of imprisonment, if there are particularly serious reasons for this.

### **Section 8a (673/2014)**

#### **Application of a reduced penal scale on the basis of a plea of guilty**

A reduced penal scale is applied in determining the punishment if the perpetrator has contributed to the investigation of the offence as provided in chapter 1, sections 10 and 10a and chapter 5b of the Criminal Procedure Act (689/1997) and in chapter 3, section 10a of the Criminal Investigation Act (805/2011).

When determining a punishment under subsection 1, at most two thirds of the maximum amount of imprisonment or fine provided for the offence and at least the minimum amount of the type of punishment provided for the offence may be imposed. If the most severe punishment provided for the offence is imprisonment for a fixed term, the court may impose a fine instead of imprisonment, if there are special reasons for this.

The judgment shall indicate not only the punishment imposed but also which punishment the court would have imposed without the contribution referred to above.

### **Choice of the type of punishment**

#### **Section 9 (515/2003)**

##### **Choice between conditional and unconditional imprisonment**

A sentence of imprisonment for a fixed term not exceeding two years may be imposed as conditional (*conditional imprisonment*), unless the seriousness of the offence, the culpability of the perpetrator as manifested in the offence, or the previous criminality of the perpetrator requires that a sentence of unconditional imprisonment be imposed.

However, a sentence of unconditional imprisonment shall not be imposed for an offence committed by a person under 18 years of age, unless there are serious reasons for this. When assessing the significance of a serious reason, the placement of the perpetrator in a child welfare

institution referred to in section 57 of the Child Welfare Act (417/2007) shall be taken into account. (401/2015)

## **Section 10 (272/2019)**

### **Sanctions ancillary to conditional imprisonment**

If conditional imprisonment is to be deemed an insufficient punishment for an offence, an ancillary fine may be imposed or, if the length of the sentence of conditional imprisonment is eight months or more, ancillary community service for at least 14 and at most 120 hours may be imposed.

A person aged 21 or over upon committing an offence may be sentenced to supervision for one year and three months in addition to conditional imprisonment if:

- 1) this is necessary to prevent new offences, taking into consideration the perpetrator's previous criminality, his or her personal circumstances and the circumstances that had led to the offence, or
- 2) conditional imprisonment is to be deemed an insufficient punishment for the offence and the length of the sentence of conditional imprisonment is at least eight months.

A person aged under 21 years upon committing an offence may be sentenced to supervision for one year and three months in addition to conditional imprisonment, if this is to be deemed justified in order to promote the social adjustment of the perpetrator or to prevent new offences.

Both a fine and supervision referred to in subsection 2 or 3 may be imposed as an ancillary sanction at the same time.

The provisions on fines and community service issued separately also apply to these sanctions when they are imposed as ancillary sanctions. However, ancillary community service may be converted into imprisonment for at least four and at most 120 days. Provisions on the content and enforcement of the supervision referred to in subsections 2 and 3 are laid down in the Act on the Enforcement of Community Sanctions.

## **Section 10a (401/2015)**

### **Juvenile punishment**

A juvenile punishment may be imposed for an offence committed by a person under 18 years of age, if:

1) a fine is, taking into consideration the seriousness of the offence, the culpability of the perpetrator as manifested in the offence and the previous criminality of the perpetrator, an insufficient punishment and there are no serious reasons requiring that a sentence of unconditional imprisonment be imposed, and

2) conditional imprisonment with supervision is not deemed sufficient to be able to promote the social adjustment of the perpetrator or to prevent new offences.

If several offences are considered in court at the same time, a juvenile punishment may be imposed for them under the conditions specified in subsection 1 even if only some of the offences were committed when the perpetrator was under 18 years of age.

Provisions on the length and contents of the juvenile punishment are laid down in section 64 of the Act on the Enforcement of Community Sanctions.

## **Section 11 (401/2015)**

### **Community service**

A perpetrator who is sentenced to unconditional imprisonment for a fixed term of at most eight months shall be sentenced to community service instead, unless sentences of unconditional imprisonment, monitoring sentences, earlier community service sentences, continuation of criminal activity or other serious reasons are to be considered an impediment to the imposition of community service.

The prerequisites for the imposition of community service are that the perpetrator has consented to the imposition of community service and that he or she can be assumed to be able to complete the community service.

When assessing the significance of earlier punishments, the fact that the perpetrator was under 21 years of age upon committing the offence shall be taken into consideration as a factor that supports the imposition of community service.

## **Section 11a (329/2011)**

### **Monitoring sentence**

A perpetrator who is sentenced to unconditional imprisonment for a fixed term of at most six months shall be sentenced to a monitoring sentence of equal length instead of unconditional imprisonment, if:

1) the perpetrator cannot be sentenced to community service due to an impediment referred to in section 11, subsection 1 or due to the absence of the prerequisites referred to in subsection 2 of that section,

2) no impediment to the imposition of a monitoring sentence is deemed to arise from monitoring sentences or unconditional imprisonment imposed earlier nor from the nature of the offence in question, and

3) imposition of a monitoring sentence is deemed to be justified in order to maintain or promote the social adaptation of the perpetrator.

A prerequisite for the imposition of a monitoring sentence is also that the perpetrator has consented to the imposition of the monitoring sentence and that the adults living at the same place of residence with the perpetrator consent, of their own free will, to the enforcement of the monitoring sentence at the place of residence. A further prerequisite is that the perpetrator can be obligated to remain at his or her place of residence and participate in the activities designated for him or her as referred to in section 41 of the Act on the Enforcement of Community Sanctions and that the perpetrator can be assumed to be able to complete the monitoring sentence. A monitoring sentence shall not be imposed without drawing up a sentence plan. Provisions on ascertaining the opinion of persons under 18 years of age living at the place of residence and hearing them are laid down in section 45, subsection 2 of the Act on the Enforcement of Community Sanctions.

(401/2015)

## **Section 12 (515/2003)**

### **Waiving of punishment**

A court may waive punishment if:

1) the offence is, taking into consideration its harmfulness or the culpability of the perpetrator as manifested in it, deemed to be of minor significance when assessed as a whole,

2) the perpetrator was under 18 years of age upon committing the offence and the act is deemed to have resulted from lack of understanding or of imprudence,

3) the offence is comparable to an excusable act for special reasons related to the act or the perpetrator,

4) punishment is to be deemed unreasonable or pointless, in particular when taking into consideration the circumstances referred to in section 6, paragraph 3 and section 7 above or healthcare and social welfare measures, or

5) the offence would not have an essential effect on the total extent of the punishment due to the provisions on the imposition of a joint punishment.

## **Deductions to be made from a punishment imposed**

### **Section 13 (102/2018)**

#### **Deduction of a period of deprivation of liberty and a period of restriction of liberty**

If a fixed-term sentence of imprisonment is imposed for an act due to which the perpetrator has been deprived of his or her liberty for at least 24 hours without interruption, the court shall deduct the period of deprivation of liberty from the length of the sentence, or the deprivation of liberty shall be deemed full service of the punishment. If a fixed-term sentence of imprisonment is imposed for an act due to which an intensified travel ban or house arrest has been imposed on the perpetrator for at least two consecutive days, the court shall deduct the period of restriction of liberty from the length of the sentence so that two days for which the perpetrator has been subject to an intensified travel ban or house arrest are equal to one day of imprisonment, or the period of restriction of liberty shall be deemed full service of the punishment. If the number of days to be deducted is not divisible by two, the excess day shall not be deducted. The period of deprivation of liberty and the period of restriction of liberty are calculated in days. The judgment shall indicate the start and end date of the deprivation of liberty, intensified travel ban and house arrest. (510/2019)

The same procedure shall be followed if the deprivation of liberty was due to another offence subject to prosecution or criminal investigation in connection with the same case or due to the taking into custody of the defendant because he or she had been ordered to be brought to court.

If the punishment imposed is a fine, the period referred to in subsection 1 shall be taken into account to a reasonable extent, but at least to an amount equivalent to the period of deprivation of liberty or restriction of liberty, or it shall be deemed full service of the punishment.

If the punishment imposed is a juvenile punishment, the period of deprivation of liberty and restriction of liberty referred to in subsection 1 shall be taken into account as a deduction. When calculating the deduction, one day of deprivation of liberty is equal to two days of juvenile

punishment and one day of restriction of liberty is equal to one day of juvenile punishment, unless there are special reasons to deviate from this.

If the punishment imposed is a fixed fine, the deprivation of liberty shall be deemed full service of the punishment.

### **Section 14 (515/2003)**

#### **Deduction of a punishment imposed abroad**

If a person is sentenced to a punishment in Finland for an offence for which he or she has already served, in full or in part, a sanction imposed abroad, a reasonable amount shall be deducted from the punishment to be imposed. If the sanction that has been served was a custodial sentence, the court shall deduct the period of deprivation of liberty from the punishment. The court may also state that the sanction that has been served is to be deemed a sufficient sanction for the offence.

### **Section 15 (780/2005)**

#### **Deduction of a disciplinary punishment imposed on a prisoner or a remand prisoner**

A disciplinary punishment may be imposed on a prisoner or a remand prisoner in prison as provided in chapter 15 of the Imprisonment Act and chapter 10 of the Remand Imprisonment Act. If a prisoner or a remand prisoner is in court sentenced for an offence for which he or she has already served a disciplinary punishment either in full or in part, a reasonable amount shall be deducted from the punishment, unless there are justified grounds not to make the deduction or to deem the disciplinary punishment already served to be the full punishment.

### **Section 16 (256/2014)**

*Section 16 was repealed by Act 256/2014.*

## **Chapter 7 (697/1991)**

### **Joint punishment**

### **Section 1 (985/2016)**

#### **Sentencing to a joint sentence of imprisonment**

If a person is to be sentenced to imprisonment for two or more offences at the same time, he or she shall be sentenced to a joint sentence of imprisonment, unless otherwise provided elsewhere by law.

In cases where one of the offences would be punishable by imprisonment and one or more of the offences would be punishable by a fine or a fixed fine, the court may impose a joint sentence of imprisonment for all the offences. The court may also impose a joint sentence of imprisonment for some of the offences and, in addition, a fine or a fixed fine for the other offences, but not both a fine and a fixed fine.

If one of the offences is punishable by life imprisonment, a sentence of life imprisonment shall be imposed as a joint punishment for all the offences.

## **Section 2 (697/1991)**

### **Maximum and minimum length of a fixed-term sentence of imprisonment**

When determining a joint punishment, the most severe maximum punishment for the offences in question may be exceeded, but the length of the punishment shall not be longer than the combined length of the maximum punishments for the offences. In addition, the most severe maximum punishment shall not be exceeded by more than

- 1) one year, if the most severe maximum punishment is imprisonment for less than one year and six months,
- 2) two years, if the most severe maximum punishment is imprisonment for at least one year and six months but less than four years, or
- 3) three years, if the most severe maximum punishment is imprisonment for a fixed term of at least four years.

The punishment shall not be shorter than the most severe minimum punishment for the offences.

The most severe maximum and minimum punishments mean the punishments that can, under the provisions applicable to the case, be imposed as the maximum and minimum punishment for the offence. If one or more of the offences are only punishable by a fine, the fines altogether shall be considered equal to one month's imprisonment when calculating the combined length of the maximum punishments for the offences.

### **Section 3 (697/1991)**

#### **Joint fine**

If a person is to be sentenced to a fine for two or more offences at the same time, he or she shall, instead, be sentenced to a joint fine.

The maximum for a joint fine is 240 unit fines. However, the joint fine shall not be greater than the combined amount of the maximum punishments for the offences in question. If a specific minimum for a fine to be imposed for an offence has been provided by law after 1 June 1969, the joint fine shall not be less than the said minimum. (515/2003)

What is provided above does not apply to a conditional fine imposed in euros. (515/2003)

### **Section 3a (985/2016)**

#### **Fine and fixed fine**

If both a fine and a fixed fine are to be imposed for two or more offences at the same time, a fine or a joint fine increased by EUR 40 shall be imposed. However, a fixed fine to be imposed on a pedestrian or a driver of a non-motorised vehicle shall not be taken into account when determining the increase.

If the total amount of the fine or joint fine would be less than the amount of the fixed fine or the most severe fixed fine, the amount of the fine or the joint fine shall be increased to the amount equal to the fixed fine or the most severe fixed fine before making the increase referred to in subsection 1.

### **Section 3b (985/2016)**

#### **Fixed fine**

If a fixed fine is to be imposed for two or more offences at the same time, one fixed fine shall be imposed. In such a case, the amount of the fixed fine shall be EUR 40 higher than the amount provided for the violation punishable by the highest fixed fine. However, the amount of a fixed fine to be imposed on a pedestrian or a driver of a non-motorised vehicle shall not be increased.

## **Section 4 (697/1991)**

### **Other sanctions**

If an offence is, in addition to a general punishment, also sanctionable by removal from office or another sanction, this sanction shall also be imposed in addition to a joint punishment under the conditions provided by law.

Only one juvenile punishment shall be imposed when sentencing a person for several offences at the same time. (1195/2004)

## **Section 5 (697/1991)**

### **Determining the extent of a joint punishment**

When determining the extent of a joint sentence of imprisonment or a joint fine, the provisions of chapter 6 apply, as appropriate.

When determining the extent of a joint punishment, the punishment for the offence which would lead to the most severe punishment according to the consideration of the court shall be used as the starting point, and the extent of the joint punishment for the offences shall be determined so that it is in just proportion to the number of offences, their seriousness and their mutual connection. If any of the grounds for increasing or mitigating the punishment referred to in chapter 6 or some other circumstance mentioned in that chapter only applies to one or some of the offences for which a punishment is being imposed at the same time, this shall be taken into account to a reasonable extent when determining the extent of the joint punishment.

## **Section 6 (751/1997)**

### **Taking into account an earlier sentence of imprisonment or combination sentence (800/2017)**

If a person sentenced to unconditional imprisonment or a combination sentence is charged with another offence committed before this punishment was imposed, the earlier sentence of unconditional imprisonment or combination sentence may be taken into account, to a reasonable extent, as a factor reducing or mitigating the new punishment. Furthermore, the sentence of imprisonment imposed for the new offence may be shorter than the minimum provided by law, or the earlier punishment may be deemed to be a sufficient sanction also for the offence which was later taken up for consideration. (800/2017)

The judgment shall indicate which earlier sentence or sentences were taken into account when determining the extent of the punishment under this section.

### **Section 7 (329/2011)**

#### **Taking into account an earlier community service sentence and monitoring sentence**

When imposing a new punishment, an earlier community service sentence and monitoring sentence may be taken into account in the same manner as an earlier sentence of unconditional imprisonment under section 6.

### **Section 8 (401/2015)**

#### **Taking into account an earlier juvenile punishment**

If a person sentenced to a juvenile punishment is to be sentenced to unconditional imprisonment for an offence committed before the juvenile punishment was imposed or for a new offence committed after the juvenile punishment was imposed but before the termination of its enforcement, the person may be sentenced to a joint sentence of unconditional imprisonment for this offence and the offence which had led to the imposition of the juvenile punishment. The part of the juvenile punishment that has already been enforced shall be taken into account as provided in section 68 of the Act on the Enforcement of Community Sanctions.

### **Section 9 (179/2010)**

#### **Taking into account a sentence imposed in a foreign state**

When applying sections 6 and 7, a sentence of unconditional imprisonment, community service and another comparable sanction imposed in another Member State of the European Union or in Iceland or Norway may also be taken into account.

## **Chapter 8 (297/2003)**

### **Limitation**

### **Section 1 (297/2003)**

#### **Limitation of the right to bring charges**

The right to bring charges for an offence for which the most severe punishment provided is life imprisonment does not become time-barred. (212/2008)

The right to bring charges becomes time-barred if charges have not been brought

- 1) within twenty years, if the most severe punishment provided for the offence is imprisonment for a fixed term of more than eight years,
- 2) within ten years, if the most severe punishment is imprisonment for more than two years and at most eight years,
- 3) within five years, if the most severe punishment is imprisonment for more than one year and at most two years, and
- 4) within two years, if the most severe punishment is imprisonment for at most one year, a fine or a fixed fine. (985/2016)

The most severe punishment means the maximum punishment provided in the penal provision applicable to the act.

However, the minimum limitation period applicable to offences in public office is five years. The limitation period applicable to degradation of the environment, an environmental offence and a building protection offence is ten years. The limitation period applicable to degradation of the environment, aggravated degradation of the environment, an environmental violation and negligent degradation of the environment committed from on board a foreign vessel in the exclusive economic zone of Finland referred to in chapter 13, section 3 of the Act on Environmental Protection in Maritime Transport is three years. The minimum limitation period applicable to a fishing offence committed from on board a foreign vessel in the exclusive economic zone of Finland is three years. (1680/2009)

The right to bring charges for sexual abuse of a child, aggravated sexual abuse of a child and aggravated rape of a child becomes time-barred at the earliest when the injured party reaches the age of 28 years. The same applies to rape, aggravated rape, coercion into a sexual act, sexual abuse, pandering, aggravated pandering, trafficking in human beings and aggravated trafficking in human beings directed at a person under 18 years of age. In the case of solicitation of a child for sexual purposes referred to in chapter 20, section 8b, subsection 2, the right to bring charges becomes time-barred when the person who was the object of the offence reaches the age of 23 years. (486/2019)

## **Section 2 (297/2003)**

### **Beginning of the limitation period for the right to bring charges**

The periods mentioned in section 1 above are calculated from the date on which the offence was committed. If omission is punishable according to the statutory definition of the offence, the limitation period for the right to bring charges begins to run when the omitted act should have been performed at the latest. If the statutory definition of the offence requires that a certain consequence be brought about, the period is calculated from the date on which the said consequence occurred.

If the criminal act involves maintenance of an unlawful condition, the limitation period for the right to bring charges begins to run when such a condition ends.

The limitation period for the right to bring charges for complicity in an offence begins to run on the same date as the limitation period for the right to bring charges for the principal act.

## **Section 3 (297/2003)**

### **Interruption of the limitation period for the right to bring charges**

Charges are deemed to have been brought in a manner interrupting the limitation period when the person to be prosecuted is lawfully served with a summons or when a request for punishment is made in judicial proceedings where the person is present.

The bringing of charges in a case that is subsequently dismissed or in which the charges are withdrawn does not interrupt the limitation period for the right to bring charges.

When a violation is considered in the procedure under the Act on Imposing Fines and Fixed Fines, the limitation period is interrupted when the suspect is served with a demand for a fine, an order for a fixed fine subject to objection, or a demand for a punishment. However, the limitation period is not interrupted if the demand is withdrawn, an objection is lodged against the order, or the suspect or injured party withdraws his or her consent referred to in section 4 or 5 of the said Act. (985/2016)

### **Section 3a (673/2014)**

#### **Interruption of limitation of the right to bring charges on the basis of a proposal for judgment**

If the limitation of the right to bring charges has not already been interrupted under section 3, the limitation is interrupted when the suspect or the defendant in a criminal case signs a proposal for judgment referred to in chapter 1, section 10 of the Criminal Procedure Act.

The submission of a proposal for judgment in a case that is subsequently dismissed does not interrupt the limitation of the right to bring charges.

### **Section 4 (297/2003)**

#### **Extension of the limitation period for the right to bring charges**

Upon application, the limitation period for the right to bring charges may be extended once by one year, if

1) the criminal investigation of the offence requires special, time-consuming investigative measures due to which the investigation would be clearly incomplete at the end of the limitation period,

2) the offence has been taken up for criminal investigation exceptionally late, or

3) the person to be summoned as defendant is evading and, for this reason, it is probable that he or she cannot be served with the summons before the end of the limitation period,

and a very important public interest requires that the limitation period be extended.

### **Section 5 (297/2003)**

#### **Procedure when extending the limitation period for the right to bring charges**

The decision to extend the limitation period for the right to bring charges is made by the court where charges for the offence could be heard under chapter 4 of the Criminal Procedure Act (689/1997). An application for the extension of the limitation period may be made by the prosecutor and by the injured party, if he or she has the right to bring charges as referred to in chapter 1, section 14, subsection 1 or 2, or section 15, subsection 1 of the said Act. The application shall be made in writing before the limitation period expires. (441/2011)

The application for the extension of the limitation period shall be taken up for consideration by the court without delay. It may be considered in a district court by the chairperson alone.

If it is likely that a certain person will be charged for the offence referred to in the application for the extension of the limitation period made under section 4, paragraph 1 or 2, the person shall be given an opportunity to be heard regarding the application. The summons may be delivered in person or by post.

The decision given on the application is not subject to appeal. A complaint may be lodged with the appellate court within thirty days. The complaint shall be considered as an urgent matter.

## **Section 6 (297/2003)**

### **Limitation of the right to impose a punishment**

The right to impose a punishment for an offence referred to in section 1, subsection 1 does not become time-barred. (1161/2005)

No punishment shall be imposed in court proceedings or in the procedure specified in the Act on Imposing Fines and Fixed Fines for an offence other than those referred to in subsection 1 after the time specified below has elapsed from the date referred to in section 2:

- 1) thirty years, if the most severe punishment provided for the offence is imprisonment for a fixed term of more than eight years,
- 2) twenty years, if the most severe punishment provided for the offence is imprisonment for more than two years and at most eight years,
- 3) ten years, if the most severe punishment provided for the offence is imprisonment for at most two years, a fine or a fixed fine. (985/2016)

No punishment shall be imposed for an offence referred to in section 1, subsection 5 after the period referred to in subsection 2 of this section has elapsed and ten years have elapsed from the date on which the person who was the object of the offence reached the age of 28 or 23 years. (540/2011)

An imposed punishment shall lapse if the judgment concerning it has not become enforceable before the period referred to in subsection 2 or 3 has expired. (1161/2005)

## **Section 7 (297/2003)**

### **Limitation of a request for a corporate fine**

The limitation period applicable to a request for a corporate fine is the same as the limitation period applicable to the offence due to which the request was made. However, the minimum limitation period is five years.

## **Section 8 (297/2003)**

### **Limitation of the right to enforce a conditional fine**

The right to enforce a conditional fine imposed by a court to ensure the conduct of judicial proceedings becomes time-barred after two years from the date on which it was imposed.

## **Section 9 (1161/2005)**

### **Limitation of the right to order confiscation**

Confiscation shall not be ordered if no punishment may be imposed for the offence due to limitation. However, the minimum limitation period for a request for confiscation is five years. If a request for confiscation concerns an instrumentality referred to in chapter 10, section 4 or other property referred to in section 5 of the same chapter, the request for confiscation does not, however, become time-barred.

## **Section 10 (297/2003)**

### **Lapse of an imposed sentence of imprisonment**

A fixed-term sentence of imprisonment imposed for genocide, a crime against humanity, an aggravated crime against humanity, a crime of aggression, a war crime or an aggravated war crime and a sentence of life imprisonment shall not lapse. (1718/2015)

A fixed-term sentence of imprisonment shall lapse if its enforcement has not been started within the periods specified below, counted from the date on which the final judgment was issued:

- 1) within twenty years, if the length of the sentence is more than eight years,
- 2) within fifteen years, if the length of the sentence is more than four years and at most eight years,

3) within ten years, if the length of the sentence is more than one year and at most four years, and

4) within five years, if the length of the sentence is at most one year.

A conversion sentence for unpaid fines shall lapse if its enforcement has not been started within three years from the date on which the final judgment was issued.

### **Section 10a (800/2017)**

#### **Lapse of an imposed combination sentence**

Unless otherwise provided elsewhere by law, the provisions of section 10, subsection 2 apply to the lapse of a combination sentence. The period after which an imposed combination sentence shall lapse is determined based on the length of the prison term that is part of the combination sentence.

### **Section 11 (329/2011)**

#### **Lapse of an imposed community service sentence and monitoring sentence**

A community service sentence and a monitoring sentence shall lapse in the same manner as the corresponding sentence of imprisonment.

### **Section 12 (297/2003)**

#### **Lapse of enforcement of an imposed sentence in certain cases**

If the enforcement of a sentence of imprisonment, a community service sentence or a conversion sentence for unpaid fines has been interrupted or a conditionally released person has been ordered to be deprived of his or her liberty, the provisions of sections 10 and 11 shall apply correspondingly to the continuation of the enforcement. The period after which a fixed-term sentence of imprisonment and a community service sentence shall lapse is determined based on the length of the remaining sentence, and if the lengths of several sentences have been combined upon enforcement, based on the length of the remaining combined sentence. The period shall be calculated from the day of interruption and, if conditional release is ordered to be revoked or a conditional sentence is ordered to be enforced, from the day on which the final judgment on the revocation or enforcement had been issued.

**Section 12a (1161/2005)****Lapse of an imposed juvenile punishment**

A juvenile punishment shall lapse if its enforcement has not been started within three years from the date on which the final judgment was issued.

**Section 13 (297/2003)****Lapse of an imposed fine**

A fine shall lapse after five years from the date on which the final judgment was issued, unless a conversion sentence has been imposed on the fined person before this. If a conversion sentence has been imposed, the fined person has, however, the right to pay the fine even after the end of the period specified above as separately provided. What is provided above regarding a fine also applies to a conditional fine enforced for payment.

An imposed corporate fine shall lapse after five years from the date on which the final judgment was issued.

A fixed fine shall lapse in five years from the date on which the order for a fixed fine was issued.  
(985/2016)

**Section 14 (1161/2005)****Lapse of a confiscation order**

A confiscation order shall not be enforced after ten years have elapsed from the date on which the final judgment was issued. However, if a confiscation order concerns an instrumentality referred to in chapter 10, section 4 or other property referred to in section 5, the enforcement of the confiscation order shall not lapse.

**Section 15 (297/2003)****Effects of distraint and garnishment**

If distraint or garnishment has been carried out within the limitation period in order to effect the enforcement referred to in section 13 or 14, the enforcement may be completed in respect of the distrained or garnished property.

## **Section 16 (297/2003)**

### **Effects of death on enforcement**

A fine and a conditional fine shall lapse upon death of the sentenced person. However, enforcement for which distraint or garnishment has been carried out while the sentenced person was still alive may be completed in respect of the distrained or garnished property.

If the perpetrator or another person who would be liable for confiscation has died, confiscation shall be ordered on the assets of the death estate, unless this would be unreasonable.

If a person subject to a confiscation order has died, the enforcement shall be directed at the death estate. However, the parties to the death estate have the right, within three months from the date on which the property of the death estate was distrained or the said property was taken into the possession of the State to enforce the judgment, to refer the question of whether the enforcement shall lapse because the confiscation is to be deemed unreasonable to the court that considered the case as the court of first instance for decision.

## **Section 17 (297/2003)**

### **Expiry of limitation period**

The limitation period expires at the end of the day preceding the day with the same number as the date on which the period began.

## **Section 18 (985/2016)**

### **Reference provision**

Provisions on the lapse of conditional imprisonment are laid down in chapter 2b, section 3, subsection 2.

Provisions on the limitation of the enforcement of a disciplinary punishment to be imposed on soldiers and other persons subject to the provisions of chapter 45 are laid down in the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014).

## **Chapter 9 (743/1995)**

### **Corporate criminal liability**

#### **Section 1 (61/2003)**

##### **Scope of application**

A corporate entity, foundation or other legal person, in the operations of which an offence has been committed shall, on the request of the prosecutor, be sentenced to a corporate fine if such a sanction has been provided for the offence in question in this Code. (441/2011)

The provisions of this chapter do not apply to offences committed in the exercise of public authority.

#### **Section 2 (61/2003)**

##### **Prerequisites for criminal liability**

A legal person shall be sentenced to a corporate fine, if a person who is a member of its statutory body or other management or who exercises actual decision-making power in the legal person has been involved in an offence or allowed the commission of an offence, or if the care and diligence necessary for preventing an offence have not been observed in the operations of the legal person.

A corporate fine shall be imposed even if the perpetrator is not identified or if the perpetrator is not, for some other reason, sentenced to a punishment. However, no corporate fine shall be imposed for a complainant offence that the injured party does not report for prosecution, unless a very important public interest requires that charges be brought.

#### **Section 3 (743/1995)**

##### **Relationship between the perpetrator and the legal person**

An offence is deemed to have been committed in the operations of a legal person, if the perpetrator has acted on behalf of or for the benefit of the legal person, and the perpetrator is a member of the management of the legal person or is in a public-service employment relationship or employment relationship to it or has acted by commission of a representative of the legal person.

The legal person does not have the right to receive compensation from the perpetrator for a corporate fine that it has paid, unless such liability is based on statutes governing corporate entities and foundations.

#### **Section 4 (61/2003)**

##### **Waiving of punishment**

A court may waive imposition of a corporate fine on a legal person if:

- 1) the omission referred to in section 2, subsection 1 by the legal person is of minor significance, or if the involvement in the offence by the management or the person who exercises actual decision-making power in the legal person is of minor significance, or
- 2) the offence committed in the operations of the legal person is of minor significance.

The court may also waive imposition of a corporate fine when the punishment is deemed unreasonable, taking into consideration:

- 1) the other consequences of the offence to the legal person,
- 2) the measures taken by the legal person to prevent new offences, to prevent or remove the effects of the offence or to further the investigation of the omission or the offence, or
- 3) the fact that a member of the management of the legal person is sentenced to a punishment for the offence, if the legal person is small, the sentenced person owns a large share of the legal person, or his or her personal liability for the obligations of the legal person is significant.

#### **Section 5 (971/2001)**

##### **Corporate fine**

A corporate fine is imposed as a lump sum. The minimum monetary amount of a corporate fine is EUR 850 and the maximum monetary amount is EUR 850,000.

#### **Section 6 (743/1995)**

##### **Grounds for determining the amount a corporate fine**

The monetary amount of a corporate fine shall be determined based on the nature and extent of the legal person's omission or the involvement of the management, as referred to in section 2, and the financial standing of the legal person.

When evaluating the significance of the omission and the involvement of the management, consideration shall be given to the nature and seriousness of the offence, the extent of the criminal activity, the position of the perpetrator in the bodies of the legal person, whether the violation of the duties by the legal person demonstrates disregard of the provisions of law or the orders of the authorities, and the grounds for determining the extent of a punishment provided elsewhere by law.

When evaluating the financial standing of a legal person, consideration shall be given to the size and solvency of the legal person, its financial performance, and other essential factors affecting the evaluation of the finances of the legal person.

## **Section 7 (61/2003)**

### **Waiving of a request for punishment**

The prosecutor may waive a request for punishment against a legal person, if: (441/2011)

1) the omission of the legal person or the involvement in the offence by the management or a person exercising actual decision-making power in the legal person, as referred to in section 2, subsection 1, has been of minor significance, or

2) only minor damage or danger has been caused by the offence committed in the operations of the legal person,

and the legal person has voluntarily taken the necessary measures to prevent new offences.

The request for punishment may also be waived if the perpetrator, in the case referred to in section 4, subsection 2, paragraph 3, has already been sentenced to a punishment and it is to be anticipated that the legal person for this reason would not be sentenced to a corporate fine.

The decision to waive a request for punishment against a legal person or to withdraw such a request shall be served on the legal person by post or in compliance with the provisions of chapter 11 of the Code of Judicial Procedure. The provisions of chapter 1, section 6a, subsection 2 and section 11, subsections 1 and 3 of the Criminal Procedure Act on the decision to waive prosecution apply to the decision. (673/2014)

The provisions of chapter 1, section 12 of the Criminal Procedure Act on the withdrawal of charges apply to the withdrawal of a request for punishment under subsection 1. However, a notice of the withdrawal shall only be given to the legal person.

## **Section 8 (743/1995)**

### **Joint corporate fine**

If a legal person is to be sentenced for two or more offences at the same time, a joint corporate fine shall be imposed on the legal person in compliance with the provisions of sections 5 and 6.

No joint punishment shall be imposed for two offences, if one of them was committed after a corporate fine was imposed for the other. Similarly, no joint corporate fine shall be imposed if a legal person has already been sentenced to a corporate fine by final judgment and punishment is requested for the legal person for another offence, committed before the sentence. However, the earlier corporate fine shall be taken into account to a reasonable extent when determining the new punishment.

## **Section 9 (297/2003)**

*Section 9 was repealed by Act 297/2003.*

## **Section 10 (673/2002)**

### **Enforcement of a corporate fine**

A corporate fine is enforced as provided in the Act on the Enforcement of a Fine (672/2002).

A conversion sentence shall not be imposed instead of a corporate fine.

## **Chapter 10 (875/2001)**

### **Confiscation**

## **Section 1 (875/2001)**

### **General prerequisites for confiscation**

The prerequisite for a confiscation order is an act punishable under law (*offence*).

A confiscation order may also be based on such an act punishable under law

1) the perpetrator of which had not reached the age of fifteen years at the time of committing the act or is criminally incapable,

2) the perpetrator of which is exempt from criminal liability under chapter 4, section 2; chapter 4, section 4, subsection 2; chapter 4, section 5, subsection 2; chapter 4, section 6, subsection 3; or chapter 45, section 26b, subsection 2, or (515/2003)

3) for which a legal person may be sentenced to a punishment under chapter 9 even if the perpetrator is not identified or if the perpetrator is not, for some other reason, sentenced to a punishment.

If proof sufficient for sentencing is presented of the offence or of the punishable act constituting grounds for confiscation, confiscation may be ordered even if the perpetrator of the offence or act is not identified or if the perpetrator is not prosecuted or sentenced to a punishment. (356/2016)

## **Section 2 (356/2016)**

### **Confiscation of proceeds**

Proceeds of crime, as defined below, shall be confiscated:

- 1) property derived directly from an offence,
- 2) property that has replaced property referred to in paragraph 1,
- 3) profit from property referred to in paragraphs 1 and 2,
- 4) value of property and profit referred to in paragraphs 1–3,
- 5) value of savings derived from an offence.

If no evidence can be presented as to the amount of the proceeds, or if such evidence can only be presented with difficulty, the proceeds shall be estimated, taking into consideration the nature of the offence, the extent of the criminal activity and other circumstances.

A confiscation order is imposed on the perpetrator, an accomplice, or a person on whose behalf or to whose benefit the offence was committed, where these have benefited from the offence.

A confiscation order may also be imposed on a person to whom proceeds or other property referred to in subsection 1, paragraphs 1–3 have been transferred to avoid confiscation or liability for compensation, if this person knew or had reasonable grounds to suspect that the purpose of the transfer of the property was to avoid confiscation or liability for compensation, or if the person has received the property as a gift or otherwise free of charge. In this case, confiscation of the transferred property may be ordered in so far as it constitutes or corresponds to the proceeds derived from an offence, or confiscation of the value of such property may be ordered.

If a confiscation order concerning the same proceeds is imposed on two or more persons referred to in subsections 3 and 4, their liability is joint and several.

Confiscation of proceeds shall not be ordered in so far as the proceeds have been returned to the injured party or they have been or will be ordered to be reimbursed to the injured party by way of compensation or restitution. If no claim for compensation or restitution has been filed or if one is still pending when a request for confiscation is resolved, confiscation shall be ordered.

If property is frozen or subject to another comparable measure in a foreign state to secure a request for confiscation in Finland, the court shall, notwithstanding the provisions of subsection 6 and at the request of the person claiming compensation or restitution, resolve the request for confiscation and transfer the claim for compensation or restitution to be considered in accordance with the procedure laid down for civil proceedings. In this case, the court shall also, at the request of the person claiming compensation or restitution, issue an intermediate judgment on the liability for compensation or restitution.

Provisions on the issuing of decisions referred to in Article 30(1) of Regulation (EU) 2018/1805 of the European Parliament and of the Council on the mutual recognition of freezing orders and confiscation orders are also laid down in the Act on the Application of Regulation on the Mutual Recognition of Freezing Orders and Confiscation Orders in the European Union (895/2020).  
(896/2020)

### **Section 3 (356/2016)**

#### **Extended confiscation of proceeds**

If the offence committed is

- 1) an offence for which the most severe punishment provided by law is imprisonment for at least four years,
- 2) a receiving offence or money laundering,
- 3) smuggling,
- 4) a narcotics offence or contributing to a narcotics offence,
- 5) giving of a bribe, acceptance of a bribe, or giving of a bribe in business or acceptance of a bribe in business,
- 6) participation in the activities of an organised criminal group,
- 7) distribution of a sexually obscene picture, solicitation of a child for sexual purposes referred to in chapter 20, section 8b, subsection 2, or pandering,
- 8) endangerment of data processing, or
- 9) a punishable attempt at an offence referred to in paragraphs 1–8,

and the nature of the offence is such that the offence may give rise to economic benefit, confiscation of the property derived from criminal activity may be ordered; when considering whether confiscation shall be ordered, the court shall, in addition to other circumstances, especially take into consideration whether the property is clearly derived from criminal activity that is not deemed to be of minor significance, whether the confiscation is necessary to prevent new offences, and whether a significant part of the income of the person concerned is repeatedly derived from criminal activity.

A confiscation order may be imposed on a person who is found guilty of an offence referred to in subsection 1, on an accomplice to such an offence, or on a person on whose behalf or to whose benefit the offence was committed.

Confiscation, either in whole or in part, of property specified in subsection 1 may also be ordered in respect of

1) a person whose relationship to a person referred to in subsection 2 of this section is one referred to in section 3, subsection 1 of the Act on the Recovery of Assets to Bankruptcy Estates (758/1991) (*close person*), and

2) a private trader, a company, another corporate entity or a foundation whose relationship to a person referred to in subsection 2 of this section or to a person close to him or her is one referred to in section 3, subsection 2, paragraph 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 transferred to them in order to avoid confiscation or liability for compensation.

Confiscation referred to in subsection 3 above shall not be ordered if the property has been transferred more than five years before the commission of the offence referred to in subsection 1.

If the same confiscation order is imposed on two or more persons, their liability is joint and several.

#### **Section 4 (875/2001)**

##### **Confiscation of instrumentalities**

The following shall be confiscated if they have been used in the commission of an offence:

- 1) a firearm, an edged weapon or another comparable lethal instrument, and
- 2) any other object or property, the possession of which is punishable.

Confiscation of the following may also be ordered:

- 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 that is subject to judicial proceedings, where the object or property has been acquired or manufactured solely or mainly for the purposes of an intentional offence or where its characteristics make it particularly suitable for committing an intentional offence.

In assessing the need for confiscation, special attention shall be paid to the prevention of any new offences.

## **Section 5 (875/2001)**

### **Confiscation of other property**

An object or property that has been produced, manufactured or brought about by way of an offence or that has been the target of an offence shall be confiscated, if its possession is punishable.

An object or property that has been produced, manufactured or brought about by way of an offence or that has been the target of an offence may be confiscated, either in whole or in part, if the confiscation is necessary:

- 1) because the object or property has characteristics that are hazardous to health or to the environment,
- 2) to prevent new offences, and the object is particularly suitable for becoming a target of an offence or for criminal use,
- 3) to achieve the objective of the provisions or regulations on import, export or regulation, or
- 4) to achieve the objective of the provisions or regulations on the protection of nature or the environment.

*Subsection 3 was repealed by Act 356/2016.*

## **Section 5a (356/2016)**

### **Confiscation of storage equipment**

A container, packaging or other equipment may be confiscated, if it has been used for storing such an instrumentality, such an object or property produced, manufactured or brought about by way of an offence, or such an object or property that has been the target of an offence that is referred to in section 4 or 5 or another equivalent provision and that is subject to confiscation, if the confiscation cannot otherwise be enforced without difficulty.

## **Section 6 (875/2001)**

### **Restrictions on confiscation**

Confiscation of an object or other property referred to in section 4 or 5 shall not be ordered if the object or property, in whole or in part, belongs to someone else than the perpetrator, an accomplice or a person on whose behalf or with whose consent the offence was committed. However, confiscation of an object or property may be ordered in respect of a person to whom the object or property has been transferred after the commission of the offence if, when receiving it, the person knew or had reasonable grounds to suspect that the object or property was linked to an offence, or if he or she received it as a gift or otherwise free of charge. (356/2016)

Regardless of ownership, confiscation of an object or property shall be ordered if the owner would also commit an offence by having the object or property in his or her possession.

## **Section 7 (875/2001)**

### **Lapse of a confiscation order**

When resolving a request for confiscation, the court may, with the consent of the defendant, order that the confiscation order 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 if other measures specified in the judgment are carried out in respect of the object or property, with the result that confiscation thus becomes unnecessary.

An enforcement officer shall monitor compliance with the obligations set in the judgment and decide on the lapse of the confiscation order. The person subject to the confiscation order may appeal against the decision in accordance with the provisions on the procedure for enforcement appeals. For a special reason, an enforcement officer may extend the period referred to in subsection 1. The Legal Register Centre shall be notified of the lapse of a confiscation order.

The person subject to the confiscation order is liable for the costs of alteration and for other costs arising from the enforcement of the judgment.

## **Section 8 (875/2001)**

### **Confiscation of value**

Where confiscation of an object or property referred to in section 4 or 5 cannot be ordered because of the restriction laid down in section 6, subsection 1 or because the object or property has been hidden or is otherwise inaccessible, confiscation of the value of the object or property, in whole or in part, may be ordered in respect of the perpetrator, an accomplice and a person on whose behalf or with whose consent the offence was committed, instead of confiscation of the object or property itself. Confiscation of value may also be ordered in respect of a person to whom the object or property has been transferred if, when receiving it, the person knew or had reasonable grounds 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.

However, confiscation of value shall not be ordered if the person referred to in subsection 1 shows that it is probable that the object or property has been destroyed or consumed.

Where a confiscation order concerning the value of the same object or property is imposed on two or more persons, their liability is joint and several. However, a person in respect of whom confiscation of value is not ordered in whole is only liable for the amount specified in the order.

## **Section 9 (356/2016)**

### **Consideration of a confiscation matter**

A matter concerning confiscation is considered in connection with the charge for the offence giving rise to the request for confiscation. A matter concerning confiscation may also be considered separately.

A matter concerning confiscation may be heard and decided regardless of the absence of the defendant in compliance with the provisions of chapter 8, sections 11 and 12 of the Criminal Procedure Act. A matter concerning only confiscation may also be heard and decided if the defendant has been served with the request for confiscation and summoned to the hearing but fails to appear, and it is obvious that the reason for the absence is that the defendant is evading the hearing. In this case, the court shall, by virtue of office, appoint a guardian for the defendant. The provisions of chapter 12, section 4a of the Code of Judicial Procedure apply to such a guardian. However, the provisions of chapter 2, sections 10 and 11 of the Criminal Procedure Act

on the fee and compensation payable to a defence counsel apply to the fee and compensation payable to the guardian. Provisions on the appointment of a guardian to a party due to illness, mental impairment or health impairment or for another equivalent reason are laid down in chapter 12, section 4a of the Code of Judicial Procedure.

Confiscation is ordered at the request of the prosecutor. Provisions on the grounds on which the prosecutor may waive a request for confiscation are laid down in chapter 1, section 8b of the Criminal Procedure Act. An injured party may also present a request for confiscation in a case being prosecuted solely by him or her in accordance with chapter 7 of the Criminal Procedure Act. Provisions on presenting a request for confiscation in the procedure under the Act on Imposing Fines and Fixed Fines are issued separately. (985/2016)

The plaintiff shall plead the facts on which his or her request is based and prove them. The plaintiff does not, however, have the burden of proof with regard to the origin of the property referred to in section 3. Confiscation of such property may be ordered unless the defendant shows that it is probable that the property is derived from a source other than criminal activity.

Where confiscation concerns data referred to in chapter 7, section 1 of the Coercive Measures Act or if otherwise necessary for a special reason, the court shall, when ordering confiscation, issue further instructions on the enforcement of the confiscation, if necessary.

## **Section 10 (875/2001)**

### **Adjustment of confiscation**

Confiscation may be waived, if:

- 1) the amount of the proceeds or the value of the object or property is minor,
- 2) punishment is waived under chapter 6, section 12 or another equivalent provision of law, or (347/2013)
- 3) confiscation would be unreasonable, taking into consideration the nature of the offence and of the object or property, the financial standing of the defendant, and other circumstances.

Under the conditions specified in subsection 1, confiscation of value or confiscation of only a part of the object, property or value may be ordered instead of confiscation of the object or property. Similarly, confiscation of both a part of the object or property and a part of the value may be ordered. Confiscation of a part of the proceeds may also be ordered.

## **Section 11 (356/2016)**

### **Miscellaneous provisions**

When the liability for confiscation in respect of a party other than a suspect or defendant in a criminal case is being considered in a criminal investigation or in judicial proceedings, the provisions on a suspect or defendant in a criminal case shall be observed.

Where compensation or restitution has been paid or ordered to be paid after a decision on confiscation referred to in section 2, subsection 6 has been issued, confiscation may be enforced to a correspondingly reduced amount. If confiscation has already been enforced, the Legal Register Centre may, upon written application of the person concerned, decide that an equivalent amount shall be paid from state funds. Notwithstanding the provisions on secrecy obligation laid down elsewhere by law, the person concerned has the right to obtain information on the enforcement of the confiscation referred to above from the Legal Register Centre for the purpose of preparing the application. If more than one application is made on the basis of the same offence, the applications shall be decided at the same time, unless this causes unreasonable harm to the applicants. If the enforced confiscation is insufficient to cover the payment of all claims, payment shall be made in proportion to the amount of the claims in compliance with the provisions of chapters 17 and 18 of the Bankruptcy Act (120/2004). A person dissatisfied with the decision of the Legal Register Centre may bring an action at the district court of his or her domicile or at the Helsinki District Court. The action shall be filed within one month from the date of the decision of the Legal Register Centre. If several actions are filed due to applications that were made on the basis of the same offence, the actions are considered by the district court where the first action was filed. A district court other than the one mentioned above shall transfer the actions to be considered by the competent district court. The State, represented by the Legal Register Centre, is the respondent in such a case.

A person who, in good faith, has obtained a lien or another security right to an object or property referred to in section 4 or 5 that is subject to confiscation may be reimbursed for its value regardless of whether the underlying claim has become due. An action to this effect shall be

brought at the district court of the plaintiff's domicile or at the Helsinki District Court within five years from the date on which the judgment concerning the confiscation became final. Otherwise, the security right shall lapse.

## **Chapter 11 (212/2008)**

### **War crimes and crimes against humanity**

#### **Section 1 (212/2008)**

##### **Genocide**

A person who, for the purpose of entirely or partially destroying a national, ethnical, racial or religious group or another comparable group,

- 1) kills members of the group,
- 2) causes serious bodily or mental illness or injuries to members of the group,
- 3) inflicts on the group conditions of life that can bring about its physical destruction in whole or in part,
- 4) imposes forcible measures intended to prevent births within the group, or
- 5) forcibly transfers children from one group to another

shall be sentenced for *genocide* to imprisonment for at least four years or for life.

An attempt is punishable.

#### **Section 2 (212/2008)**

##### **Preparation of genocide**

A person who, for a purpose referred to in section 1,

- 1) agrees with another person to commit genocide, or
- 2) makes a plan for genocide

shall be sentenced for *preparation of genocide* to imprisonment for at least four months and at most four years.

### **Section 3 (212/2008)**

#### **Crime against humanity**

A person who, as part of a widespread or systematic attack directed against a civilian population,

- 1) kills or enslaves another person, subjects him or her to trade by making an offer, purchasing, selling or renting, or tortures him or her, or in some other manner causes him or her great suffering or a serious injury or seriously harms his or her health, or destroys people by inflicting on a population or part of it destructive conditions of life or in some other manner,
- 2) deports or forcibly transfers population lawfully residing in an area,
- 3) imprisons a person or otherwise deprives him or her of his or her liberty in violation of fundamental rules of international law or causes the enforced disappearance of a person who has been deprived of his or her liberty,
- 4) rapes another person, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilisation or commits other sexual violence of comparable gravity against him or her, or
- 5) engages in racial discrimination or persecutes an identifiable group or collectivity on the basis of political opinion, race, nationality, ethnic origin, culture, religion or gender or on other comparable grounds

shall be sentenced for *a crime against humanity* to imprisonment for at least one year or for life.

An attempt is punishable.

### **Section 4 (212/2008)**

#### **Aggravated crime against humanity**

If a crime against humanity

- 1) is directed against a large group of people,
- 2) is committed in a particularly brutal, cruel or humiliating manner, or
- 3) is committed in a particularly premeditated or systematic manner,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated crime against humanity* to imprisonment for at least eight years or for life.

An attempt is punishable.

## **Section 4a (1718/2015)**

### **Crime of aggression**

If a person in a position effectively to exercise control over or to direct the political or military action of a state commits an act of aggression which, by its character, gravity and scale, constitutes a manifest violation of the Charter of the United Nations (Finnish Treaty Series 1/1956), the person shall be sentenced for *a crime of aggression* to imprisonment for at least four years or for life.

An attempt is punishable.

An act of aggression means the use of armed force by a state against the sovereignty, territorial integrity or political independence of another state, or in any other manner inconsistent with the Charter of the United Nations.

The following acts committed by a state or the armed forces of a state, regardless of a declaration of war, shall, in accordance with United Nations General Assembly resolution 3314 (XXIX) of 14 December 1974, qualify as acts of aggression:

- 1) the invasion or attack of the territory of another state, any military occupation resulting from such invasion or attack, and any annexation of the territory of another state or part of it,
- 2) bombardment against the territory of another state and the use of any weapons against the territory of another state,
- 3) the blockade of the ports or coast of another state,
- 4) an attack on the land, sea or air forces, or marine and air fleets of another state,
- 5) the use of armed forces of one state which are within the territory of another state with the agreement of the receiving state, in contravention of the conditions provided for in the agreement or any extension of their presence in such territory beyond the termination of the agreement,

6) the action of a state in allowing its territory, which it has placed at the disposal of another state, to be used by that other state for perpetrating an act of aggression against a third state,

7) the sending by or on behalf of a state of armed bands, groups, irregulars or mercenaries, which carry out acts against another state of such gravity as to be comparable to the acts referred to in paragraphs 1–6, or its substantial involvement in the sending of these.

## **Section 4b (1718/2015)**

### **Preparation of a crime of aggression**

A person referred to in section 4a, subsection 1 who, for the purpose of committing a crime of aggression referred to in section 4a,

- 1) agrees with another person to commit a crime of aggression, or
- 2) prepares a detailed plan to commit a crime of aggression

shall be sentenced for *preparation of a crime of aggression* to imprisonment for at least four months and at most four years.

## **Section 5 (212/2008)**

### **War crime**

A person who, in connection with a war or another international or domestic armed conflict or occupation, in violation 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 Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, relative to the Treatment of Prisoners of War, or relative to the Protection of Civilian Persons in Time of War (Finnish Treaty Series 8/1955, *Geneva Conventions*), or the Protocols Additional to the Geneva Conventions of 1949, relating to the Protection of Victims of International Armed Conflicts and to the Protection of Victims of Non-International Armed Conflicts (Finnish Treaty Series 82/1980, *Protocols I and II*), or other rules and customs of international law on war, armed conflict or occupation,

- 1) kills another or wounds or tortures him or her, or in violation of his or her interests mutilates him or her or subjects him or her to a biological, medical or scientific experiment, or in another manner causes him or her great suffering or a serious injury or seriously harms his or her health,

- 2) rapes another person, subjects him or her to sexual slavery, forces him or her into prostitution, pregnancy or sterilisation, or commits other sexual violence of comparable gravity against him or her,
- 3) destroys, seizes or appropriates property wantonly and without military necessity,
- 4) in connection with an assault or otherwise pillages a town or another equivalent place,
- 5) takes or recruits children under 18 years of age into armed forces or into groups in which they are used for hostilities,
- 6) compels a prisoner of war or another protected person to serve in the armed forces of a hostile power or participate in military action against their own state,
- 7) deprives a prisoner of war or another protected person of the rights to a fair and regular trial or in another manner deprives him or her of legal guarantees,
- 8) launches an attack that causes a loss of human life or injuries or widespread, long-term and severe environmental damage that are clearly excessive in relation to the concrete and direct military advantage anticipated,
- 9) attacks a civilian population, civilians not taking part in hostilities or civilian objects or persons engaged in tasks referred to in the Charter of the United Nations (Finnish Treaty Series 1/1956) or property used by them,
- 10) attacks undefended civilian objects or bombards them, attacks places intended for religious worship, science, art, medical treatment or charity or historical monuments, or attacks persons who are using the distinctive emblems referred to in the Geneva Conventions or their Protocol I or III,
- 11) makes improper use of the flag of truce, the flag of the enemy, the flag of the United Nations, military insignia, a military uniform or the distinctive emblems referred to in the Geneva Conventions or their Protocol I or III,
- 12) unlawfully confines or forcibly transfers or deports population or parts of it,
- 13) takes persons as hostages, declares that no quarter will be given, uses civilians or other protected persons to shield military objectives, deprives civilians of foodstuffs or other objects

indispensable to their survival or of relief supplies, or uses other means of warfare prohibited under international law, or

14) uses poison or a poisoned weapon, asphyxiating or toxic gases or other equivalent substances, or weapons, ammunition or materiel that cause excessive injuries or unnecessary suffering, or chemical, biological or other prohibited weapons or ordnance

shall be sentenced for *a war crime* to imprisonment for at least one year or for life.

A person who commits another act that constitutes a war crime under article 8 of the Rome Statute of the International Criminal Court (Finnish Treaty Series 56/2002) or in another manner violates the provisions of an international treaty on war, armed conflict or occupation that is binding on Finland or the generally recognised and established laws and customs of war in accordance with international law shall also be sentenced for a war crime.

An attempt is punishable.

## **Section 6 (212/2008)**

### **Aggravated war crime**

If a war crime is committed as part of a plan or policy or as part of widespread war crimes and

- 1) it is directed against a large group of people,
- 2) it causes very serious and extensive damage,
- 3) it is committed in a particularly brutal, cruel or humiliating manner, or
- 4) it is committed in a particularly premeditated or systematic manner,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated war crime* to imprisonment for at least eight years or for life.

An attempt is punishable.

## **Section 7 (212/2008)**

### **Petty war crime**

If, taking into consideration the consequence caused or the other circumstances connected with the offence, the war crime is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty war crime* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 7a (1466/2011)**

### **Violation of the prohibition of anti-personnel mines**

A person who, in violation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Finnish Treaty Series 13/2012),

- 1) uses anti-personnel mines in a manner other than those referred to in sections 5–7, or
- 2) develops, produces, otherwise acquires, stockpiles, retains, transfers, exports or imports anti-personnel mines

shall be sentenced for *a violation of the prohibition of anti-personnel mines* to imprisonment for at least four months and at most six years.

## **Section 8 (212/2008)**

### **Violation of the prohibition of chemical weapons**

A person who, in violation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (Finnish Treaty Series 19/1979),

- 1) uses chemical weapons in a manner other than those referred to in sections 5–7,
- 2) develops, produces, otherwise acquires, stockpiles, retains or transfers chemical weapons, or
- 3) engages in military preparations to use chemical weapons

shall be sentenced for *a violation of the prohibition of chemical weapons* to imprisonment for at least four months and at most six years.

A person who delivers a chemical weapon referred to in subsection 1 or conducts research for the purpose of producing a chemical weapon shall also be sentenced for a violation of the prohibition of chemical weapons. (874/2018)

## **Section 9 (212/2008)**

### **Violation of the prohibition of biological weapons**

A person who

- 1) uses a biological or a toxin weapon in a manner other than those referred to in sections 5–7,
- 2) illegally manufactures, transfers or supplies a biological weapon or a toxin weapon, or
- 3) in violation of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (Finnish Treaty Series 15/1975), develops, produces, otherwise acquires, stockpiles or retains a biological weapon or a toxin weapon, or weapons, equipment or means of delivery of a biological weapon or a toxin weapon

shall, unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *a violation of the prohibition of biological weapons* to imprisonment for at least four months and at most six years.

A person who conducts research for the purpose of manufacturing a biological weapon as referred to in subsection 1, paragraph 2 or for the purpose of producing such a weapon as referred to in paragraph 3 shall also be sentenced for a violation of the prohibition of biological weapons. (874/2018)

## **Section 9a (990/2009)**

### **Torture**

If a public official causes another person strong physical or mental suffering

- 1) to get him or her or another person to confess or to provide information,
- 2) to punish him or her for something that he or she or some other person has done or is suspected of having done,
- 3) to intimidate or coerce him or her or another person, or

4) on the basis of race, national or ethnic origin, colour, language, sex, age, family relations, sexual orientation, genetic inheritance, disability, state of health, religion, societal opinion, political or vocational activities or other comparable factors,

the public official shall be sentenced for *torture* to imprisonment for at least two and at most twelve years and, in addition, to be removed from office.

A public official who explicitly or implicitly approves an act referred to in subsection 1 committed by a subordinate or by a person who otherwise is within the effective authority and control of the public official shall also be sentenced for torture.

An attempt is punishable.

The provisions of this section concerning public officials also apply to persons holding a public position of trust and to persons exercising public authority and, with the exception of removal from office, also to employees of public sector entities and to foreign public officials.

## **Section 10 (511/2011)**

### **Agitation against a population group**

A person who makes available to the public or otherwise disseminates among the public or keeps available to the public such information, an opinion or another message where a certain group is threatened, defamed or insulted on the basis of its race, colour, descent, national or ethnic origin, religion or belief, sexual orientation or disability or on another comparable basis shall be sentenced for *agitation against a population group* to a fine or to imprisonment for at most two years.

## **Section 10a (511/2011)**

### **Aggravated agitation against a population group**

If agitation against a population group involves exhortation or enticement

1) to genocide or preparation of genocide, a crime against humanity, an aggravated crime against humanity, a war crime, an aggravated war crime, murder, or manslaughter committed with a terrorist intent, or

2) to serious violence other than that referred to in paragraph 1 so that the act clearly endangers public order and security,

and the agitation against a population group is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated agitation against a population group* to imprisonment for at least four months and at most four years.

## **Section 11 (885/2009)**

### **Discrimination**

A person who in his or her trade or profession, service of the general public, official duties or other public function or in the arrangement of a public occasion or meeting, without an acceptable reason,

- 1) refuses someone service in accordance with the generally applicable conditions,
- 2) refuses someone entry to the occasion or meeting or ejects him or her, or
- 3) places someone in a manifestly unequal or otherwise essentially inferior position

on the basis of his or her race, national or ethnic origin, colour, language, sex, age, family relations, sexual orientation, genetic inheritance, disability or state of health, or religion, societal opinion, political or vocational activities or another comparable factor shall, unless the act is punishable as work discrimination or extortionate work discrimination, be sentenced for *discrimination* to a fine or to imprisonment for at most six months.

## **Section 12 (1718/2015)**

### **Responsibility of the superior**

A military or other superior shall be sentenced for an act referred to in section 1, 3, 4, 4a, 4b, 5–7 or 13 or for an attempt at such an act in the same way as the perpetrator or an accomplice, if forces or subordinates that are under the effective authority and control of the superior have committed such an act as a consequence of the failure of the superior to properly supervise the actions of the forces or subordinates, and if

- 1) the superior knew or, on the basis of the circumstances, he or she should have known that the forces or subordinates were committing or about to commit the said offences, and
- 2) the superior failed to take the necessary and reasonable measures within his or her power to prevent the commission of the offences.

## **Section 13 (1718/2015)**

### **Failure to report an offence of a subordinate**

A military or other superior who fails to take the necessary and reasonable measures within his or her power to refer to the authorities for investigation an offence referred to in section 1, 3, 4, 4a, 4b or 5–7 or in this section suspected to have been committed by a person under his or her effective authority and control shall be sentenced for *failure to report an offence of a subordinate* to a fine or to imprisonment for at most two years.

However, a superior who is an accomplice to an offence committed by his or her subordinate or, under the conditions specified in section 12, is the perpetrator of an offence or an accomplice to an offence committed by his or her subordinate shall not be sentenced for failure to report an offence of a subordinate.

## **Section 14 (212/2008)**

### **Order of the Government and command of a superior**

A person who has committed or attempted to commit a war crime, an aggravated war crime or a petty war crime pursuant to an order of an authority exercising governmental powers or of another entity exercising public authority, or pursuant to a command of a superior, is only exempt from criminal liability if:

- 1) the person was under a legal obligation to obey the orders of the Government or the commands of his or her superior,
- 2) the person did not know that the order or the command was unlawful, and
- 3) the order or the command was not manifestly unlawful.

## **Section 14a (1718/2015)**

### **Restrictive provision**

Sections 4a and 4b of this chapter only apply if a crime of aggression referred to in section 4a, subsections 3 and 4 is committed.

In applying sections 4a and 4b, the provisions of chapter 5, section 7, subsection 2 do not apply to an inciter and an abettor.

## **Section 14b (1718/2015)**

### **Right to bring charges**

Unless otherwise provided in section 113 or 114 of the Constitution, the Prosecutor General shall decide on the bringing of charges for a crime of aggression, an attempt at a crime of aggression and preparation of a crime of aggression. On that occasion, the Prosecutor General shall also designate a prosecutor for the case.

## **Section 15 (511/2011)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to agitation against a population group and aggravated agitation against a population group.

## **Chapter 12 (578/1995)**

### **Offences of treason**

## **Section 1 (578/1995)**

### **Compromising the sovereignty of Finland**

A person who, by using or threatening to use violence or by means of military or economic pressure or support of a foreign state, for the purpose of

- 1) rendering Finland or a part of Finland subject to the authority of a foreign state,
- 2) separating a part of Finland from the rest of the State, or
- 3) otherwise restricting the sovereignty of Finland in a manner of comparable gravity,

commits an act that poses a risk of the said purpose being attained shall be sentenced for *compromising the sovereignty of Finland* to imprisonment for at least one year and at most ten years.

## **Section 2 (578/1995)**

### **Incitement to war**

If a person in Finland or a Finnish citizen outside of Finland, during an ongoing or imminent military crisis or international political crisis concerning Finland, for the purpose of causing Finland to be at war or become the target of a military operation,

- 1) publicly exhorts a foreign state to commit an act of aggression against Finland or Finland to commit an act of aggression against a foreign state,
- 2) publicly disseminates statements or other expressions aimed at turning the public opinion to support the commission of acts of aggression,
- 3) systematically disseminates manifestly unfounded or misleading information on Finland's national defence or the military or defence policy intentions of Finland, or
- 4) unlawfully commits a violent act against a foreign state or a representative, territory or property of a foreign state,

so that the act clearly increases the risk of Finland being at war or becoming the target of a military operation, the person shall be sentenced for *incitement to war* to imprisonment for at least one year and at most ten years.

## **Section 3 (578/1995)**

### **Treason**

A Finnish citizen who, during an ongoing or imminent war, armed conflict or occupation concerning Finland,

- 1) joins the armed forces of the enemy,
- 2) participates in military operations or other military activities against Finland,
- 3) serves the enemy in a military or civilian capacity immediately furthering the military operations against Finland, or
- 4) collaborates with the enemy or in another equivalent manner causes damage to Finland to the benefit of an enemy,

shall be sentenced for *treason* to imprisonment for at least one year and at most ten years.

An alien who commits an act referred to in subsection 1, paragraph 4 while in Finland or while in the service of the State of Finland shall also be sentenced for treason.

An attempt is punishable.

Such a measure taken during occupation that is manifestly necessary to safeguard the living conditions of the population is not considered collaboration with the enemy as referred to in subsection 1, paragraph 4 of this section.

#### **Section 4 (578/1995)**

##### **Aggravated treason**

If, in treason,

1) a danger of rendering Finland or a part of Finland subject to the authority of a foreign state arises, or

2) particularly serious damage is otherwise caused to Finland,

and the treason is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated treason* to imprisonment for at least four years or for life.

An attempt is punishable.

#### **Section 5 (578/1995)**

##### **Espionage**

A person who, for the purpose of benefiting a foreign state or causing damage to Finland, acquires information on a matter concerning Finland's national defence or other preparedness for a state of emergency, Finland's foreign relations, state finances, foreign trade or energy supply or another comparable matter affecting Finland's national security, and the disclosure of the information to a foreign state can cause damage to Finland's national defence, national security, foreign relations or national economy, shall be sentenced for *espionage* to imprisonment for at least one and at most ten years.

A person who, for the purpose of benefiting a foreign state or causing damage to Finland, relays, delivers or discloses to another person or publishes information referred to in subsection 1 shall also be sentenced for espionage.

An attempt is punishable.

A person serving in the armed forces of an enemy may be sentenced for espionage only if the person, concealing that service, is staying in Finland or in the theatre of operations of the Finnish Defence Forces. The person shall not be sentenced for acts of espionage other than that in which he or she was caught.

## **Section 6 (578/1995)**

### **Aggravated espionage**

If espionage

- 1) is committed during a state of emergency,
- 2) relates to a matter which is particularly important to Finland's national defence, national security, foreign relations or national economy, or
- 3) is conducive to causing damage referred to in section 5 that is particularly serious,

and the espionage is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated espionage* to imprisonment for at least four years or for life.

An attempt is punishable.

## **Section 7 (578/1995)**

### **Disclosure of a national secret**

A person who unlawfully publishes or relays, delivers or discloses to another or, for such a purpose, unlawfully acquires information on a matter that has been classified as secret by statute or by administrative order so as to safeguard the Finnish national security, or that to the knowledge of the perpetrator is conducive to causing serious damage to Finland's national defence, national security, foreign relations or national economy, shall be sentenced for *disclosure of a national secret* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Section 8 (578/1995)**

### **Negligent disclosure of a national secret**

A person who, through gross negligence, unlawfully publishes or relays, delivers or discloses to another information on a matter that has been classified as secret by statute or by administrative order so as to safeguard Finland's national security shall be sentenced for *negligent disclosure of a national secret* to a fine or to imprisonment for at most two years.

## **Section 9 (578/1995)**

### **Unauthorised intelligence activities**

A person who, for the purpose of causing damage to a foreign state or benefiting another foreign state, acquires information on the national defence or national security of a foreign state or on matters with direct relevance to these, and in doing so causes damage or danger to Finland's foreign relations, shall be sentenced for *unauthorised intelligence activities* to imprisonment for at least four months and at most six years.

An attempt is punishable.

## **Section 10 (578/1995)**

### **Violation of the rules of neutrality**

A person who violates the rules of neutrality, governing the attitude of Finland towards belligerent foreign states, shall be sentenced for *a violation of the rules of neutrality* to a fine or to imprisonment for at most one year.

## **Section 11 (578/1995)**

### **Treasonable conspiracy**

A person who, for the purpose of committing an offence referred to in this chapter, conspires with a foreign state or a representative of a foreign state shall be sentenced for *treasonable conspiracy* to a fine or to imprisonment for at most two years.

## **Section 12 (586/2019)**

### **Restrictive provision**

The use of intelligence gathering methods in accordance with chapter 5a of the Police Act (872/2011), the Act on the Use of Network Traffic Intelligence in Civilian Intelligence (582/2019)

or the Act on Military Intelligence (590/2019) is not considered an offence within the meaning of this chapter.

## **Chapter 13 (578/1995)**

### **Offences of high treason**

#### **Section 1 (578/1995)**

##### **High treason**

A person who, by using or threatening to use violence or in another comparable manner through unlawful coercion or in violation of the Constitution, for the purpose of

- 1) abrogating the Constitution of Finland or altering it, or
- 2) altering the system of government of Finland,

commits an act that poses a risk of the said purpose being attained shall be sentenced for *high treason* to imprisonment for at least one year and at most ten years.

A person who, by using or threatening to use violence, overthrows or attempts to overthrow the President of the Republic, the Government or Parliament, or completely or partially prevents or attempts to prevent them from exercising their authority shall also be sentenced for high treason.

#### **Section 2 (578/1995)**

##### **Aggravated high treason**

If, in high treason,

- 1) the perpetrator is the President of the Republic, a member of the Government or another person belonging to the highest political or military command of the State,
- 2) the offence is committed by employing armed troops,
- 3) the offence is committed by killing people, or
- 4) the offence is particularly dangerous due to a state of emergency,

and the high treason is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated high treason* to imprisonment for at least four years or for life.

### **Section 3 (578/1995)**

#### **Preparation of high treason**

A person who, for the purpose of committing high treason,

- 1) conspires with a foreign state or a representative of a foreign state,
- 2) manufactures, acquires, assembles or stockpiles weapons, ammunition or other comparable instruments of violence,
- 3) provides training in the use of weapons or other instruments of violence, or
- 4) recruits or gathers troops or arms troops with weapons

shall be sentenced for *preparation of high treason* to imprisonment for at least four months and at most four years.

A person who establishes or organises an association whose purpose is to violently abrogate or alter the Constitution or the system of government of Finland, participates in the activities of such an association in a leadership position or in another significant manner or, knowing about the purpose of the association, provides it with significant financial, organisational or other equivalent support shall also be sentenced for preparation of high treason.

### **Section 4 (578/1995)**

#### **Illegal military activities**

A person who illegally establishes, organises or provides supplies to a militarily organised association whose purpose is to influence state affairs, acts in a leadership position in such an association, supports it financially or in another significant manner, or organises or provides military training in the association shall be sentenced for *illegal military activities* to a fine or to imprisonment for at most two years.

## **Chapter 14 (578/1995)**

### **Offences against political rights**

#### **Section 1 (578/1995)**

##### **Electoral offence**

A person who, by using or threatening to use violence, influences or attempts to influence the voting or candidacy of another person in general elections or a referendum shall be sentenced for *an electoral offence* to a fine or to imprisonment for at most two years.

#### **Section 2 (578/1995)**

##### **Electoral bribery**

A person who

- 1) promises, offers or gives to another person a reward or other advantage to persuade him or her to vote in a given way or refrain from voting in general elections or a referendum, or
- 2) demands a reward or other advantage for voting or refraining from voting in general elections or a referendum

shall be sentenced for *electoral bribery* to a fine or to imprisonment for at most one year.

#### **Section 3 (578/1995)**

##### **Fraudulent voting**

A person who in general elections or a referendum votes without having the right to vote, in another person's name or more than once shall be sentenced for *fraudulent voting* to a fine or to imprisonment for at most one year.

An attempt is punishable.

#### **Section 4 (578/1995)**

##### **Falsification of election results**

A person who, for the purpose of falsifying or obscuring the results of general elections or a referendum,

- 1) miscounts votes,

- 2) destroys, damages, hides or adds ballots or alters the markings on the ballots, or
- 3) interferes with the appropriate conduct of general elections or a referendum in another comparable manner

shall be sentenced for *falsification of election results* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 5 (578/1995)**

### **Violation of political freedom**

A person who, by using violence or threatening to seriously endanger the wellbeing of another person, prevents him or her from

- 1) expressing his or her opinion on public affairs in a meeting or another occasion arranged for that purpose, in the media or otherwise in public,
- 2) participating in a meeting, march or other occasion arranged for the conduct of public affairs, or
- 3) founding an association for the conduct of public affairs or joining, belonging to or being active in such an association

shall be sentenced for *a violation of political freedom* to a fine or to imprisonment for at most two years.

A person who in the manner referred to in subsection 1 makes another person, against his or her will, express his or her opinion on public affairs in a meeting or another occasion, in the media or otherwise in public, participate in an occasion arranged for the conduct of public affairs, or join, belong to or be active in an association founded for the conduct of public affairs, shall also be sentenced for a violation of political freedom.

An attempt is punishable.

## **Section 6 (578/1995)**

### **Prevention of a public meeting**

A person who, by using or threatening to use violence, unlawfully prevents the arrangement of a meeting, march or other occasion intended for the conduct of public affairs shall be sentenced for *prevention of a public meeting* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 7 (1010/1995)**

### **Definitions**

In this chapter, *general elections* means national elections, elections to the Åland Parliament, municipal elections, elections to the European Parliament and general church elections.

In this chapter, *referendum* means a national and a local referendum.

## **Chapter 15 (563/1998)**

### **Offences against the administration of justice**

## **Section 1 (735/2015)**

### **False statement in court**

If

1) a witness or an expert witness in court or

2) another person in court, under oath or affirmation, provides false information in the case or without lawful excuse conceals a pertinent circumstance,

the person shall be sentenced for *a false statement in court* to imprisonment for at most three years.

What is provided in subsection 1 also applies when a person is heard in court by video conference, telephone or another technical means of communication referred to in chapter 17, section 52 or 56 of the Code of Judicial Procedure without him or her being present in person.

## **Section 2 (563/1998)**

### **False statement in official proceedings**

If

- 1) a person under oath or affirmation in official proceedings comparable to a trial,
- 2) a person other than a suspect, when being questioned in person in a criminal investigation, or
- 3) a person other than one with the status referred to in chapter 6, section 2, subsection 2 of the Police Act (872/2011), when being questioned in person in a police investigation or in other comparable official proceedings,

provides false information in the case or without lawful excuse conceals a pertinent circumstance, the person shall be sentenced for *a false statement in official proceedings* to a fine or to imprisonment for at most two years. (815/2011)

The legal representative of a legal person, when being questioned in a criminal investigation for the determination of corporate criminal liability, is equated with a suspect in the matter.

## **Section 3 (563/1998)**

### **Aggravated false statement in court**

If, in making a false statement referred to in section 1,

- 1) serious danger arises that the court may sentence an innocent person to imprisonment or to another severe sanction, or that the court may sentence a person to a significantly more severe sanction than what would otherwise be the case, or that the court is very likely to make a wrong decision causing other particularly considerable damage to a party,
- 2) the falsehood or concealment pertains to a particularly important circumstance, or
- 3) the offence is committed in a particularly premeditated manner,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated false statement in court* to imprisonment for at least four months and at most six years.

## **Section 4 (735/2015)**

### **Negligent false statement**

A person who

- 1) as a witness or an expert witness in court, or
- 2) under oath or affirmation in court or in official proceedings comparable to a trial

through negligence provides false information in the case or conceals a pertinent circumstance shall be sentenced for *a negligent false statement* to a fine or to imprisonment for at most six months.

## **Section 5 (563/1998)**

### **Attempted incitement to a false statement**

A person who attempts to incite another person to commit an offence referred to in sections 1–3 shall be sentenced for *attempted incitement to a false statement* to a fine or to imprisonment for at most one year.

## **Section 6 (563/1998)**

### **False denunciation**

A person who provides false information to a criminal investigation authority, another authority or a court, thereby putting the denounced person in danger of being wrongly arrested, remanded or subjected to another coercive measure, being wrongly charged with an offence, or being wrongly sentenced to a punishment or another criminal sanction, shall be sentenced for *a false denunciation* to a fine or to imprisonment for at most three years.

## **Section 7 (563/1998)**

### **Falsification of evidence**

A person who, for the purpose of having an innocent person sentenced or otherwise causing damage to another person, conceals, destroys, damages, alters or otherwise falsifies an object, document or other piece of evidence that is necessary as evidence in court or in a criminal investigation and that the person knows to be of significance in the matter shall be sentenced for *falsification of evidence* to a fine or to imprisonment for at most two years.

A person who, for the purpose referred to in subsection 1, submits a piece of evidence that he or she knows to be false or falsified to be used as evidence in court or in a criminal investigation, or uses it in a misleading manner himself or herself, shall also be sentenced for falsification of evidence.

### **Section 8 (563/1998)**

#### **Aggravated falsification of evidence**

If, in falsification of evidence,

- 1) an innocent person is put in serious danger of being sentenced to imprisonment or to another severe sanction,
- 2) the offence pertains to a particularly important piece of evidence, or
- 3) the offence is committed in a particularly premeditated manner,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated falsification of evidence* to imprisonment for at least four months and at most six years.

### **Section 9 (563/1998)**

#### **Threatening a person to be heard in the administration of justice**

A person who unlawfully

- 1) by using violence or making a threat, prevents or attempts to prevent another person from making a statement as a witness, an expert witness, another person to be heard, or a party in a trial, a criminal investigation, a police investigation or other comparable official proceedings, or influences or attempts to influence the contents of the statement, or
- 2) because of a statement made by another person in a hearing referred to above, uses or threatens to use violence against this person or a person whose relationship to this person is one referred to in section 10, subsection 2

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *threatening a person to be heard in the administration of justice* to a fine or to imprisonment for at most three years.

## **Section 10 (563/1998)**

### **Failure to report a serious offence**

A person who knows of an imminent genocide, preparation of genocide, crime against humanity, aggravated crime against humanity, crime of aggression, preparation of a crime of aggression, war crime, aggravated war crime, torture, violation of the prohibition of chemical weapons, violation of the prohibition of biological weapons, violation of the prohibition of anti-personnel mines, compromising of the sovereignty of Finland, treason, aggravated treason, espionage, aggravated espionage, high treason, aggravated high treason, rape, aggravated rape, aggravated sexual abuse of a child, aggravated rape of a child, murder, manslaughter, killing, aggravated assault, robbery, aggravated robbery, trafficking in human beings, aggravated trafficking in human beings, hostage taking, aggravated criminal mischief, aggravated endangerment of health, nuclear device offence, hijacking, an offence committed with a terrorist intent referred to in chapter 34a, section 1, subsection 1, paragraph 3, aggravated degradation of the environment or aggravated narcotics offence, and fails to report it to the authorities or to the person in danger when there is still time to prevent the offence shall be sentenced, if the offence or a punishable attempt at the offence is committed, for *failure to report a serious offence* to a fine or to imprisonment for at most six months. (486/2019)

However, a person shall not be sentenced for failure to report a serious offence if, in order to prevent the offence, he or she would have had to denounce his or her current or former spouse, current cohabiting partner, sibling, or relative in the direct ascending or descending line, or a person with whom he or she has another similar close relationship comparable to an intimate relationship or kinship. (735/2015)

## **Section 11 (563/1998)**

### **Harbouring an offender**

A person who, after becoming aware that an offence has been committed, by furthering the escape of the offender or by destroying evidence, prevents or attempts to prevent the offender from being brought to justice, shall be sentenced for *harbouring an offender* to a fine or to imprisonment for at most one year.

What is provided in subsection 1 does not apply to an accomplice to an offence nor to a person whose relationship to the offender is one referred to in section 10, subsection 2, nor to offences for which the most severe punishment provided does not exceed imprisonment for six months.

## **Section 12 (27/2016)**

### **False statement made abroad or before an international court**

In applying the provisions on a false statement, 'court' also means the International Court of Justice established by the Charter of the United Nations and other tribunals set up by that organisation, the Unified Patent Court referred to in the Agreement on a Unified Patent Court (2013/C 175/01), done in Brussels on 19 February 2013, courts in Iceland and Norway, the Court of Justice of the European Union and courts in the Member States of the European Union, and courts in other foreign states, when the court is providing executive assistance to a Finnish court.

*Section 12, as amended by Act 27/2016, enters into force on a date to be set by decree. Previous form of wording:*

## **Section 12 (563/1998)**

### **False statement made abroad or before an international court**

In applying the provisions on a false statement, 'court' also means the International Court of Justice established by the Charter of the United Nations and other tribunals set up by that organisation, courts in Iceland and Norway, the Court of Justice of the European Communities and courts in the Member States of the European Union, and courts in other foreign states, when the court is providing executive assistance to a Finnish court.

## **Section 12a (604/2002)**

### **Offences against administration of justice by the International Criminal Court**

In applying the provisions on a false statement, false denunciation, falsification of evidence and threatening a person to be heard in the administration of justice, 'court' also means the International Criminal Court, and 'criminal investigation' also means an investigation referred to in the Rome Statute of the International Criminal Court.

## **Section 13 (735/2015)**

### **Restrictive provision**

The provisions on a false statement do not apply if

1) the person making the statement corrects it or reveals the concealed circumstance before the hearing or questioning is concluded, or

2) it is impossible to keep to the truth without a risk of the person heard himself or herself becoming liable for an offence or a comparable unlawful act.

The provisions on a false statement in court do not apply to such a witness heard in a criminal case

1) who is an injured party with no claims in the case,

2) who is charged with the same act or an act that is directly connected to the act referred to in the charge,

3) a person who has been issued with an order for a fine, a penal order or an order for a fixed fine due to the act referred to in paragraph 2, or (985/2016)

4) whose act has not been submitted for prosecution under chapter 3, section 9 of the Criminal Investigation Act or whose prosecution has been waived under chapter 1, section 7 or 8 of the Criminal Procedure Act or another equivalent provision of law.

## **Chapter 16 (563/1998)**

### **Offences against public authorities**

#### **Section 1 (563/1998)**

##### **Violent resistance to a public official**

A person who

1) uses or threatens to use violence to force a public official to perform or to refrain from performing an official duty involving exercise of public authority,

2) otherwise due to such an official duty uses or threatens to use violence against a public official performing the official duty, or

3) uses violence against a public official or a person in a relationship referred to in chapter 15, section 10, subsection 2 to the public official to revenge such an official duty

shall be sentenced for *violent resistance to a public official* to imprisonment for at least four months and at most four years.

A person who acts in the manner specified 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 exercise of public authority shall also be sentenced for violent resistance to a public official. (604/2002)

## **Section 2 (563/1998)**

### **Resistance to a public official**

If, taking into consideration the minor significance of the violence or threat or the other circumstances connected with the offence, the violent resistance to a public official is deemed to have been committed under mitigating circumstances when assessed as a whole, the perpetrator shall be sentenced for *resistance to a public official* to a fine or to imprisonment for at most six months.

## **Section 3 (563/1998)**

### **Obstructing a public official**

A person who, without using or threatening to use violence, unlawfully prevents or attempts to prevent an official duty referred to in section 1 from being performed or makes performing it more difficult shall be sentenced for *obstructing a public official* to a fine.

A person who acts in the manner specified 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 exercise of public authority shall also be sentenced for obstructing a public official. (604/2002)

## **Section 4 (815/2011)**

### **Insubordination to the police**

A person who

- 1) fails to obey an order or a prohibition issued by a police officer, within his or her powers, for the purpose of maintaining public order and security or performing a duty,
- 2) refuses to provide a police officer with the personal data referred to in chapter 2, section 1, subsection 1 of the Police Act,
- 3) fails to obey a police officer's clearly visible signal or order given to stop or move a vehicle, as referred to in chapter 2, section 11, subsection 1 of the Police Act,

4) neglects the obligation to assist referred to in chapter 9, section 3 of the Police Act, or

5) alerts the police without reason or hinders police operations by providing false information

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *insubordination to the police* to a fine or to imprisonment for at most three months.

#### **Section 4a (585/2005)**

##### **Insubordination to a border guard**

A person who

1) fails to obey an order or a prohibition issued by a border guard, within his or her powers, for the purpose of performing a duty,

2) refuses to provide a border guard with the personal data referred to in section 36, subsection 1 of the Border Guard Act (578/2005),

3) fails to obey a border guard's clearly visible signal or order given to control traffic or to stop or move a vehicle, as referred to in section 38 of the Border Guard Act,

4) fails to obey a prohibition or an order issued by the search and rescue mission coordinator under section 11a of the Maritime Search and Rescue Act (1145/2001), or

5) alerts a border guard without reason or hinders the activities of a border guard by providing false information

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *insubordination to a border guard* to a fine or to imprisonment for at most three months.

#### **Section 4b (317/2016)**

##### **Insubordination to a customs officer**

A person who

1) fails to obey an order or a prohibition issued by a customs officer, within his or her powers, for the purpose of performing a duty,

2) refuses to provide a customs officer with information requested in accordance with section 17 or section 102, subsection 1 of the Customs Act (304/2016) or chapter 2, section 14 or 15 of the Act on Crime Prevention by Customs (623/2015),

3) fails to obey a customs officer's clearly visible signal or order given to control traffic or to stop or move a vehicle, as referred to in section 12 or 13 of the Customs Act, or

4) alerts a customs officer without reason or hinders the activities of Customs by providing false information

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *insubordination to a customs officer* to a fine or to imprisonment for at most three months.

## **Section 5 (563/1998)**

### **Providing false personal data**

A person who, in order to mislead a public authority, provides a false name or otherwise provides false or misleading information on his or her identity, or for this purpose uses another person's identity card, passport, driving licence or other such certificate, shall be sentenced for *providing false personal data* to a fine or to imprisonment for at most six months.

## **Section 6 (808/2007)**

### **Fine deception**

A person who, to obtain economic benefit, provides essentially false or misleading information on his or her income, maintenance liability or another circumstance affecting his or her solvency to a public authority for the purpose of determining the amount of a fine shall be sentenced for *fine deception* to a fine or to imprisonment for at most three months.

## **Section 7 (563/1998)**

### **Registration offence**

A person who,

1) to cause a legally relevant error in a public register kept by a public authority, provides false information to that authority, or

2) to obtain benefit for himself or herself or another person or to cause damage to another person, takes advantage of an error caused in the manner referred to in paragraph 1,

shall be sentenced for *a registration offence* to a fine or to imprisonment for at most three years.

An attempt is punishable.

## **Section 8 (563/1998)**

### **Providing a false testimony to a public authority**

A person who provides a public authority with a legally relevant false written testimony or a comparable technical recording or, after having prepared such a document or recording, gives it to another person to be used for this purpose shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *providing a false testimony to a public authority* to a fine or to imprisonment for at most six months.

A person pursuing an activity subject to the specific supervision of an authority, a representative or employee of such a person, and an auditor of a corporate entity subject to supervision, who during a statutory inspection or when otherwise fulfilling a statutory reporting duty provides the supervising authority with legally relevant false oral information, shall also be sentenced for providing a false testimony to a public authority.

## **Section 9 (563/1998)**

### **Impersonating a public official**

A person who, in order to mislead another person,

1) without a statutory right undertakes a measure that can only be taken by a competent authority exercising public authority, or

2) otherwise presents himself or herself as a public official exercising public authority on duty

shall be sentenced for *impersonating a public official* to a fine or to imprisonment for at most six months.

## **Section 9a (902/1998)**

### **Violation of a restraining order**

A person subject to a restraining order or a temporary restraining order who violates the order specified in the pertinent decision shall be sentenced for *a violation of a restraining order* to a fine or to imprisonment for at most one year.

In applying subsection 1, a protection measure that has been reported to the Data System for Police Matters under section 4 of the Act on the Application of Regulation of the European Parliament and of the Council on Mutual Recognition of Protection Measures in Civil Matters (227/2015) is equated with a restraining order. Contacts for which there is an appropriate reason and that are manifestly necessary in the manner referred to in section 3, subsection 4 of the Act on Restraining Orders (898/1998) are not deemed a violation of a restraining order. (229/2015)

## **Section 10 (563/1998)**

### **Violation of an official prohibition pertaining to property**

A person who unlawfully

1) breaks a lock, seal, barrier or mark installed by a public authority and intended for closing or isolating an object or another location, or otherwise breaks into such an object or location closed by the authority,

2) intrudes a building or room closed by a public authority or otherwise breaches a prohibition issued for the purpose of investigating an offence under chapter 9, section 1, subsection 1, paragraph 2 of the Coercive Measures Act (806/2011),

3) handles property that has been seized, sequestered, distrained or garnished, or ordered by a public authority not to be moved, or

4) in violation of a prohibition issued by a public authority, alienates or conveys property or in violation of a payment freeze pays a debt or wage

shall be sentenced for *a violation of an official prohibition pertaining to property* to a fine or to imprisonment for at most one year.

In subsection 1, paragraph 1, 'public authority' also means a foreign customs authority in addition to a Finnish public authority.

## **Section 11 (563/1998)**

### **Violation of a prohibition on pursuing a business**

A person who violates a prohibition on pursuing a business or a temporary prohibition on pursuing a business shall be sentenced for *a violation of a prohibition on pursuing a business* to a fine or to imprisonment for at most two years.

A person who acts as an intermediary for another person in order to evade a prohibition on pursuing a business shall also be sentenced for a violation of a prohibition on pursuing a business.

## **Section 12 (563/1998)**

### **Destroying evidence in the possession of the authorities**

A person who unlawfully destroys, takes possession of, damages or otherwise renders useless a document or another piece of evidence in a public archive or in the possession of a public authority, or a public register maintained by an authority or a part of such a register, shall be sentenced for *destroying evidence in the possession of the authorities* to a fine or to imprisonment for at most two years.

## **Section 13 (604/2002)**

### **Giving of a bribe**

A person who promises, offers or gives to a public official, for his or her actions in an employment relationship, such a gift or other advantage intended for him or her or for another person that influences or aims to influence or is conducive to influencing the public official's actions in the employment relationship shall be sentenced for *giving of a bribe* to a fine or to imprisonment for at most two years.

A person who promises, offers or gives a gift or an advantage referred to in subsection 1 to another person for a public official's actions in an employment relationship shall also be sentenced for giving of a bribe.

## **Section 14 (563/1998)**

### **Aggravated giving of a bribe**

If, in giving of a bribe,

1) the purpose of the gift or advantage is to make the person concerned act in his or her employment relationship contrary to his or her duties to the considerable benefit of the briber or another person or to the considerable loss or detriment of another person, or

2) the gift or advantage is of significant value,

and the giving of a bribe is also aggravated when assessed as whole, the perpetrator shall be sentenced for *aggravated giving of a bribe* to imprisonment for at least four months and at most four years.

### **Section 14a (637/2011)**

#### **Giving of a bribe to a Member of Parliament**

A person who promises, offers or gives to a Member of Parliament a gift or other undue advantage that is to be deemed other than customary hospitality, intended for the Member or another person, in order to make the Member of Parliament act or refrain from acting under his or her parliamentary mandate in a certain manner in exchange for the advantage, or in order to reward the person for such action, and the act is conducive to clearly undermining confidence in the independence of the execution of the Member's mandate, shall be sentenced for *giving of a bribe to a Member of Parliament* to a fine or to imprisonment for at most two years.

Election funding referred to in the Act on a Candidate's Election Funding (273/2009) is not deemed giving of a bribe to a Member of Parliament, unless its purpose is to circumvent subsection 1.

### **Section 14b (637/2011)**

#### **Aggravated giving of a bribe to a Member of Parliament**

If, in giving of a bribe to a Member of Parliament,

1) the purpose of the gift or advantage is to make the person act under his or her parliamentary mandate to the considerable benefit of the briber or another person or to the considerable loss or detriment of another person, or

2) the gift or advantage is of significant value,

and the giving of a bribe to a Member of Parliament is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated giving of a bribe to a Member of Parliament* to imprisonment for at least four months and at most four years.

## **Section 15 (256/2014)**

### **Illegal release of a prisoner**

A person who illegally

1) releases a prisoner, an arrested person, an apprehended person, or a person under detention referred to in the Act on Military Discipline and Combating Crime in the Defence Forces from a prison or another detention facility, or from the custody of a public official or a soldier guarding, escorting or transporting that person, or assists in the escape of that person, or

2) prevents a competent public official or soldier from apprehending a person who is on the run and who has been ordered to be remanded or arrested or is to be apprehended

shall be sentenced for *illegal release of a prisoner* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 16 (563/1998)**

### **Escape by a prisoner**

A prisoner, an arrested person, an apprehended person in the custody of a public authority, or a person under detention referred to in the Act on Military Discipline who escapes or attempts to escape from a penal institution or another detention facility, or from the custody of a person guarding, escorting or transporting him or her, shall be sentenced for *escape by a prisoner* to a fine or to imprisonment for at most one year.

## **Section 17 (563/1998)**

### **Procurement of a weapon by a prisoner**

A prisoner, an arrested person, an apprehended person in the custody of a public authority, or a person under detention referred to in the Act on Military Discipline who, in violation of a prohibition brought to his or her knowledge, manufactures, procures or possesses a firearm, an edged weapon or another comparable lethal instrument shall be sentenced for *procurement of a weapon by a prisoner* to a fine or to imprisonment for at most one year.

*The Act on Military Discipline (331/1983) was repealed by the Act on Military Discipline and Combating Crime in the Defence Forces (255/2014).*

## **Section 18 (637/2011)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to giving of a bribe, aggravated giving of a bribe, giving of a bribe to a Member of Parliament, and aggravated giving of a bribe to a Member of Parliament.

## **Section 19 (563/1998)**

### **Restrictive provision**

The provisions of sections 1–3 of this chapter do not apply to acts referred to in chapter 17, section 6.

## **Section 19a (604/2002)**

*Section 19a was repealed by Act 604/2002.*

## **Section 20 (604/2002)**

### **Provisions on the scope of application**

In applying sections 1–3 of this chapter, the following are equated with a public official as the object of a criminal act: a person holding a public position of trust referred to in chapter 40, section 11; such a foreign public official who is in the service of the International Criminal Court or acts in the territory of Finland in duties related to inspection, surveillance, pursuit, maintenance of public order and security, crime prevention or criminal investigation under an international agreement or another international obligation, or who acts in the territory of Finland in criminal investigation duties or other official duties under the Act on International Legal Assistance in Criminal Matters (4/1994) on the basis of a request for legal assistance issued or approved by a Finnish authority; a person exercising public authority; and a soldier on duty. (302/2014)

In applying section 9 of this chapter, the following are equated with a public official: a person holding a public position of trust referred to in chapter 40, section 11; such a foreign public official who is in the service of the International Criminal Court or acts in the territory of Finland in duties related to inspection, surveillance, pursuit, maintenance of public order and security, crime prevention or criminal investigation under an international agreement or another international obligation, or who acts in the territory of Finland in criminal investigation duties or other official duties under the Act on International Legal Assistance in Criminal Matters (4/1994) on the basis of

a request for legal assistance issued or approved by a Finnish authority; and a person exercising public authority. (302/2014)

In applying sections 13 and 14 of this chapter, a person holding a public position of trust referred to in chapter 40, section 11, an employee of a public sector entity, a foreign public official, a person exercising public authority, and a soldier are equated with a public official as the object of a criminal act.

In applying sections 1–3, 13 and 14 of this chapter, a foreign public official who acts or uses an intelligence gathering method in the territory of Finland in the manner referred to in chapter 5a, section 57, subsection 3 of the Police Act or in section 20, subsection 3 of the Act on Military Intelligence is equated with a public official as the object of a criminal act. (586/2019)

In applying sections 14a and 14b 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 a criminal act. (637/2011)

If provisions are laid down elsewhere than in this Code on the application of provisions on criminal liability for acts in office to a person other than those referred to in subsections 1–4, the person shall be equated with a public official as the object of a criminal act when applying sections 1–3, 9, 13 and 14 of this chapter.

## **Chapter 17 (563/1998)**

### **Offences against public order**

#### **Section 1 (563/1998)**

##### **Public exhortation to an offence**

A person who, via mass media or by publicly addressing a crowd or in a generally published writing or other presentation, exhorts or entices someone to commit an offence, so that the exhortation or enticement

- 1) poses a risk of such an offence or a punishable attempt at such an offence being committed, or
- 2) otherwise clearly endangers public order or security

shall be sentenced for *public exhortation to an offence* to a fine or to imprisonment for at most two years.

If the exhortation or enticement leads to the commission of an offence or a punishable attempt at an offence, the provisions of chapter 5 on complicity in an offence apply.

### **Section 1a (564/2015)**

#### **Participation in the activities of an organised criminal group**

A person who,

- 1) by establishing or organising an organised criminal group or by recruiting or attempting to recruit persons for it,
- 2) by supplying or attempting to supply an organised criminal group with explosives, weapons, ammunition, or substances or equipment intended for manufacturing any of these, or with other dangerous objects or substances,
- 3) by arranging, attempting to arrange or providing training to an organised criminal group for the purposes of criminal activities,
- 4) by acquiring, attempting to acquire or providing to an organised criminal group premises or other facilities that it needs for criminal activities or with means of transport or other instruments that are very important for the criminal activities of the group,
- 5) by providing or collecting funds, directly or indirectly, to finance the criminal activities of an organised criminal group,
- 6) by managing important financial matters of an organised criminal group or by providing financial or legal advice that is very important for the criminal activities of the group, or
- 7) by actively contributing to the achievement of the criminal aims of an organised criminal group in another essential manner of comparable gravity,

participates in the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, in which the aim is to commit one or more of the offences referred to in the said provision, and such an offence or a punishable attempt at such an offence is committed, shall be sentenced for *participation in the activities of an organised criminal group* to a fine or imprisonment for at most two years.

What is provided in subsection 1, paragraph 6 regarding legal advice does not apply to the performance of the duties of a counsel or an attorney in connection with a criminal investigation or court proceedings regarding an offence or the enforcement of a punishment.

What is provided in subsection 1 does not apply if an equally or more severe punishment is provided for the act elsewhere by law.

## **Section 2 (563/1998)**

### **Rioting**

When a crowd clearly intends to use violence against a person or cause significant damage to property, a person who actively participates in the acts of the crowd, and in this context fails to obey an order lawfully issued by a competent authority to disperse, shall be sentenced for *rioting* to a fine or to imprisonment for at most one year.

## **Section 3 (563/1998)**

### **Violent rioting**

When a crowd commits an offence referred to in chapter 16, section 1, uses violence against a person or causes significant damage to property, a person who actively participates in the acts of the crowd shall be sentenced for *violent rioting* to a fine or to imprisonment for at most two years.

## **Section 4 (563/1998)**

### **Leading a violent riot**

A person who incites or leads a crowd referred to in section 3 shall be sentenced for *leading a violent riot* to imprisonment for at most four years.

## **Section 5 (563/1998)**

### **Preparation of an armed breach of public order**

A person who recruits or assembles armed troops in order to commit an offence referred to in chapter 12, sections 1–4, chapter 16, section 1 or 15, or section 3 of this chapter shall be sentenced for *preparation of an armed breach of public order* to a fine or to imprisonment for at most one year.

## **Section 6 (563/1998)**

### **Resistance to a person maintaining public order**

A person who uses or threatens to use violence in order to prevent or attempt to prevent a person maintaining public order from performing a duty laid down by act or decree, or otherwise hampers the performance of the said duty, shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *resistance to a person maintaining public order* to a fine or to imprisonment for at most six months.

In this section, *a person maintaining public order* means:

- 1) a driver referred to in the Act on the Maintenance of Order in Public Transport (472/1977), a person equated with a driver, and a passenger assisting a driver or a person equated with a driver upon request,
- 2) a ticket inspector referred to in the Act on Penalty Fares in Public Transport (469/1979) and a security steward assisting in the inspection, and
- 3) a guard and a security steward referred to in the Private Security Services Act (1085/2015).

(1087/2015)

## **Section 6a (1087/2015)**

### **Unauthorised pursuit of security sector business activities**

A person who, without a security sector business licence referred to in section 68 of the Private Security Services Act, pursues private security company activities or security steward activities that require such a licence shall be sentenced for *unauthorised pursuit of security sector business activities* to a fine or to imprisonment for at most six months.

## **Section 7 (563/1998)**

### **State border offence**

A person who

- 1) crosses or attempts to cross the border of Finland without a valid travel document, visa, residence permit or other document equated with a travel document, or does so elsewhere than

through a valid point of entry or departure, or in violation of a statutory prohibition other than an entry ban,

2) otherwise violates the provisions on border crossing, or

3) stays, moves or undertakes measures in the border zone in violation of section 51 of the Border Guard Act or without a permit required under section 52 of that Act

shall be sentenced for *a state border offence* to a fine or imprisonment for at most one year.

(1163/2018)

An alien who is refused entry or deported due to an act referred to in subsection 1 or an alien who seeks asylum or applies for a residence permit on the basis of refugee status in Finland shall not be sentenced for a state border offence. An alien who has committed an act referred to in subsection 1 due to the fact that he or she has been subjected to trafficking in human beings referred to in chapter 25, section 3 or 3a shall neither be sentenced for a state border offence.

(650/2004)

## **Section 7a (756/2000)**

### **Petty state border offence**

If, taking into consideration the short duration of the unauthorised stay or movement, the nature of the prohibited act or the other circumstances connected with the offence, the state border offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty state border offence* to a fine.

The provisions of section 7, subsection 2 also apply to acts referred to in subsection 1.

## **Section 7b (1163/2018)**

### **Violation of an entry ban**

A person who enters Finland, although he or she is subject to

1) a valid entry ban referred to in section 150, subsection 1 of the Aliens Act (301/2004) or a valid entry ban referred to in Article 3(6) of Directive 2008/115/EC of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals, issued by another Schengen State referred to in section 3, subsection 19 of the said Act, or

2) a valid entry ban referred to in section 150, subsection 3 or section 170, subsection 1 of the Aliens Act,

shall be sentenced for *a violation of an entry ban* to a fine or to imprisonment for at most one year.

An alien for whom an alert has been issued in the Schengen Information System for the purposes of refusing entry and whose entry into Finland is permitted for transit purposes in the manner referred to in Article 6(5)(a) of Regulation (EU) 2016/399 of the European Parliament and of the Council on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) shall not be sentenced for a violation of an entry ban.

## **Section 7c (1163/2018)**

### **Territorial violation**

A soldier of a foreign state or the master of a government vessel or a government aircraft of a foreign state who

1) violates the Territorial Surveillance Act (755/2000) in a manner referred to in section 44 of the Act,

2) violates the provisions of sections 4–9 of the Territorial Surveillance Act concerning entry into the territory of Finland or stay in the country, or

3) violates the conditions of a permit issued under section 10 of the Territorial Surveillance Act

shall be sentenced for *a territorial violation* to a fine or to imprisonment for at most one year.

A person who, as a member of a military group without insignia referred to in section 2, paragraph 5a of the Territorial Surveillance Act and as part of the activities of such a group, violates the prohibition to enter the territory of Finland or stay in the country referred to in section 10a of the Territorial Surveillance Act shall also be sentenced for a territorial violation.

In a matter pertaining to a territorial violation, the prosecutor may waive prosecution and the court may waive punishment, if the territorial violation has been immediately interrupted or if the perpetrator has been refused entry or deported due to the act.

## **Section 8 (146/2014)**

### **Facilitation of illegal entry**

A person who

- 1) brings or attempts to bring to Finland or through Finland to another country an alien who does not have a travel document, visa, residence permit or other document equated with a travel document required for entry into the country,
- 2) brings or attempts to bring to Finland or through Finland to another country an alien whose document referred to in paragraph 1 is false, forged, issued to another person or received from an authority on the basis of false or misleading information with relevance for issuing the document, or by bribing the authority or through violent resistance to a public official,
- 3) arranges or brokers transportation to Finland to an alien referred to in paragraph 1 or 2, or
- 4) gives to another person a document referred to in paragraph 2 to be used for entry into the country

shall be sentenced for *facilitation of illegal entry* to a fine or to imprisonment for at most two years.

An act does not constitute facilitation of illegal entry if it, when assessed as a whole, is deemed to have been committed for acceptable reasons, especially when taking into consideration the perpetrator's humanitarian motives or motives related to close family relations and the circumstances affecting the safety of the alien in his or her home country or country of permanent residence.

## **Section 8a (650/2004)**

### **Aggravated facilitation of illegal entry**

If, in facilitation of illegal entry,

- 1) a grievous bodily injury, a serious illness or a state of mortal danger or comparable particularly grave suffering is intentionally or through gross negligence inflicted on another person, or
- 2) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated facilitation of illegal entry* to imprisonment for at least four months and at most six years.

## **Section 9 (563/1998)**

### **Unlawful self-help**

A person who arbitrarily, in order to defend or enforce his or her rights, undertakes measures that he or she is not allowed to take without the contribution of a public authority shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *unlawful self-help* to a fine or to imprisonment for at most six months.

## **Section 10 (563/1998)**

### **Violation of the sanctity of religion**

A person who

1) publicly blasphemes against God or, for the purpose of offending, publicly defames or desecrates what is otherwise considered sacred by a church or a religious community referred to in the Act on the Freedom of Religion (267/1922), or

2) by making noise, acting threateningly or otherwise disturbs a church service, a religious ceremony, another similar form of worship or a funeral

shall be sentenced for *a violation of the sanctity of religion* to a fine or to imprisonment for at most six months.

*The Act on the Freedom of Religion 267/1922 was repealed by Act 453/2003.*

## **Section 11 (563/1998)**

### **Prevention of worship**

A person who, by using or threatening to use violence, unlawfully prevents a church or a religious community referred to in the Act on the Freedom of Religion from holding a service or a religious ceremony or engaging in another form of worship shall be sentenced for *prevention of worship* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 12 (563/1998)**

### **Violation of the sanctity of the grave**

A person who

- 1) unlawfully opens a grave or exhumes a corpse, a part of a corpse, a coffin or a burial urn,
- 2) handles an unburied corpse in an offensive manner, or
- 3) damages or desecrates a grave or a memorial of the dead

shall be sentenced for *a violation of the sanctity of the grave* to a fine or to imprisonment for at most one year.

## **Section 13 (879/2013)**

### **Criminal disturbance**

A person who

- 1) by making noise or in another similar manner causes considerable disturbance in connection with the performance of official duties elsewhere than in a public place or in an agency, office, place of business, factory or other equivalent place closed to the public,
- 2) causes considerable disturbance by sending messages to or calling an agency, office, place of business or other equivalent place, or
- 3) by using the emergency brake or alarm of a public service vehicle, elevator or other device mischievously causes a false alarm,

shall, unless a punishment for the act is provided elsewhere by law, be sentenced for *criminal disturbance* to a fine.

## **Section 13a (1006/2004)**

### **Illegal wearing of a disguise**

A person who, in connection with a public meeting or a public event arranged in a public place, or in another public assembly arranged in a public place, wears a disguise so that he or she cannot be recognised and clearly intends to use violence against a person or cause damage to property

shall be sentenced for *illegal wearing of a disguise* to a fine or imprisonment for at most three months.

## **Section 14 (585/2013)**

### **Animal welfare offence**

A person who intentionally or through gross negligence, by abusing, excessively burdening, failing to provide the necessary care or food or otherwise, in violation of

- 1) the Animal Welfare Act (274/1996) or a provision issued under it,
- 2) the Animal Transport Act (1429/2006) or a provision issued under it,
- 3) Annex I of Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC and Regulation (EC) No 1255/97, or
- 4) Council Regulation (EC) No 1099/2009 on the protection of animals at the time of killing,

treats an animal cruelly or causes unnecessary distress, pain or suffering to an animal shall be sentenced for *an animal welfare offence* to a fine or to imprisonment for at most two years.

## **Section 14a (14/2011)**

### **Aggravated animal welfare offence**

If, in an animal welfare offence,

- 1) the offence is committed in a particularly brutal or cruel manner,
- 2) the offence is directed at a considerably large number of animals, or
- 3) considerable economic benefit is sought,

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

## **Section 15 (14/2011)**

### **Petty animal welfare offence**

If, taking into consideration the minor significance of the distress, pain or suffering caused or the other circumstances connected with the offence, the animal welfare offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty animal welfare offence* to a fine.

## **Section 15a (863/2008)**

### **Violation of the ban on placing cat or dog fur on the market**

A person who, in violation of Regulation (EC) No 1523/2007 of the European Parliament and of the Council banning the placing on the market and the import to, or export from, the Community of cat and dog fur, and products containing such fur, professionally places on the market cat or dog fur or products containing such fur shall be sentenced for *a violation of the ban on placing cat or dog fur on the market* to a fine.

## **Section 16 (563/1998)**

### **Organising an illegal game of chance**

A person who, without authorisation, organises a game of chance or keeps premises or other facilities for a game of chance, or as an accommodation or food and beverage service business operator allows a game of chance to take place, shall be sentenced for *organising an illegal game of chance* to a fine or to imprisonment for at most one year.

*Illegal game of chance* means pools, bingo games, totalisator betting and betting, money and non-money lotteries, casino activities and other equivalent games and activities where winning is in full or in part based on chance or events beyond the control of the participants in the game or activity and where the possible loss is clearly disproportionate to the solvency of at least one of the participants.

## **Section 16a (1287/2016)**

### **Gambling offence**

A person who

- 1) provides gambling services without authorisation,

- 2) sells or supplies tickets for gambling services provided by someone else than the gambling operator referred to in section 11 of the Lotteries Act (1047/2001), or markets such gambling services in violation of the prohibition laid down in section 62, subsection 2, paragraph 1 of the Lotteries Act,
  - 3) sells or supplies tickets for gambling services abroad or markets gambling services abroad in violation of the prohibition laid down in section 62, subsection 2, paragraph 2 of the Lotteries Act,
  - 4) sells or supplies, without the permission of the provider of gambling services, tickets for gambling services provided by the gambling operator referred to in section 11 of the Lotteries Act or receives stakes or distributes winnings connected with such gambling services in violation of the prohibition laid down in section 62, subsection 2, paragraph 3 of the Lotteries Act, or
  - 5) provides premises for the making available for use of a slot machine, a specialty gaming machine or a casino game other than those made available by the gambling operator referred to section 11 of the Lotteries Act, in violation of the prohibition laid down in section 62, subsection 3 of the Lotteries Act,
- shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a gambling offence* to a fine or to imprisonment for at most two years.

## **Section 16b (578/2011)**

### **Lottery offence**

A person who

- 1) runs a lottery other than one referred to in section 16a, paragraph 1 without a licence referred to in the Lotteries Act,
- 2) violates a prohibition laid down in section 62, subsections 1–4 of the Lotteries Act in a manner other than one referred to in section 16a,
- 3) uses proceeds from a lottery essentially in violation of the provisions laid down by law or in the licence to run the lottery or in the permission to change the purpose of use of the proceeds,
- 4) neglects the obligation to render accounts that is part of the running of a lottery,

5) runs a small lottery referred to in section 27, subsection 1 of the Lotteries Act without meeting the conditions for the running of a lottery laid down in section 5 of the Lotteries Act,

6) essentially or repeatedly violates the conditions or provisions of a licence to run a lottery,

7) provides gambling services essentially or repeatedly in violation of a decree issued under section 13c or 14 of the Lotteries Act, or

8) violates the provisions of section 14b of the Lotteries Act on the marketing of gambling

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a lottery offence* to a fine or to imprisonment for at most six months.

### **Section 16c (864/2019)**

#### **Money collection offence**

A person who

1) in violation of section 4, subsection 1 of the Money Collection Act (863/2019), arranges a money collection without a money collection licence or without submitting a notification of a small-scale money collection, or

2) uses funds raised through a money collection for a purpose essentially other than one referred to in section 27, subsection 1 of the Money Collection Act that was notified to the National Police Board in the application for a money collection licence or to the local police department in the small-scale money collection notification

shall be sentenced for *a money collection offence* to a fine or to imprisonment for at most two years.

A person who collects money or virtual currency in the manner prohibited under section 7, subsection 2 of the Money Collection Act shall also be sentenced for a money collection offence.

The provisions of subsections 1 and 2 apply unless a more severe punishment for the act is provided elsewhere by law.

## **Section 16d (663/2010)**

### **Petty money collection offence**

If the money collection offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty money collection offence* to a fine.

## **Section 17 (713/2011)**

### **Distribution of depictions of violence**

A person who offers for sale or for rent, distributes or otherwise offers or keeps available, or for this purpose manufactures or imports motion pictures or other audiovisual programmes that depict brutal violence, or recordings or data files containing motion pictures or audiovisual programmes that depict brutal violence shall be sentenced for *distribution of depictions of violence* to a fine or to imprisonment for at most two years.

What is provided in subsection 1 does not apply if the depiction of violence is to be deemed justifiable because of the informative nature or manifest artistic value of the motion picture or other audiovisual programme or the recording or data file.

## **Section 18 (650/2004)**

### **Distribution of a sexually obscene image**

A person who manufactures, offers for sale or for rent or otherwise offers or makes available, keeps available, exports from, imports to or transports through Finland to another country, or otherwise distributes images or visual recordings that in a sexually obscene manner, either factually or realistically, depict

- 1) a child,
- 2) violence or
- 3) bestiality

shall be sentenced for *distribution of a sexually obscene image* to a fine or imprisonment for at most two years. (540/2011)

An attempt is punishable.

The provisions of section 17, subsection 2 also apply to images and visual recordings referred to in this section.

A child is defined as a person under 18 years of age and a person whose age cannot be determined but who is, for justified reasons, assumed to be under 18 years of age. An image or a visual recording is deemed factual in the manner referred to in subsection 1, paragraph 1 if it has been produced in a situation in which a child has, in actual fact, been the object of sexually offensive conduct, and realistic, if it is deceptively similar to an image or a visual recording produced through photography or in another equivalent manner in a situation in which a child is the object of sexually offensive conduct. The definitions of the terms 'factual' and 'realistic' shall apply correspondingly to cases referred to in subsection 1, paragraphs 2 and 3. (540/2011)

### **Section 18a (650/2004)**

#### **Aggravated distribution of a sexually obscene image depicting a child**

If, in distribution of a sexually obscene image depicting a child,

- 1) the child is particularly young,
- 2) the image also depicts severe violence or particularly humiliating treatment of the child,
- 3) the offence is committed in a particularly premeditated manner, or
- 4) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)

and the offence is also aggravated when assessed as whole, the perpetrator shall be sentenced for *aggravated distribution of a sexually obscene image depicting a child* to imprisonment for at least four months and at most six years.

An attempt is punishable.

### **Section 18b (713/2011)**

#### **Illegal display or distribution of an audiovisual programme to a minor**

A person who publicly displays or distributes or otherwise offers or keeps available to a person under 18 years of age,

1) in violation of section 5, subsection 1 of the Act on Audiovisual Programmes (710/2011), an audiovisual programme which has not been classified or which does not have the age limit of 18 and which does not have a clearly visible label displayed on or in connection with the programme, or

2) in violation of section 6, subsection 1 of the Act referred to in paragraph 1, an audiovisual programme that has the age limit of 18

shall be sentenced for *illegal display or distribution of an audiovisual programme to a minor* to a fine or imprisonment for at most six months.

## **Section 19 (540/2011)**

### **Possession of a sexually obscene image depicting a child**

A person who unlawfully has in his or her possession an image or a visual recording that depicts a child in a sexually obscene manner referred to in section 18 shall be sentenced for *possession of a sexually obscene image depicting a child* to a fine or to imprisonment for at most one year.

A person who, for a fee or otherwise by agreement, has obtained access to an image or a visual recording referred to in subsection 1 so that it is available to him or her on a computer or another technical device without being stored on the device shall also be sentenced for possession of a sexually obscene image depicting a child.

## **Section 20 (563/1998)**

### **Sexually obscene marketing**

A person who, for gain,

1) gives to a person under 15 years of age,

2) puts on public display,

3) delivers to another person without his or her consent, or

4) in a manner causing public offence, publicly offers for sale or presents in an advertisement, brochure or poster or otherwise

an image, a visual recording or an object that is, being sexually obscene, conducive to causing public offence shall be sentenced for *sexually obscene marketing* to a fine or to imprisonment for at most six months.

A person who, in the manner referred to in subsection 1, paragraph 4, offers for sale or presents a recording containing text or sound that is, being sexually obscene, conducive to causing public offence shall also be sentenced for sexually obscene marketing.

## **Section 21 (563/1998)**

### **Public obscenity**

A person who publicly performs a sexually obscene act so that it causes offence shall, unless a punishment for the act is provided elsewhere by law, be sentenced for *public obscenity* to a fine or to imprisonment for at most six months.

## **Section 22 (563/1998)**

### **Incest**

A person who has sexual intercourse with his or her child or the descendant of his or her child, with his or her parent or the parent or grandparent of his or her parent, or with his or her sister or brother, shall be sentenced for *incest* to a fine or to imprisonment for at most two years.

A person who was under 18 years of age when he or she had sexual intercourse with his or her parent or with the parent of his or her parent, and a person who has been coerced or unlawfully enticed into the sexual intercourse shall not be sentenced for incest.

## **Section 23 (14/2011)**

### **Ban on keeping animals**

When a person is sentenced for an aggravated animal welfare offence, the court shall, at the same time, impose a ban on keeping animals on the person. The court may, however, waive imposing such a ban if there are very serious reasons for this. When a person is sentenced for an animal welfare offence or a petty animal welfare offence, a ban on keeping animals may, at the same time, be imposed on him or her. A ban on keeping animals may also be imposed on a person who is sentenced for an animal welfare violation under section 54, subsection 1 of the Animal Welfare Act or for an animal transport violation under section 39 of the Animal Transport Act and who can be deemed unfit or unable to care for the welfare of animals. A ban on keeping animals may also

be imposed on a person whose punishment is waived under chapter 3, section 4, subsection 2 or chapter 6, section 12, paragraph 4 or 5. A ban on keeping animals is imposed on the request of the prosecutor.

A person subject to a ban on keeping animals must not own, keep or care for animals or otherwise be responsible for the welfare of animals. The ban may pertain to certain species of animals or to animals in general. The court may, however, on special grounds decide that the sentenced person may continue to own such animals in whole or in part that were not the object of the offence and that the person owns at the time of making the decision, if it is possible to identify these animals in the decision.

A ban on keeping animals may be imposed for a fixed term of at least one year or permanently. A permanent ban on keeping animals may be imposed if

- 1) the person on whom the ban is imposed is guilty of an aggravated animal welfare offence,
- 2) a fixed-term ban on keeping animals has earlier been imposed on the person in question and the said ban is final, or
- 3) the state of health of the person on whom the ban is imposed is poor,

and the person is to be deemed permanently unfit or unable to own, keep or care for animals or otherwise to be responsible for their welfare.

A ban on keeping animals shall be complied with regardless of a request for review. If, however, the court stays the enforcement of a judgment concerning confiscation of animals in accordance with section 23a, subsection 4, the ban on keeping animals does not apply to the animals kept in accordance with the court order.

### **Section 23a (14/2011)**

#### **Confiscation in connection with an animal welfare offence**

The animals referred to in a ban on keeping animals that are owned or kept by the person subject to the ban at the time of issuing the decision shall be confiscated. The animals that have been the object of a violation of a ban on keeping animals shall also be confiscated. Confiscation shall be ordered regardless of whose property the animals in question are. Secondly, confiscation of the value of the animals that have been the object of a violation of the ban on keeping animals shall be ordered in respect of the person guilty of the violation instead of the animals.

The confiscation referred to in subsection 1 above is ordered on the request of the prosecutor. The provisions of chapter 10, section 1 and section 11, subsection 3 apply to the said confiscations. In addition, the provisions of chapter 10, section 10 apply to the confiscation of value. The provisions of chapter 10 apply to confiscations other than those referred to in subsection 1.

The court may order that the party himself or herself be given an opportunity to sell or otherwise dispose of the animals that are owned by him or her and referred to in the ban. If the confiscation order concerns animals that are owned in whole or in part by a person other than the one on whom the ban on keeping animals is imposed, the person may be given an opportunity to fetch the animals at no cost. The judgment shall specify a date by which the animals are to be disposed of or fetched. If the animals are fetched or disposed of in accordance with the judgment, the confiscation order shall lapse.

A judgment concerning confiscation of animals may be enforced regardless of a request for review. If the court gives an opportunity referred to in subsection 3 to dispose of or fetch the animals or if there otherwise are very serious reasons for this, the court shall order that the confiscation be not enforced until the end of the period referred to in subsection 3 or until an order to the contrary is issued or the confiscation is otherwise enforceable.

### **Section 23b (14/2011)**

#### **Confiscation in connection with an illegal game of chance**

Gambling stakes and other money and objects with monetary value used in an illegal game of chance shall be confiscated. Confiscation shall be ordered regardless of whom the property subject to confiscation belongs to. The provisions of chapter 10 apply in other respects.

### **Section 24 (511/2011)**

#### **Corporate criminal liability**

The provisions on corporate criminal liability apply to participation in the activities of an organised criminal group, facilitation of illegal entry, aggravated facilitation of illegal entry, animal welfare offence, aggravated animal welfare offence, organising an illegal game of chance, gambling offence, lottery offence, money collection offence, distribution of a depiction of violence, distribution of a sexually obscene picture, aggravated distribution of a sexually obscene picture depicting a child, possession of a sexually obscene picture depicting a child, and sexually obscene marketing.

The provisions on corporate criminal liability also apply to public exhortation to an offence referred to in section 1 when the offence to which someone is exhorted or enticed to is

- 1) agitation against a population group or aggravated agitation against a population group, or
- 2) aggravated defamation or illegal threat when the motive for the exhortation or enticement is race, colour, descent, national or ethnic origin, religion or belief, sexual orientation or disability or another comparable motive.

## **Section 25 (441/2011)**

### **Right to bring charges**

If criminal disturbance has not breached the public order, the prosecutor shall not bring charges for the offence unless the injured party reports it for prosecution. Similarly, the prosecutor shall not bring charges for sexually obscene marketing referred to in section 20, subsection 1, paragraph 3 unless the injured party reports the offence for prosecution.

## **Chapter 18**

### **Offences against family rights**

#### **Section 1**

If someone states that his or her name or station is other than what it actually is and if another person is thus deceived into a marriage agreement, or if someone misleads another into a marriage agreement by concealing a legal impediment to marriage or another circumstance which could cause the marriage to be annulled, he or she shall be sentenced to imprisonment for at most one year or to a fine.

If a wedding is also performed or if the deceiver has sexual intercourse with the woman who was misled into the marriage agreement, he shall be sentenced to imprisonment in the penitentiary for at most two years or to imprisonment for at least six months and at most two years or, if the circumstances are very aggravating, to imprisonment for at most four years.

The prosecutor shall not bring charges for the offence mentioned here unless the injured party has reported the offence for prosecution or applied in court for the annulment of the marriage agreement or of the marriage. (441/2011)

## **Section 2**

A person who intentionally presents a child as the offspring of a woman who is not the mother of the child or exchanges one child for another or otherwise alters or infringes upon the family rights of another shall be sentenced to imprisonment.

If the person commits this offence in order to obtain benefit for himself or herself or for another or in order to cause damage to another, he or she shall be sentenced to imprisonment in the penitentiary for at most five years and to lose his or her civil rights.

An attempt is punishable.

## **Section 3**

If someone, by assuming a false name or by other fraudulent means, has received an inheritance or other family right, he or she shall be sentenced to imprisonment in the penitentiary for at most five years and to lose his or her civil rights or, if the circumstances are very mitigating, to imprisonment for at least six months.

An attempt is punishable.

## **Chapter 19 (563/1998)**

*Chapter 19 was repealed by Act 563/1998.*

## **Chapter 20 (563/1998)**

### **Sexual offences**

## **Section 1 (509/2014)**

### **Rape**

A person who coerces another person into sexual intercourse by using or threatening to use violence against the person shall be sentenced for *rape* to imprisonment for at least one year and at most six years.

A person who, by taking advantage of the fact that another person is unable to defend himself or herself or to formulate or express his or her will due to unconsciousness, illness, disability, a state

of fear or another state of helplessness, has sexual intercourse with this person shall also be sentenced for rape.

If, taking into consideration the minor significance of the threat or the other circumstances connected with the offence, the rape is less serious than the acts referred to in subsections 1 and 2 when assessed as a whole, the perpetrator shall be sentenced to imprisonment for at least four months and at most four years. A person who coerces another person into sexual intercourse by making some other threat than that referred to in subsection 1 shall be sentenced in a similar manner. What is provided above in this subsection does not apply if violence has been used in the rape.

An attempt is punishable.

## **Section 2 (509/2014)**

### **Aggravated rape**

If, in rape,

- 1) a grievous bodily injury, a serious illness or a state of mortal danger is caused to another person,
- 2) the offence is committed by several people, or particularly grave mental or physical suffering is caused,
- 3) the victim is a child under 18 years of age,
- 4) the offence is committed in a particularly brutal, cruel or humiliating manner, or
- 5) a firearm, an edged weapon or another lethal instrument is used or another threat of serious violence is made,

and the rape is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated rape* to imprisonment for at least two and at most ten years.

An attempt is punishable.

## **Section 3 (509/2014)**

*Section 3 was repealed by Act 509/2014.*

## **Section 4 (563/1998)**

### **Coercion into a sexual act**

A person who, by using violence or making a threat, coerces another person to engage in a sexual act other than that referred to in section 1 or to submit to such an act, thus essentially violating his or her right to sexual self-determination, shall be sentenced for *coercion into a sexual act* to a fine or to imprisonment for at most three years.

A person who, by taking advantage of the fact that another person is unable to defend himself or herself or to formulate or express his or her will due to unconsciousness, illness, disability, a state of fear or another state of helplessness, makes the person to engage in or submit to a sexual act referred to in subsection 1, thus essentially violating his or her right to sexual self-determination, shall also be sentenced for coercion into a sexual act. (495/2011)

An attempt is punishable.

## **Section 5 (563/1998)**

### **Sexual abuse**

A person who, by abusing his or her position, entices

- 1) a person under 18 years of age, who in a school or other institution is subject to the authority or supervision of the perpetrator or in another comparable manner subordinate to the perpetrator,
- 2) a person under 18 years of age, whose capacity for independent sexual self-determination, due to his or her immaturity and the age difference between the persons involved, is essentially inferior to that of the perpetrator, by blatantly taking advantage of this immaturity,
- 3) a patient who is being treated in a hospital or another institution and whose capacity to defend himself or herself or to formulate or express his or her will is essentially impaired due to illness, disability or other infirmity, or (509/2014)
- 4) a person who is especially dependent on the perpetrator, by blatantly taking advantage of this dependence,

into sexual intercourse, to engage in another sexual act essentially violating the person's right to sexual self-determination, or to submit to such an act shall be sentenced for *sexual abuse* to a fine or to imprisonment for at most four years.

*Subsection 2 was repealed by Act 495/2011.*

An attempt is punishable.

## **Section 5a (509/2014)**

### **Sexual harassment**

A person who, by touching, performs such a sexual act on another person that is conducive to violating that person's right to sexual self-determination shall, unless a punishment for the act is provided elsewhere in this chapter, be sentenced for *sexual harassment* to a fine or to imprisonment for at most six months.

## **Section 6 (540/2011)**

### **Sexual abuse of a child**

A person who, by touching or otherwise, performs such a sexual act on a child under 16 years of age that is conducive to harming his or her development or gets the child to engage in such an act shall be sentenced for *sexual abuse of a child* to imprisonment for at least four months and at most six years. (486/2019)

A person who has sexual intercourse with a child under 16 years of age, if the offence is not aggravated in the manner referred to in section 7, subsection 1 when assessed as a whole, shall also be sentenced for sexual abuse of a child. Furthermore, a person who acts in the manner referred to in subsection 1 or above in this subsection with a child who has reached the age of 16 years but is under the age of 18 years shall be sentenced for sexual abuse of a child, if the perpetrator is the parent of the child or in a position comparable to that of a parent and lives in the same household with the child.

An attempt is punishable.

## **Section 7 (540/2011)**

### **Aggravated sexual abuse of a child**

If

1) a person has sexual intercourse with a child under 16 years of age or, in a case referred to in section 6, subsection 2, with a child who has reached the age of 16 years but is under the age of 18 years, or

2) in sexual abuse of a child

a) the victim is a child whose age or stage of development is such that the offence is conducive to causing special damage to the child,

b) the offence is committed in a particularly humiliating manner, or

c) the offence is conducive to causing particular damage to the child due to the special trust he or she has placed in the perpetrator or the particularly dependent position of the child in relation to the perpetrator,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated sexual abuse of a child* to imprisonment for at least one year and at most ten years.

An attempt is punishable.

### **Section 7a (540/2011)**

#### **Restrictive provision**

An act shall not be deemed sexual abuse of a child or aggravated sexual abuse of a child referred to in section 7, subsection 1, paragraph 1, if it does not violate the right to sexual self-determination of the person at whom the act is directed and if there is no great difference in the mental and physical maturity of the parties involved.

### **Section 7b (486/2019)**

#### **Aggravated rape of a child**

A person who commits aggravated rape referred to in section 2 and, at the same time, aggravated sexual abuse of a child referred to in section 7, subsection 1, paragraph 1 shall be sentenced for *aggravated rape of a child* to imprisonment for at least four and at most twelve years.

What is provided in subsection 1 does not apply if the act is punishable as an attempt at aggravated sexual abuse of a child or at aggravated rape.

## **Section 8 (384/2015)**

### **Abuse of a person subject to sex trade**

A person who, by promising or providing payment of direct economic value, gets a person who is the object of an offence referred to in section 9 or 9a or in chapter 25, section 3 or 3a to engage in sexual intercourse or another comparable sexual act shall, unless the act is punishable under section 8a, be sentenced for *abuse of a person subject to sex trade* to a fine or imprisonment for at most six months.

A person who, by taking advantage of payment referred to in subsection 1 promised or provided by a third person, engages in sexual intercourse or another comparable sexual act with a person who is the object of an offence referred to in the said subsection shall also be sentenced for abuse of a person subject to sex trade.

Furthermore, a person who commits an act referred to in subsection 1 or 2 even though he or she has had reason to suspect that the person referred to in subsection 1 or 2 is the object of an offence referred to in section 9 or 9a or in chapter 25, section 3 or 3a shall also be sentenced for abuse of a person subject to sex trade.

An attempt at an intentional offence is punishable.

## **Section 8a (743/2006)**

### **Purchase of sexual services from a young person**

A person who, by promising or providing payment, gets a person under 18 years of age to engage in sexual intercourse or another sexual act shall be sentenced for *purchase of sexual services from a young person* to a fine or imprisonment for at most two years. (540/2011)

A person who uses the sexual services referred to in subsection 1 for which another person has promised or provided payment shall also be sentenced for purchase of sexual services from a young person.

An attempt is punishable.

## **Section 8b (540/2011)**

### **Solicitation of a child for sexual purposes**

A person who suggests a meeting or other contact with a child so that it is apparent from the contents of the suggestion or otherwise from the circumstances that the intent of the person is to prepare sexually obscene pictures or visual recordings depicting the child, in the manner referred to in chapter 17, section 18, subsection 1, or to commit an offence referred to in section 6 or 7 of this chapter against the child shall be sentenced for *solicitation of a child for sexual purposes* to a fine or to imprisonment for at most one year.

Unless a more severe punishment for the act is provided elsewhere by law, a person who solicits a person under 18 years of age to engage in sexual intercourse or another sexual act in the manner referred to in section 8a or to perform in a sexually offensive organised performance shall also be sentenced for solicitation of a child for sexual purposes.

An attempt at an offence referred to in subsection 2 is punishable.

## **Section 8c (540/2011)**

### **Following a sexually offensive performance of a child**

A person who follows an organised performance in which a person under 18 years of age performs in a sexually offensive manner shall be sentenced for *following a sexually offensive performance of a child* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 9 (563/1998)**

### **Pandering**

A person who, to obtain economic benefit for himself or herself or for another person,

1) provides a room or other premises for the purpose of sexual intercourse or a comparable sexual act to be performed in return for payment or a manifestly sexually offensive act to be performed in return for compensation by a child under 18 years of age,

2) as an established part of his or her business activities provides accommodation for a person engaging in such an act and thus substantially contributes to such an act,

3) by providing contact information or otherwise, markets the performance of such an act by another person, knowing that his or her actions will substantially contribute to the performance of such an act,

4) otherwise takes advantage of the fact that another person engages in such an act, or

5) entices another person to engage in such an act,

shall be sentenced for *pandering* to a fine or imprisonment for at most three years. (1177/2014)

An attempt is punishable.

### **Section 9a (650/2004)**

#### **Aggravated pandering**

If, in pandering,

1) considerable economic benefit is sought,

2) the offence is committed in a particularly premeditated manner, or

3) the victim is a child under 18 years of age,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated pandering* to imprisonment for at least four months and at most six years. (1177/2014)

An attempt is punishable.

### **Section 10 (509/2014)**

#### **Definitions**

In this Code, *sexual intercourse* means the sexual penetration of the body of another person by a sex organ or directed at a sex organ or anal passage, or the insertion of the sex organ of another person into the body of the perpetrator.

In this Code, *sexual act* means an act which, taking into consideration the perpetrator, the person at whom the act was directed and the circumstances of commission, is sexually significant.

## **Section 11 (509/2014)**

### **Right to bring charges**

The prosecutor shall not bring charges for sexual harassment directed at a person who has reached the age of 18 years, unless the injured party reports the offence for prosecution or unless a very important public interest requires that charges be brought.

## **Section 12 (509/2014)**

*Section 12 was repealed by Act 509/2014.*

## **Section 13 (540/2011)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to pandering and aggravated pandering. The same applies to an offence referred to in section 8b, subsection 1, in which a meeting or other contact is suggested with a child with the intent to prepare pictures or visual recordings that depict a child in a sexually obscene manner.

## **Chapter 21 (578/1995)**

### **Homicide and bodily injury**

## **Section 1 (578/1995)**

### **Manslaughter**

A person who kills another person shall be sentenced for *manslaughter* to imprisonment for a fixed term of at least eight years.

An attempt is punishable.

## **Section 2 (578/1995)**

### **Murder**

If manslaughter is committed

- 1) with deliberate premeditation,
- 2) in a particularly brutal or cruel manner,

3) by causing serious danger to the public, or

4) by killing a public official on duty maintaining public order or security, or because of an official duty,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *murder* to life imprisonment.

An attempt is punishable.

### **Section 3 (578/1995)**

#### **Killing**

If, taking into consideration the exceptional circumstances of the offence, the motives of the perpetrator or the other circumstances connected with the offence, the manslaughter was committed under mitigating circumstances when assessed as a whole, the perpetrator shall be sentenced for *killing* to imprisonment for at least four and at most ten years.

An attempt is punishable.

### **Section 4 (578/1995)**

#### **Infanticide**

A woman who in a state of exhaustion or distress caused by childbirth kills her baby shall be sentenced for *infanticide* to imprisonment for at least four months and at most four years.

An attempt is punishable.

### **Section 5 (578/1995)**

#### **Assault**

A person who employs physical violence on another person or, without such violence, injures the health of another person, causes pain to another person or renders another person unconscious or into another equivalent condition shall be sentenced for *assault* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 6 (654/2001)**

### **Aggravated assault**

If, in an assault,

1) a grievous bodily injury, a serious illness or a state of mortal danger is caused to another person,

2) the offence is committed in a particularly brutal or cruel manner, or

3) a firearm, an edged weapon or another comparable lethal instrument is used,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated assault* to imprisonment for at least one and at most ten years.

An attempt is punishable.

## **Section 6a (435/2013)**

### **Preparation of an aggravated offence against life or health**

A person who, for the purpose of committing an offence referred to in sections 1–3 or 6,

1) has in his or her possession a firearm, an edged weapon or another comparable lethal instrument or an instrument that is particularly suitable for use as an instrument in an offence,

2) agrees with another person or prepares a detailed plan to commit one of the said offences, or

3) hires, orders or otherwise incites another person to commit the said offence or promises or offers to do so

shall be sentenced for *preparation of an aggravated offence against life or health* to imprisonment for at most four years.

If, however, the risk of commission of the offence has, for other than random reasons, been minor or if the person has voluntarily abandoned the preparation of the offence, prevented its continuation or otherwise negated the significance of his or her own activities in the preparation of the offence, subsection 1 does not apply.

## **Section 7 (578/1995)**

### **Petty assault**

If, taking into consideration the minor significance of the violence, the violation of physical integrity or the damage to health or the other circumstances connected with the offence, the assault is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty assault* to a fine.

## **Section 8 (578/1995)**

### **Negligent homicide**

A person who through negligence causes the death of another person shall be sentenced for *negligent homicide* to a fine or to imprisonment for at most two years.

## **Section 9 (578/1995)**

### **Grossly negligent homicide**

If, in negligent homicide, the death of another person is caused through gross negligence, and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *grossly negligent homicide* to imprisonment for at least four months and at most six years.

## **Section 10 (578/1995)**

### **Negligent infliction of bodily injury**

A person who through negligence inflicts a bodily injury or an illness that is not of minor significance on another person shall be sentenced for *negligent infliction of bodily injury* to a fine or to imprisonment for at most six months.

## **Section 11 (578/1995)**

### **Grossly negligent infliction of bodily injury**

If, in negligent infliction of bodily injury, the bodily injury or illness is inflicted through gross negligence, and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *grossly negligent infliction of bodily injury* to a fine or to imprisonment for at most two years.

## **Section 12 (578/1995)**

### **Engaging in a fight**

A person who, by employing physical violence or in some other manner, engages in a fight or an attack that has several participants and where someone is killed or a grievous bodily injury or a serious illness is intentionally inflicted on someone shall, if the person had reason to believe that the fight or attack would have the said consequence, be sentenced for *engaging in a fight* to a fine or to imprisonment for at most two years.

## **Section 13 (578/1995)**

### **Causing danger**

A person who intentionally or through gross negligence causes a serious danger to the life or health of another person shall, unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *causing danger* to a fine or to imprisonment for at most two years.

## **Section 14 (578/1995)**

### **Abandonment**

A person who renders another person helpless or abandons a helpless person in respect of whom he or she has an obligation of care, and thereby endangers the life or health of the said person, shall be sentenced for *abandonment* to a fine or to imprisonment for at most two years.

## **Section 15 (578/1995)**

### **Neglect of rescue**

A person who knows that another person is in mortal danger or that the health of another person is in serious danger, and does not provide or procure such assistance that in view of his or her options and the nature of the situation can reasonably be expected shall be sentenced for *neglect of rescue* to a fine or to imprisonment for at most six months.

## **Section 16 (441/2011)**

### **Right to bring charges**

The prosecutor may bring charges for petty assault only if the injured party reports the offence for prosecution or if the offence was directed at

- 1) a person under 18 years of age,
- 2) the perpetrator's spouse or former spouse, sibling or relative in the direct ascending or descending line, or a person who lives or has lived in the same household with the perpetrator or otherwise is or has been close to the perpetrator due to another comparable personal relationship, or
- 3) a person because of his or her work duties and the perpetrator is not a member of staff at the workplace in question.

The prosecutor may bring charges for negligent infliction of bodily injury only if the injured party reports the offence for prosecution.

### **Section 17 (712/2004)**

*Section 17 was repealed by Act 712/2004.*

### **Section 18 (586/2019)**

#### **Provision on the scope of application**

In applying section 2, subsection 1, paragraph 4 of this chapter, the following are equated with a public official as the object of a criminal act: a person holding a public position of trust referred to in chapter 40, section 11; such a foreign public official who is in the service of the International Criminal Court or acts in the territory of Finland in duties related to inspection, surveillance, pursuit or criminal investigation under an international agreement or another international obligation, or who acts in criminal investigation or other official duties in the territory of Finland under the Act on International Legal Assistance in Criminal Matters on the basis of a request for legal assistance issued or approved by a Finnish authority; a person exercising public authority; a person referred to in chapter 16, section 20, subsection 6; and such a foreign public official who acts or uses an intelligence gathering method in the manner referred to in chapter 5a, section 57, subsection 3 of the Police Act or in section 20, subsection 3 of the Act on Military Intelligence in the territory of Finland.

## **Chapter 22 (373/2009)**

### **Violation of fetuses, embryos and genetic inheritance**

#### **Section 1 (373/2009)**

##### **Illegal abortion**

A person who aborts the pregnancy of another person without the permission required under the Abortion Act (239/1970) or otherwise unlawfully shall be sentenced for *illegal abortion* to a fine or to imprisonment for at most two years.

An attempt is punishable.

The woman whose pregnancy is aborted by the act referred to in subsection 1 or 2 shall not be sentenced as a perpetrator or as an accomplice to illegal abortion or its attempt. However, the woman may be sentenced for the offence referred to in section 13 of the Abortion Act.

#### **Section 2 (373/2009)**

##### **Aggravated illegal abortion**

If, in an illegal abortion,

- 1) serious danger is caused to the life or health of the woman, or
- 2) the offence is committed against the will of the woman,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated illegal abortion* to imprisonment for at least four months and at most four years.

An attempt is punishable.

#### **Section 3 (373/2009)**

##### **Illegal manipulation of an embryo**

A person who undertakes

- 1) research on embryos without a licence granted by the National Supervisory Authority for Welfare and Health referred to in section 11, subsection 1 of the Medical Research Act (488/1999) or without the written consent of the donors of the gametes or of the woman as referred to in

section 12 of the Medical Research Act, or research on a foetus without the written consent of the pregnant woman as referred to in section 14 of the Medical Research Act,

2) research on embryos in violation of the restriction laid down in section 11, subsection 2 or section 13, subsection 3 of the Medical Research Act, or other measures directed at an embryo in violation of the prohibition referred to in section 13, subsection 1 or 2 of the Medical Research Act, or

3) research on embryos or gametes in violation of the prohibition referred to in section 15 of the Medical Research Act

shall be sentenced for *illegal manipulation of an embryo* to a fine or to imprisonment for at most one year.

#### **Section 4 (373/2009)**

##### **Illegal manipulation of genetic inheritance**

A person who undertakes research involving intervention in the integrity of a human, a human embryo or a human foetus, with the intention of enabling

1) the cloning of a human,

2) the generation of a human by combining embryos, or

3) the generation of a human by combining human gametes and animal genetic material,

shall be sentenced for *illegal manipulation of genetic inheritance* to a fine or to imprisonment for at most two years.

#### **Section 5 (373/2009)**

##### **Illegal use of gametes**

A person who

1) in assisted fertility treatment uses gametes or embryos in violation of the general restrictions on their use laid down in section 4, subsection 1 of the Act on Assisted Fertility Treatments (1237/2006), hereinafter the *Fertility Treatment Act*,

- 2) influences or attempts to influence the characteristics of a child by selecting gametes or embryos or otherwise in violation of section 5 of the Fertility Treatment Act,
- 3) accepts, stores or uses gametes or embryos in assisted fertility treatment without the consent of the donor referred to in section 16 or 20 of the Fertility Treatment Act,
- 4) stores gametes or embryos or provides assisted fertility treatment without a licence granted by the National Supervisory Authority for Welfare and Health and referred to in section 24 of the Fertility Treatment Act or in violation of the time limit laid down in section 6, subsection 3 of the Fertility Treatment Act, or
- 5) provides assisted fertility treatment without the written consent of the person receiving the treatment as referred to in section 8, paragraph 1 of the Fertility Treatment Act or in violation of paragraph 4 of the said section after the person giving the consent has withdrawn this consent or has deceased

shall be sentenced for *illegal use of gametes* to a fine or to imprisonment for at most one year.

## **Section 6 (28/2012)**

### **Violation of the identity of a child**

A person who fails to comply with

- 1) the provisions of section 12, subsection 2 or 3 or section 14 of the Fertility Treatment Act regarding the use, content, marking or notification of the donor code,
- 2) the provisions of section 18 of the Fertility Treatment Act on the notification of information to the donation register,
- 3) the provisions of section 10, subsection 2 or section 28 or 30 of the Fertility Treatment Act on the provision, transfer, storage or retention of information and documents, or
- 4) the provisions of section 92 or 93 of the Adoption Act (22/2012) on the retention or transfer of documents or on the provision of information,

so that the act is conducive to endangering the right of a child to establish his or her parentage, shall be sentenced for *a violation of the identity of a child* to a fine or to imprisonment for at most one year.

## **Chapter 23 (545/1999)**

### **Traffic offences**

#### **Section 1 (545/1999)**

##### **Causing a traffic hazard**

A road user who intentionally or through negligence violates the Road Traffic Act or the Vehicles Act or the provisions or regulations issued under them in a manner that is conducive to endangering the safety of another person shall be sentenced for *causing a traffic hazard* to a fine or to imprisonment for at most six months. (1094/2002)

A person shall also be sentenced for causing a traffic hazard if he or she, in the manner referred to in subsection 1,

1) while in charge of steering a vessel or another watercraft or while performing a duty essentially affecting the safety of passage of a vessel or another watercraft, violates the Water Traffic Act (782/2019) or a regulation issued under it or the Convention on International Regulations for Preventing Collisions at Sea of 1972 (Finnish Treaty Series 30/1977), (789/2019)

2) while piloting an aircraft or acting as a member of its crew or performing another duty affecting flight safety or otherwise, violates the Aviation Act (281/1995) or the provisions or regulations issued under it, or

3) while driving a train or performing another duty essentially affecting train safety, violates the rules governing train safety.

This section does not apply if the conduct referred to in subsection 1 or subsection 2, paragraph 1 or 3 is conducive to causing only a minor hazard.

*The Aviation Act 281/1995 was repealed by Act 1242/2005, see the Aviation Act 864/2014.*

#### **Section 2 (545/1999)**

##### **Causing a serious traffic hazard**

If, in causing a traffic hazard, the driver of a motor vehicle or a tram, intentionally or through gross negligence,

1) significantly exceeds the maximum speed limit,

2) starts to overtake while the visibility is insufficient for safe overtaking or while overtaking is otherwise prohibited,

3) fails to observe the duty to stop or give way required by road safety, or

4) violates the traffic rules in some other comparable manner,

so that the offence is conducive to seriously endangering the life or health of another person, the driver shall be sentenced for *causing a serious traffic hazard* to at least 30 unit fines or to imprisonment for at most two years.

A person shall also be sentenced for causing a serious traffic hazard if he or she, in the causing a traffic hazard, intentionally or through gross negligence,

1) while in charge of steering a vessel or another watercraft or while performing a duty essentially affecting the safety of passage of a vessel or another watercraft, fails to comply with the provision of section 12 of the Water Traffic Act on safe passage and speed, the provision of section 13 of the said Act on the risk of collision and its avoidance, the provision of section 14 of the said Act on overtaking, meeting and passing, or the provisions of the Convention on International Regulations for Preventing Collisions at Sea of 1972 on steering and sailing, lights and shapes, and sound and light signals, (789/2019)

2) while piloting an aircraft or acting as a member of its crew or performing another duty affecting flight safety or otherwise, violates the provisions of the Aviation Act or the provisions or regulations issued under it, or

3) while driving a train or performing another duty essentially affecting train safety, violates the rules governing train safety,

so that the offence is conducive to seriously endangering the life or health of another person.

### **Section 3 (1198/2002)**

#### **Driving while intoxicated**

A person who drives a motor vehicle or a tram after having consumed alcohol so that his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air during or after the drive shall be sentenced for *driving while intoxicated* to a fine or to imprisonment for at most six months.

A person who drives a motor vehicle or a tram after having used a narcotic drug so that during or after the drive he or she has the active substance of the narcotic drug used or its metabolic product in his or her blood shall also be sentenced for driving while intoxicated. However, the provision of this subsection does not apply if the said substance or metabolic product is derived from a medicinal product that the driver has the right to use.

A person who drives a motor vehicle or a tram after having used an intoxicating substance other than alcohol or such a substance together with alcohol so that his or her ability to perform as required by the task is impaired shall also be sentenced for driving while intoxicated.

#### **Section 4 (1198/2002)**

##### **Driving while seriously intoxicated**

If, in driving while intoxicated,

1) the blood alcohol level of the perpetrator is at least 1.2 per mille or his or her exhalation contains at least 0.53 milligrams of alcohol per litre of air, or

2) the ability of the perpetrator to perform as required by the task is significantly impaired, or

3) the perpetrator has used an intoxicating substance other than alcohol or such a substance together with alcohol so that his or her ability to perform as required by the task is significantly impaired,

and the circumstances are such that the offence is conducive to endangering the safety of another person, the perpetrator shall be sentenced for *driving while seriously intoxicated* to at least 60 unit fines or to imprisonment for at most two years.

#### **Section 5 (296/2012)**

##### **Operating a watercraft while intoxicated**

A person who steers a vessel or performs such a duty on board a vessel that essentially affects the safety of its passage,

1) after having consumed alcohol so that during or after the said duty his or her blood alcohol level is at least 1.0 per mille or his or her exhalation contains at least 0.44 milligrams of alcohol per litre of air or his or her capacity to perform as required by the duty is impaired, or

2) after having used an intoxicating substance other than alcohol or such a substance together with alcohol so that his or her ability to perform as required by the duty is impaired,

and the circumstances are such that the offence is conducive to endangering the safety of another person, shall be sentenced for *operating a watercraft while intoxicated* to a fine or to imprisonment for at most two years.

A person who, in professional water traffic, steers a vessel or, by order, performs on board a vessel a duty that essentially affects the safety of its passage or the prevention of pollution of the environment, after having consumed alcohol so that during or after the said duty his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air, shall also be sentenced for operating a watercraft while intoxicated.

However, a person shall not be sentenced for operating a watercraft while intoxicated when the vessel steered is a rowing boat or a watercraft comparable to a rowing boat in size, speed or otherwise, or when the duty referred to in subsection 1 has been performed on board such a vessel.

## **Section 6 (1198/2002)**

### **Operating an aircraft while intoxicated**

A person who pilots an aircraft or acts as a member of its crew or performs another duty affecting flight safety, after having consumed alcohol so that during or after the said duty his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air or his or her capacity to perform as required by the duty is impaired, shall be sentenced for *operating an aircraft while intoxicated* to a fine or to imprisonment for at most two years.

A person who pilots an aircraft or acts as a member of its crew or performs another duty affecting flight safety, after having used a narcotic drug so that he or she has the active substance of the narcotic drug used or its metabolic product in his or her blood during or after the duty, shall also be sentenced for operating an aircraft while intoxicated. However, the provision of this subsection does not apply if the said substance or metabolic product is derived from a medicinal product that the person performing the duty has the right to use.

A person who performs a duty referred to in subsections 1 and 2 after having used an intoxicating substance other than alcohol or such a substance together with alcohol, so that his or her ability to

perform as required by the duty is impaired, shall also be sentenced for operating an aircraft while intoxicated.

## **Section 7 (1198/2002)**

### **Operating a train while intoxicated**

A person who drives a train or performs another duty essentially affecting train safety, after having consumed alcohol so that during or after the said duty his or her blood alcohol level is at least 0.5 per mille or his or her exhalation contains at least 0.22 milligrams of alcohol per litre of air or his or her capacity to perform as required by the duty is impaired, shall be sentenced for *operating a train while intoxicated* to a fine or to imprisonment for at most two years.

A person who drives a train or performs another duty essentially affecting train safety after having used a narcotic drug so that he or she has the active substance of the narcotic drug used or its metabolic product in his or her blood during or after the duty shall also be sentenced for operating a train while intoxicated. However, the provision of this subsection does not apply if the said substance or metabolic product is derived from a medicinal product that the person performing the duty has the right to use.

A person who performs a duty referred to in subsections 1 and 2 after having used an intoxicating substance other than alcohol or such a substance together with alcohol, so that his or her ability to perform as required by the duty is impaired, shall also be sentenced for operating a train while intoxicated.

## **Section 8 (545/1999)**

### **Relinquishing a vehicle to an intoxicated person**

A person who relinquishes a motor vehicle, a tram, a train, a vessel referred to in section 5 or an aircraft to be operated, steered or controlled by a person who is apparently in such a state that he or she would commit an offence referred to in sections 3–7, or entrusts such a person with a duty referred to in sections 5–7 shall be sentenced for *relinquishing a vehicle to an intoxicated person* to a fine or to imprisonment for at most one year.

## **Section 9 (1611/2015)**

### **Operating a non-motorised vehicle while intoxicated**

A road user who operates a non-motorised vehicle, a motorised bicycle or a light electric vehicle while under the influence of alcohol or another intoxicating substance, thus endangering the safety of another person, shall be sentenced for *operating a non-motorised vehicle while intoxicated* to a fine or to imprisonment for at most three months.

A road user who, while under the influence of alcohol or another intoxicating substance and at a speed exceeding walking speed, operates a manually operated personal transportation device or such a personal transportation device assisting or replacing walking that is equipped with an electric motor with the maximum power of 1 kW and whose maximum structural speed is at most 15 km/h, thus endangering the safety of another person, shall also be sentenced for operating a non-motorised vehicle while intoxicated.

## **Section 10 (545/1999)**

### **Unauthorised operating of a vehicle**

A person who operates, steers or controls a motor vehicle, tram, train, vessel or aircraft without the right to do so or without a licence proving the required competence shall be sentenced for *unauthorised operating of a vehicle* to a fine or to imprisonment for at most six months.

A person who without the required competence undertakes a duty essentially affecting the safety of passage of a train, vessel or aircraft shall also be sentenced for unauthorised operating of a vehicle.

## **Section 11 (545/1999)**

### **Flight from the scene of a traffic accident**

A driver of a motor vehicle or a tram who is a party to a traffic accident and neglects his or her duty to stop at once and help the injured to the best of his or her ability shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *flight from the scene of a traffic accident* to a fine or to imprisonment for at most one year.

## **Section 11a (400/2002)**

### **Interfering with traffic**

A person who causes considerable harm to the flow of general air, rail or water traffic shall be sentenced for *interfering with traffic* to a fine or to imprisonment for at most six months.

Provisions on interfering with road traffic and tram traffic are laid down in the Road Traffic Act.

## **Section 12 (1094/2002)**

### **Definitions**

In this chapter:

- 1) *road user* means anyone who is on the road or in a vehicle or a tram that is on the road,
- 1a) *narcotic drug* means any narcotic drug referred to in the Narcotics Act (373/2008), (374/2008)
- 2) *intoxicating substance* also means performance-reducing medicinal products,
- 3) *motor vehicle* means a power-driven vehicle; cars, mopeds, motorcycles, powered three-wheel vehicles, light and heavy quadricycles, tractors, lightweight cars, public works vehicles and off-road vehicles are motor vehicles, (1611/2015)
- 4) *vessel* means any watercraft and equipment intended for navigating on water,
- 5) *train* means a locomotive or a locomotive coupled to rolling stock, as well as other power-driven means of rail transport, with the exception of trams,
- 6) *duty essentially affecting train safety* means a duty where erroneous conduct or omission may endanger the safety of train traffic, including the movement, organisation and transfer of rolling stock at a rail yard or on industrial tracks.

## **Chapter 24 (531/2000)**

### **Violation of privacy, peace and personal reputation**

## **Section 1 (879/2013)**

### **Violation of domestic privacy**

A person who unlawfully

1) intrudes or enters by stealth or deception a place covered by the right to domestic privacy, or hides or stays in such a place, or

2) violates the domestic privacy of another person by making noise, throwing objects or in another equivalent manner

shall be sentenced for *a violation of domestic privacy* to a fine or to imprisonment for at most six months.

### **Section 1a (879/2013)**

#### **Harassing communications**

A person who, with intent to disturb, repeatedly sends messages or calls another person so that the act is conducive to causing that person considerable disturbance or harm shall be sentenced for *harassing communications* to a fine or to imprisonment for at most six months.

### **Section 2 (531/2000)**

#### **Aggravated violation of domestic privacy**

If, in a violation of domestic privacy,

1) the perpetrator or an accomplice is equipped, for the purpose of committing the offence, with a weapon or another instrument suitable for violence against a person, or it is the evident intent of the perpetrator or the accomplice to employ violence against a person or cause damage to property, or

2) the victim of the offence has a justified reason to fear for his or her personal safety because of the threats made or damage caused to property in connection with the offence or the number of perpetrators or accomplices,

and the violation of domestic privacy is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated violation of domestic privacy* to a fine or to imprisonment for at most two years.

### **Section 3 (585/2005)**

#### **Violation of privacy relating to public premises**

A person who unlawfully

1) intrudes or enters by stealth or deception an agency, business premises, an office, a production plant, meeting facilities, or other similar premises or another similar building or the fenced yard of such a building, or a barracks area or another area in the use of the Finnish Defence Forces or the Border Guard, where movement is restricted by decision of the authority concerned, or

2) hides or stays in premises referred to in paragraph 1

shall be sentenced for *a violation of privacy relating to public premises* to a fine or to imprisonment for at most six months.

However, an act that has caused only minor harm does not constitute a violation of privacy relating to public premises.

#### **Section 4 (531/2000)**

##### **Aggravated violation of privacy relating to public premises**

If, in a violation of privacy relating to public premises,

1) the perpetrator or an accomplice is equipped, for the purpose of committing the offence, with a weapon or another instrument suitable for violence against a person, or it is the evident intent of the perpetrator or the accomplice to employ violence against a person or cause damage to property, or

2) the offence is directed at a building or premises used by Parliament, the President of the Republic, the Government or a delegation or representation of a foreign state or an intergovernmental organisation,

and the violation of privacy relating to public premises is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated violation of privacy relating to public premises* to a fine or to imprisonment for at most two years.

#### **Section 5 (531/2000)**

##### **Eavesdropping**

A person who unlawfully listens to or records with a technical device

1) a discussion, talk or other sounds of private life, where these are not intended for his or her knowledge and which occur or arise in a place covered by the right to domestic privacy, or

2) secretly, elsewhere than in a place covered by the right to domestic privacy, talk that is not intended for his or her knowledge or for the knowledge of any other third parties, where the circumstances are such that the speaker has no reason to believe that a third party is listening

shall be sentenced for *eavesdropping* to a fine or to imprisonment for at most one year.

An attempt is punishable.

## **Section 6 (531/2000)**

### **Illicit observation**

A person who unlawfully watches, films or records with a technical device

1) a person in a place covered by the right to domestic privacy, a toilet, a dressing room or another similar place, or

2) a person in a building, premises or a fenced yard that is closed to the public, referred to in section 3, where this violates the person's privacy,

shall be sentenced for *illicit observation* to a fine or to imprisonment for at most one year.

An attempt is punishable.

## **Section 7 (531/2000)**

### **Preparation of eavesdropping or illicit observation**

A person who sets up a device referred to in section 5 or 6 to be used for eavesdropping or illicit observation shall be sentenced for *preparation of eavesdropping* or *preparation of illicit observation* to a fine or to imprisonment for at most six months.

## **Section 8 (879/2013)**

### **Dissemination of information violating personal privacy**

A person who unlawfully,

1) through the mass media or

2) otherwise by making available to many persons,

presents information on or an insinuation or an image of the private life of another person so that the act is conducive to causing that person damage or suffering or subjecting that person to contempt shall be sentenced for *dissemination of information violating personal privacy* to a fine.

Presenting information on or an insinuation or image of the private life of a person active in politics or business or of a person holding a public office or position or another comparable position does not constitute dissemination of information violating personal privacy, if presenting the information, insinuation or image may affect the evaluation of that person's activities in the position in question and if the presenting is necessary for the purpose of dealing with a matter of importance to society.

Presenting information for the purpose of dealing with a matter of general importance shall neither be considered dissemination of information violating personal privacy, if presenting the information, considering its contents, the rights of others and the other circumstances, does not clearly exceed what can be deemed acceptable.

### **Section 8a (879/2013)**

#### **Aggravated dissemination of information violating personal privacy**

If dissemination of information violating personal privacy causes considerable suffering or particularly extensive damage, and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated dissemination of information violating personal privacy* to a fine or to imprisonment for at most two years.

### **Section 9 (879/2013)**

#### **Defamation**

A person who

- 1) presents false information on or a false insinuation of another person so that the act is conducive to causing damage or suffering to that person or subjecting that person to contempt, or
- 2) disparages another person in a manner other than that referred to in paragraph 1

shall be sentenced for *defamation* to a fine.

A person who presents false information on or a false insinuation of a deceased person, so that the act is conducive to causing suffering to a person to whom the deceased was particularly close, shall also be sentenced for defamation.

Criticism that is directed at a person's activities in politics, business, public office or position, science, art or in other comparable public activity and that does not clearly exceed what can be deemed acceptable does not constitute defamation referred to in subsection 1, paragraph 2.

Presenting information for the purpose of dealing with a matter of general importance shall neither be considered defamation, if presenting the information, considering its contents, the rights of others and the other circumstances, does not clearly exceed what can be deemed acceptable.

## **Section 10 (879/2013)**

### **Aggravated defamation**

If defamation referred to in section 9, subsection 1 causes considerable suffering or particularly extensive damage and the defamation is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated defamation* to a fine or to imprisonment for at most two years.

## **Section 11 (531/2000)**

### **Definition**

Places covered by the right to domestic privacy are homes, holiday homes and other premises intended for residential use, such as hotel rooms, tents, mobile homes and vessels with sleeping capacity, as well as the stairwells of residential buildings and the private yards of the residents and their immediate outbuildings.

## **Section 12 (879/2013)**

### **Right to bring charges**

The prosecutor shall not bring charges for a violation of domestic privacy, harassing communications, an aggravated violation of domestic privacy, a violation of privacy relating to public premises, eavesdropping, illicit observation, or preparation of eavesdropping or of illicit observation, unless the injured party reports the offence for prosecution or unless a very important public interest requires that charges be brought.

The prosecutor shall not bring charges for dissemination of information violating personal privacy, aggravated dissemination of information violating personal privacy, defamation or aggravated defamation, unless the injured party reports the offence for prosecution. However, the Prosecutor General may order that charges be brought, if the offence has been committed through the mass media and a very important public interest requires that charges be brought.

An offence referred to in section 9, subsection 2 may be reported for prosecution by the deceased person's surviving spouse, sibling, or relative in the direct ascending or descending line or by a person who lived in the same household with the deceased or another person to whom the deceased was particularly close.

### **Section 13 (511/2011)**

#### **Corporate criminal liability**

The provisions on corporate criminal liability apply to aggravated defamation when the motive for the offence is race, colour, descent, national or ethnic origin, religion or belief, sexual orientation or disability or other comparable reason.

### **Chapter 25 (578/1995)**

#### **Offences against personal liberty**

#### **Section 1 (578/1995)**

##### **Criminal deprivation of liberty**

A person who by confinement, bondage, transportation or otherwise unlawfully deprives another person of freedom of movement or isolates him or her shall be sentenced for *criminal deprivation of liberty* to a fine or to imprisonment for at most two years.

#### **Section 2 (578/1995)**

##### **Aggravated criminal deprivation of liberty**

If, in criminal deprivation of liberty,

- 1) liberty is deprived for a period longer than 72 hours,
- 2) serious danger is caused to the life or health of another person, or
- 3) exceptional cruelty or a threat of serious violence is used,

and the criminal deprivation of liberty is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated criminal deprivation of liberty* to imprisonment for at least four months and at most four years.

### **Section 3 (650/2004)**

#### **Trafficking in human beings**

A person who,

- 1) by taking advantage of the dependent position or vulnerable state of another person or by pressuring another,
- 2) by misleading another person or by taking advantage of a mistake made by that person,
- 3) by giving payment to a person who has control over another person, or
- 4) by receiving such payment,

takes control over another person, recruits, transfers, transports, receives or accommodates another person for the purpose of subjecting the person to sexual abuse referred to in chapter 20, section 9, subsection 1, paragraph 1 or comparable sexual exploitation, forced labour or other conditions that violate human dignity, or to removal of organs or tissues shall be sentenced for *trafficking in human beings* to imprisonment for at least four months and at most six years.

A person who takes control over another person under 18 years of age or recruits, transfers, transports, receives or accommodates such a person for a purpose mentioned in subsection 1 shall also be sentenced for trafficking in human beings, even if none of the means referred to in subsection 1, paragraphs 1–4 have been used. (1177/2014)

An attempt is punishable.

### **Section 3a (650/2004)**

#### **Aggravated trafficking in human beings**

If, in trafficking in human beings,

- 1) violence, threat or deception is used instead of or in addition to the means referred to in section 3,

2) a grievous bodily injury, a serious illness or a state of mortal danger or other particularly grave suffering comparable to these is intentionally or through gross negligence inflicted on another person,

3) the offence is directed against a child under 18 years of age or against a person whose ability to defend himself or herself is substantially diminished, or

4) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated trafficking in human beings* to imprisonment for at least two years and at most ten years.

A person who enslaves another person or keeps another person in servitude, or transports slaves or trades in slaves shall also be sentenced for aggravated trafficking in human beings, if the act is aggravated when assessed as a whole.

An attempt is punishable.

### **Section 3b (28/2012)**

#### **Illegal obtaining of consent to adoption**

A person who,

1) by promising or providing compensation or

2) by misleading or taking advantage of a mistake,

gets another person to give the consent referred to in section 10, subsection 1, section 11, subsection 1 or section 13, subsection 3 of the Adoption Act to the adoption of a child under 18 years of age shall be sentenced for *illegal obtaining of consent to adoption* to a fine or to imprisonment for at most two years.

An attempt is punishable.

### **Section 3c (28/2012)**

#### **Illegal arrangement of adoption**

If a person other than one who has custody of the child or a person other than a provider of adoption counselling referred to in section 22 of the Adoption Act or a service provider referred to in section 32 of the Adoption Act places a child under 18 years of age, with the intent of adoption, in a private home to be raised or in another manner arranges for a possibility for someone to adopt the child, the person shall be sentenced for *illegal arrangement of adoption* to a fine or to imprisonment for at most one year.

A person who publicly or otherwise among the public circulates an offer to place a child for adoption or take a child into his or her care with the intent of adoption shall also be sentenced for illegal arrangement of adoption.

### **Section 4 (578/1995)**

#### **Hostage taking**

A person who deprives another person of his or her liberty in order to force a third person to perform, endure or abstain from performing an act, under threat that the hostage will otherwise not be released or that he or she will be killed or his or her health will be harmed, shall be sentenced, if the act is aggravated when assessed as a whole, for *hostage taking* to imprisonment for at least one and at most ten years.

An attempt is punishable.

### **Section 4a (435/2013)**

#### **Preparation of hostage taking**

A person who, for the purpose of committing an offence referred to in section 4,

- 1) has in his or her possession a firearm, an edged weapon or another comparable lethal instrument or an instrument that is particularly suitable for use as an instrument in the offence,
- 2) acquires specific information that is necessary for the commission of the offence,
- 3) prepares or acquires a space that is necessary for the commission of the offence, or
- 4) agrees with another person or prepares a detailed plan to commit the offence

shall be sentenced for *preparation of hostage taking* to imprisonment for at most three years.

If, however, the risk of commission of the offence has, for other than random reasons, been minor or if the person has voluntarily abandoned the preparation of the offence, prevented its continuation or otherwise negated the significance of his or her own activities in the preparation of the offence, subsection 1 does not apply.

## **Section 5 (1161/2005)**

### **Unlawful taking into care of a child**

A parent, a foster parent or another person who has custody of a child under 16 years of age or a person close to the child who unlawfully takes the child into his or her care or into the care of another person referred to above from the person who has the child in his or her care shall, unless the act is punishable as child abduction referred to in section 5a, be sentenced for *unlawful taking into care of a child* to a fine or to imprisonment for at most six months.

## **Section 5a (1161/2005)**

### **Child abduction**

If, in unlawful taking into care of a child,

1) the child is removed from his or her country of residence or not returned to that country, and the rights of custody of the child are thus breached, and

2) at the time of removal of the child or failure to return the child, the rights of custody were actually exercised or would have been so exercised but for the removal of the child or the failure to return the child,

the perpetrator shall be sentenced for *child abduction* to a fine or to imprisonment for at most two years.

## **Section 6 (578/1995)**

### **Negligent criminal deprivation of liberty**

A person who through negligence causes another person to be deprived of his or her liberty shall, unless the act is of minor significance, taking into consideration the harm or damage caused, be sentenced for *negligent criminal deprivation of liberty* to a fine or to imprisonment for at most six months.

A person who unlawfully deprives another person of his or her liberty, believing that he or she has the right to do so, shall also be sentenced for negligent criminal deprivation of liberty, unless the act is, taking into consideration the harm or damage caused, of minor significance.

### **Section 7 (578/1995)**

#### **Illegal threat**

A person who raises a weapon at another person or otherwise threatens another person with an offence, under such circumstances that the threatened person has justified reason to believe that his or her personal safety or property or that of someone else is in serious danger, shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *illegal threat* to a fine or to imprisonment for at most two years.

### **Section 7a (879/2013)**

#### **Stalking**

A person who repeatedly threatens, follows, observes, contacts or in some other manner comparable to these unlawfully stalks another person so that this is conducive to causing fear or anxiety in the person being stalked shall, unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *stalking* to a fine or to imprisonment for at most two years.

### **Section 8 (578/1995)**

#### **Coercion**

A person who unlawfully, by using violence or making a threat, forces another person to perform, endure or abstain from performing an act shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *coercion* to a fine or to imprisonment for at most two years.

### **Section 9 (441/2011)**

#### **Right to bring charges**

The prosecutor shall not bring charges for negligent criminal deprivation of liberty, illegal threat or coercion, unless the injured party reports the offence for prosecution or unless a lethal instrument has been used in the commission of illegal threat or coercion or unless a very important public interest requires that charges be brought.

The prosecutor shall not bring charges for unlawful taking into care of a child, if this would be contrary to the best interests of the child. Before charges are brought, the prosecutor shall hear the social welfare board of the municipality where the child is habitually resident or staying or which otherwise manifestly has the best information concerning the child.

### **Section 9a (673/2014)**

#### **Waiving of measures**

The prosecution of or the punishment for child abduction may be waived if the suspect or the perpetrator has voluntarily returned the child, if the best interests of the child so require, or if, taking into consideration the reasons leading to the act, a trial and a punishment are to be deemed unreasonable.

### **Section 10 (511/2011)**

#### **Corporate criminal liability**

The provisions on corporate criminal liability apply to trafficking in human beings and aggravated trafficking in human beings.

The provisions on corporate criminal liability apply to illegal threat when the motive for the offence is race, colour, descent, national or ethnic origin, religion or belief, sexual orientation or disability or other reason comparable to these.

### **Chapter 26 (563/1998)**

*Chapter 26 was repealed by Act 563/1998.*

### **Chapter 27 (531/2000)**

*Chapter 27 was repealed by Act 531/2000.*

## **Chapter 28 (769/1990)**

### **Theft, embezzlement and unauthorised use**

#### **Section 1 (769/1990)**

##### **Theft**

A person who steals movable property from the possession of another person shall be sentenced for *theft* to a fine or to imprisonment for at most one year and six months.

An attempt is punishable.

#### **Section 2 (769/1990)**

##### **Aggravated theft**

If, in theft,

- 1) the property stolen is very valuable,
- 2) the stealing causes particularly significant damage to the victim of the offence, taking into consideration the victim's circumstances,
- 3) the perpetrator takes advantage of the helplessness or distress of the victim of the offence,
- 4) in order to carry out the act, the perpetrator or an accomplice equips himself or herself with a firearm, explosives or another similar dangerous instrument, or
- 5) the perpetrator breaks into an occupied residence,

and the theft is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated theft* to imprisonment for at least four months and at most four years.

An attempt is punishable.

#### **Section 3 (769/1990)**

##### **Petty theft**

If, taking into consideration the value of the stolen property or the other circumstances connected with the offence, the theft is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty theft* to a fine.

An attempt is punishable.

#### **Section 4 (769/1990)**

##### **Embezzlement**

A person who steals such funds or other movable property of another that are in his or her possession shall be sentenced for *embezzlement* to a fine or to imprisonment for at most one year and six months.

A person who steals funds or other movable property that he or she has found or that have come into his or her possession through an error shall also be sentenced for embezzlement.

Furthermore, a person who, under a commission or in another similar manner, has been entrusted with funds whose value he or she shall account for to another person and who causes the obligation to account for the funds not to be fulfilled at the time agreed or otherwise required, by unlawfully using the said funds or funds which have replaced them or by acting in another similar manner, shall also be sentenced for embezzlement.

An attempt at stealing referred to in subsection 1 is punishable.

#### **Section 5 (769/1990)**

##### **Aggravated embezzlement**

If, in embezzlement,

- 1) the offence is directed at very valuable property or a large amount of funds,
- 2) particularly significant damage is caused to the victim of the offence, taking into consideration the victim's circumstances, or
- 3) the perpetrator takes advantage of his or her particularly responsible position,

and the embezzlement is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated embezzlement* to imprisonment for at least four months and at most four years.

What is provided in section 4 regarding an attempt shall apply correspondingly to an attempt.

## **Section 6 (769/1990)**

### **Petty embezzlement**

If, taking into consideration the value of the stolen property, the amount of funds unlawfully used or the other circumstances connected with the offence, the embezzlement is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty embezzlement* to a fine.

## **Section 7 (769/1990)**

### **Unauthorised use**

A person who without authorisation uses the movable property or the immovable machinery or equipment of another person shall be sentenced for *unauthorised use* to a fine or to imprisonment for at most one year.

An attempt is punishable.

The use of an internet connection through an unprotected wireless computer network is not deemed unauthorised use. (190/2011)

## **Section 8 (769/1990)**

### **Aggravated unauthorised use**

If, in unauthorised use,

1) considerable economic benefit is sought, or

2) particularly significant damage or harm is caused to the victim of the offence, taking into consideration the victim's circumstances,

and the unauthorised use is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated unauthorised use* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 9 (769/1990)**

### **Petty unauthorised use**

If, taking into consideration the fact that the offence is not conducive to causing significant damage or harm or the other circumstances connected with the offence, the unauthorised use is

of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty unauthorised use* to a fine.

### **Section 9a (614/2002)**

#### **Theft of a motor vehicle for temporary use**

A person who without authorisation uses a motor vehicle of another person shall be sentenced for *theft of a motor vehicle for temporary use* to a fine or to imprisonment for at most one year and six months.

An attempt is punishable.

### **Section 9b (614/2002)**

#### **Aggravated theft of a motor vehicle for temporary use**

If, in theft of a motor vehicle for temporary use,

- 1) considerable economic benefit is sought, or
- 2) particularly significant damage or harm is caused to the victim of the offence, taking into consideration the victim's circumstances,

and the theft of a motor vehicle for temporary use is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated theft of a motor vehicle for temporary use* to imprisonment for at least four months and at most four years.

An attempt is punishable.

### **Section 9c (614/2002)**

#### **Petty theft of a motor vehicle for temporary use**

If, taking into consideration the fact that the offence is not conducive to causing significant damage or harm or the other circumstances connected with the offence, the theft of a motor vehicle for temporary use is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty theft of a motor vehicle for temporary use* to a fine.

## **Section 10 (769/1990)**

### **Unauthorised hunting or fishing**

A person who without authorisation hunts in the hunting area of another person or fishes or otherwise catches fish in the fishing waters of another or exceeds the hunting or fishing right that he or she has under the law or based on a licence, an agreement or a decision shall be sentenced for *unauthorised hunting or fishing* to a fine.

A person who intentionally and without authorisation captures or kills an unprotected animal in an area where he or she does not have the right or a licence to do so shall also be sentenced for unauthorised hunting or fishing. (515/2002)

## **Section 11 (769/1990)**

### **Trespass to property or land**

A person who without authorisation

1) takes possession of, moves or hides movable property in the possession of another person,

2) uses the yard of another person for passage or uses the land in the possession of another person through construction or excavation or in another similar manner, or

3) takes possession of land or a building or a part of it that is in the possession of another person

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *trespass to property or land* to a fine or to imprisonment for at most three months.

However, an act causing only minor harm is not deemed trespass to property or land.

## **Section 12 (769/1990)**

### **Violation of security right**

A person who violates the security or lien right of another person

1) by destroying, damaging, taking possession of, or using his or her property, or

2) by conveying his or her property or in another manner disposing of his or her property

shall be sentenced for *a violation of security right* to a fine or to imprisonment for at most six months.

A person who commits the offence referred to in subsection 1 on behalf of the owner of the property shall also be sentenced for a violation of security right.

### **Section 12a (400/2002)**

#### **Possession of a burglary implement**

A person who, without an acceptable reason, has in his or her possession such a key to the lock of another person, a skeleton key or another implement that can justifiably be suspected to be primarily used for entering a closed space in the possession of another person to commit an offence shall be sentenced for *possession of a burglary implement* to a fine.

### **Section 13 (769/1990)**

#### **Definitions**

The provisions of this chapter also apply if the act is directed at jointly owned property in which the perpetrator has a share.

The provisions of sections 1–6 on movable property also apply to electricity and heat that has been transformed into the form of a valuable utility.

In applying the provisions of sections 4–6 of this chapter, funds that are on the bank account of another person are also deemed to be in the possession of the perpetrator, if the perpetrator has the right to transfer or withdraw them.

### **Section 14 (769/1990)**

#### **Every person's right**

The provisions of this chapter do not apply to the gathering of dry twigs from the ground, cones or nuts that have fallen to the ground, or wild berries, mushrooms, flowers or other similar natural products, with the exception of lichen and moss, on the land of another person.

## **Section 15 (614/2002)**

### **Right to bring charges**

The prosecutor shall not bring charges for the offences referred to in sections 3, 6–9, 9c or 10–12 unless the injured party reports the offence for prosecution or unless a very important public interest requires that charges be brought. (441/2011)

What is provided in subsection 1 also applies to the offences referred to in sections 1, 4 and 9a if

- 1) the perpetrator lives in the same household with the injured party and the offence is directed at property in the said joint household,
- 2) the offence is directed at property belonging to the perpetrator's spouse, sibling or relative in the direct ascending or descending line, or
- 3) the perpetrator is a party to a death estate and the offence is directed at property of the said estate.

## **Chapter 29 (769/1990)**

### **Offences against public finances**

## **Section 1 (1228/1997)**

### **Tax fraud**

A person who

- 1) for the purposes of taxation provides an authority with false information on a fact that affects the determination of tax,
- 2) files a tax return concealing a fact that affects the determination of tax,
- 3) for the purpose of avoiding tax, fails to observe a statutory duty pertaining to taxation that is of significance in the determination of tax, or
- 4) otherwise acts fraudulently,

and thus causes or attempts to cause a tax not to be determined, to be determined at too low a rate or to be unduly refunded, shall be sentenced for *tax fraud* to a fine or to imprisonment for at most two years.

## **Section 2 (769/1990)**

### **Aggravated tax fraud**

If, in tax fraud,

- 1) considerable economic benefit is sought, or
- 2) the offence is committed in a particularly premeditated manner,

and the tax fraud is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated tax fraud* to imprisonment for at least four months and at most four years.

## **Section 3 (769/1990)**

### **Petty tax fraud**

If, taking into consideration the amount of economic benefit sought or the other circumstances connected with the offence, the tax fraud is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty tax fraud* to a fine.

*Subsection 2 was repealed by Act 782/2013.*

## **Section 4 (769/1990)**

### **Tax violation**

A person who, to obtain economic benefit for himself or herself or for another person and for a reason other than insolvency or a stay on payments imposed by a court, fails to pay within the set time limit

- 1) a withholding tax, a tax-at-source or an asset transfer tax,
- 2) a turnover tax calculated per calendar month or a comparable tax on certain insurance premiums,
- 3) a value-added tax, or
- 4) an employer's social security contribution

shall, unless the act is punishable as tax fraud, be sentenced for *a tax violation* to a fine or to imprisonment for at most six months.

However, a minor neglect that has been rectified without delay is not deemed a tax violation.

*Subsection 3 was repealed by Act 782/2013.*

## **Section 4a (398/2006)**

### **Earnings-related pension insurance contribution fraud**

An employer or a representative of an employer who

1) neglects the obligation to arrange pension provision for employees in accordance with section 141 of the Employees Pensions Act (395/2006) or section 138 of the Seafarers' Pensions Act (1290/2006), or neglects the obligation to supply information referred to in section 144 of the Employees Pensions Act or in section 139 of the Seafarers' Pensions Act, or (1277/2018)

2) provides a person performing a duty under the Employees Pensions Act or the Seafarers' Pensions Act false information that affects the insurance contribution or the allocation of costs for pensions and that is required under the Employees Pensions Act or the Seafarers' Pensions Act, or refuses to provide the information referred to in this paragraph,

and thus causes or attempts to cause an earnings-related pension insurance contribution not to be determined, to be determined at too low a rate or to be unduly refunded, shall be sentenced for *earnings-related pension insurance contribution fraud* to a fine or to imprisonment for at most two years.

*Subsection 2 was repealed by Act 1277/2018.*

## **Section 4b (398/2006)**

### **Aggravated earnings-related pension insurance contribution fraud**

If, in earnings-related pension insurance contribution fraud,

1) considerable economic benefit is sought, or

2) the offence is committed in a particularly premeditated manner,

and the earnings-related pension insurance contribution fraud is also aggravated when assessed as a whole, the employer or his or her representative shall be sentenced for *aggravated earnings-related pension insurance contribution fraud* to imprisonment for at least four months and at most four years.

## **Section 4c (484/2015)**

### **Accident insurance premium fraud**

An employer or a representative of an employer who

- 1) neglects the insurance obligation referred to in section 156 of the Workers' Compensation Act (459/2015) or the obligation to supply information laid down in section 159 or 160 of that Act, or
- 2) provides a person performing a duty under the Workers' Compensation Act false information that affects the insurance premium and that is required under the said Act or refuses to provide the information referred to in this paragraph, and thus causes or attempts to cause an accident insurance premium not to be determined, to be determined at too low a rate or to be unduly refunded

shall be sentenced for *accident insurance premium fraud* to a fine or to imprisonment for at most one year.

## **Section 5 (814/1998)**

### **Subsidy fraud**

A person who

- 1) provides an authority deciding on a subsidy false information on a fact that is conducive to essentially affecting the granting, amount or conditions of a subsidy, or conceals such a fact, or
- 2) fails to provide information on such a change in circumstances that essentially affects the granting, amount or conditions of a subsidy, and an obligation to provide such information was set in connection the decision to grant the subsidy or otherwise,

and thus obtains or attempts to obtain economic benefit for himself or herself or for another person, shall be sentenced for *subsidy fraud* to a fine or to imprisonment for at most two years.

## **Section 6 (769/1990)**

### **Aggravated subsidy fraud**

If, in subsidy fraud, considerable benefit is sought and the subsidy fraud is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated subsidy fraud* to imprisonment for at least four months and at most four years.

## **Section 7 (769/1990)**

### **Subsidy misuse**

A person who, in violation of the conditions or provisions laid down in a decision to grant a subsidy, uses the subsidy in a manner that is essentially contrary to its intended purpose shall be sentenced for *subsidy misuse* to a fine or to imprisonment for at most two years.

## **Section 7a (368/2019)**

### **Aggravated subsidy misuse**

If in subsidy misuse, the amount of the subsidy at which the offence is directed is very high and the subsidy misuse is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated subsidy misuse* to imprisonment for at least four months and at most four years.

## **Section 8 (769/1990)**

### **Subsidy violation**

If, taking into consideration the amount of benefit sought or the other circumstances connected with the offence, the subsidy fraud or subsidy misuse is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a subsidy violation* to a fine.

If the recovery of the subsidy is deemed a sufficient sanction, a subsidy violation need not be reported or prosecuted, or the punishment for it may be waived.

## **Section 9 (814/1998)**

### **Definitions and allocation of liability (398/2006)**

In this chapter, *tax* also means:

- 1) a tax to be prepaid and a public charge that is comparable to a tax, and
- 2) a levy collected on behalf of the European Union, to be forwarded to the European Union for inclusion in the general budget of the European Union or another budget maintained by or for the European Union. (368/2019)

In this chapter, *subsidy* means financial support, granted for purposes other than personal consumption,

1) statutorily or discretionarily from the funds of the State, a municipality or another public sector entity or, as separately provided by law, from the funds of another corporate entity or foundation, or

2) from the general budget of the European Union or another budget maintained by or for the European Union. (368/2019)

A loan, interest subsidy and security for a loan are also deemed financial support.

Subsidy also means central government transfers and discretionary government grants to local government or joint municipal authorities.

The provisions of chapter 47, section 8, subsection 1, paragraph 1 regarding an employer and the provisions of subsection 2 regarding a representative of an employer apply to the employer and his or her representative referred to in sections 4a–4c of this chapter. (484/2015)

The provisions of chapter 47, section 7 on the allocation of liability apply to the offences referred to in sections 4a–4c of this chapter. (484/2015)

## **Section 10 (368/2019)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to such tax fraud and aggravated tax fraud that is targeted at a value-added tax or a tax referred to in section 9, subsection 1, paragraph 2, and to subsidy fraud, aggravated subsidy fraud, subsidy misuse and aggravated subsidy misuse.

## **Section 11 (782/2013)**

### **Relationship of punitive tax increase and punitive customs duty increase to tax fraud and tax violation**

A criminal case referred to in section 1, 3 or 4 above need not be reported and the criminal investigation, prosecution and punishment may be waived in the case, if a punitive tax increase or a punitive customs duty increase is deemed a sufficient sanction. In assessing this, consideration is given to the seriousness and recurrence of the act or omission, the expected punishment, the amount of the tax or customs duty related to the act or omission, the amount of the punitive tax increase or the punitive customs duty increase, and the possible other consequences of the act or omission to the taxpayer.

Charges shall not be brought or a court judgment passed in a case referred to in sections 1–4 if a punitive tax increase or a punitive customs duty increase has already been imposed on the same person in the same case. However, charges may be brought and a court judgment passed if, after the punitive tax increase or the punitive customs duty increase was imposed, evidence has been received of new or previously unrevealed essential circumstances, and the punitive tax increase previously imposed in the same case has been annulled in accordance with section 3 of the Act on Punitive Tax Increases and Punitive Customs Duty Increases Imposed by Separate Decisions (781/2013).

## **Section 12 (1277/2018)**

### **Relationship of penalty fee to earnings-related pension insurance contribution fraud and accident insurance premium fraud**

A criminal case referred to in section 4a or 4c need not be reported and the criminal investigation, prosecution and punishment may be waived in the case, if a penalty fee referred to in section 163 of the Employees Pensions Act, section 151 of the Seafarers' Pensions Act or section 182 of the Workers' Compensation Act or a late-filing penalty referred to in section 22 of the Act on the Income Information System (53/2018) is deemed a sufficient sanction. In assessing this, consideration is given to the seriousness and recurrence of the act or omission, the expected punishment, the amount of the payment equivalent to the insurance contribution or premium that is connected to the act or omission, the amount of the penalty fee or the late-filing penalty, and the possible other consequences of the act or omission to the employer or the employer's representative.

Charges shall not be brought or a court judgment passed in a case referred to in sections 4a–4c if a penalty fee referred to in section 163 of the Employees Pensions Act, section 151 of the Seafarers' Pensions Act or section 182 of the Workers' Compensation Act has already been imposed on the same person in the same case.

## **Chapter 30 (769/1990)**

### **Business offences**

#### **Section 1 (475/1999)**

##### **Marketing offence**

A person who, in the professional marketing of goods, services, real estate, bonds and securities of a private limited liability company, or other commodities, gives false or misleading information that is significant from the perspective of the group at which the marketing is directed shall be sentenced for *a marketing offence* to a fine or to imprisonment for at most one year.

#### **Section 1a (1105/2017)**

##### **Alcoholic beverage marketing offence**

A person who, in violation of section 50 of the Alcohol Act (1102/2017),

- 1) markets a strong alcoholic beverage,
- 2) directs marketing of a mild alcoholic beverage towards minors or combines this with marketing of another product or service, or
- 3) depicts minors in the marketing of a mild alcoholic beverage referred to in paragraph 2

shall be sentenced for *an alcoholic beverage marketing offence* to a fine or to imprisonment for at most six months.

#### **Section 2 (769/1990)**

##### **Unfair competition offence**

A person who in business activities uses a false or misleading expression concerning his or her own business or the business of another and thus causes damage to another trader shall be sentenced for *an unfair competition offence* to a fine or to imprisonment for at most one year.

#### **Section 3 (750/2010)**

##### **Consumer credit offence**

A person who in business activities, for receivables based on consumer credit, takes an obligation based on a bill of exchange or other security prohibited under chapter 7, section 18 of the

Consumer Protection Act or uses a draft to collect a consumer debt from a consumer or a person living in the same household with the consumer shall be sentenced for *a consumer credit offence* to a fine or to imprisonment for at most one year.

### **Section 3a (924/2017)**

#### **Travel service offence**

A trader who, without lodging a security, is engaged in such provision of travel service combinations where a security is required under section 3 of the Act on Providers of Travel Service Combinations (921/2017) and thus weakens the financial security of travellers shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a travel service offence* to a fine or to imprisonment for at most one year.

### **Section 3b (924/2017)**

#### **Travel service violation**

If, taking into consideration the economic benefit sought or the other circumstances connected with the offence, the travel service offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a travel service violation* to a fine.

A provider of travel service combinations who fails to observe the obligation to report changes in its activities, laid down in section 12 of the Act on the Providers of Travel Service Combinations, shall also be sentenced for a travel service violation.

### **Section 4 (605/2018)**

#### **Business espionage**

A person who unlawfully acquires information regarding a trade secret of another

1) by entering an area closed to unauthorised persons or accessing an information system protected against unauthorised persons,

2) by gaining possession of or copying a document or other record, or in another comparable manner, or

3) by using a special technical device,

with the intention of unlawfully revealing such a secret or unjustifiably utilising it shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *business espionage* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 5 (605/2018)**

### **Violation of a business secret**

A person who, to obtain economic benefit for himself or herself or another, or to cause damage to another, unlawfully reveals a trade secret of another or unlawfully utilises such a trade secret, having gained knowledge of the secret

1) while in the service of another,

2) while acting as a member of the supervisory board, a member of the board of directors, the managing director, an auditor or a liquidator of a corporate entity or a foundation or in other comparable duties,

3) while performing a task on behalf of another or otherwise in a confidential business relationship, or

4) in connection with company restructuring proceedings,

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a violation of a business secret* to a fine or to imprisonment for at most two years.

This section does not apply to an act that a person referred to in subsection 1, paragraph 1 has undertaken after two years have passed since the end of his or her employment.

An attempt is punishable.

## **Section 6 (605/2018)**

### **Misuse of a business secret**

A person who unlawfully

1) uses in business activities a trade secret that has been obtained or revealed through an act punishable under this Code, or

2) reveals such a secret, to obtain economic benefit for himself or herself or another person,

shall be sentenced for *misuse of a business secret* to a fine or to imprisonment for at most two years.

## **Section 7 (637/2011)**

### **Giving of a bribe in business**

A person who promises, offers or gives an undue advantage (*bribe*), addressed to the recipient or another person, to

1) a person in the service of a trader,

2) a member of the supervisory board, a member of the board of directors, the managing director, an auditor or a liquidator of a corporate entity acting as a trader or a foundation engaged in business,

3) a person performing a task on behalf of a trader, or

4) a person serving as an arbitrator and considering a dispute between traders, between other parties, or between a trader and another party,

with intent to have the bribed person, in his or her position or duties, favour the briber or another person, or with intent to reward the bribed person for such favouring, shall, unless the act is punishable under chapter 16, section 13 or 14, be sentenced for *giving of a bribe in business* to a fine or to imprisonment for at most two years.

## **Section 7a (637/2011)**

### **Aggravated giving of a bribe in business**

If, in giving of a bribe in business,

1) the purpose of the gift or advantage is to make the person act in his or her duties to the considerable benefit of the briber or another person or to the considerable loss or detriment of another person, or

2) the gift or advantage is of significant value,

and the giving of a bribe in business is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated giving of a bribe in business* to imprisonment for at least four months and at most four years.

### **Section 8 (637/2011)**

#### **Acceptance of a bribe in business**

A person who,

- 1) while in the service of a trader,
- 2) as a member of the supervisory board, a member of the board of directors, the managing director, an auditor or a liquidator of a corporate entity acting as a trader or a foundation engaged in business,
- 3) when performing a task on behalf of a trader, or
- 4) when serving as an arbitrator and considering a dispute between traders, between other parties, or between a trader and another party,

requests, receives or accepts a bribe for himself or herself or another person or otherwise takes an initiative towards receiving such a bribe, to favour the briber or another person in his or her position or duties or as a reward for such favouring, shall, unless the act is punishable under chapter 40, sections 1–3, be sentenced for *acceptance of a bribe in business* to a fine or to imprisonment for at most two years.

### **Section 8a (637/2011)**

#### **Aggravated acceptance of a bribe in business**

If, in acceptance of a bribe in business,

- 1) the perpetrator acts or the intent of the perpetrator is to act in his or her duties, due to the gift or advantage, to the considerable benefit of the briber or another person or to the considerable loss or detriment of another person, or
- 2) the gift or advantage is of significant value,

and the acceptance of a bribe in business is also aggravated when assessed as whole, the perpetrator shall be sentenced for *aggravated acceptance of a bribe in business* to imprisonment for at least four months and at most four years.

## **Section 9 (61/2003)**

### **Accounting offence**

If a person with an obligation to keep accounting records, his or her representative, a person exercising effective control in a legal person with an obligation to keep accounting records, or a person entrusted with the keeping of accounting records by commission,

- 1) in violation of the statutory accounting obligations, neglects to record business transactions or to prepare financial statements,
- 2) enters false or misleading data into the accounting records, or
- 3) destroys, conceals or damages account documentation,

and thus impedes the obtaining of a true and sufficient picture of the financial result or financial standing of the business activities of the person or legal person with an obligation to keep accounting records, the person shall be sentenced for *an accounting offence* to a fine or to imprisonment for at most two years.

## **Section 9a (61/2003)**

### **Aggravated accounting offence**

If, in an accounting offence,

- 1) the recording of business transactions or the preparation of financial statements 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 of money or they are based on falsified receipts, or
- 3) the accounting records are destroyed or hidden in full or to an essential degree or they are damaged to an essential degree,

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

## **Section 10 (61/2003)**

### **Negligent accounting offence**

A person with an obligation to keep accounting records, his or her representative, a person exercising effective control in a legal person with an obligation to keep accounting records, or a person entrusted with the keeping of accounting records by commission who, through gross negligence,

- 1) neglects in full or in part to record business transactions or to prepare financial statements, or
- 2) destroys, misplaces or damages account documentation,

and thus essentially impedes the obtaining of a true and sufficient picture of the financial result or financial standing of the business activities of the person or legal person with an obligation to keep accounting records shall be sentenced for *a negligent accounting offence* to a fine or to imprisonment for at most two years.

## **Section 10a (1211/2015)**

### **Auditing offence**

A person who violates the provision of section 3 of the Accounting Act (1141/2015) concerning the preparation of an auditor's report shall, unless the act is of minor significance or unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *an auditing offence* to a fine or to imprisonment for at most two years.

## **Section 11 (605/2018)**

### **Definition**

In this chapter, *trade secret* means a trade secret referred to in section 2, paragraph 1 of the Trade Secrets Act (595/2018).

## **Section 12 (441/2011)**

### **Right to bring charges**

Before bringing charges for a marketing offence, the prosecutor shall give the Consumer Ombudsman an opportunity to give a statement in the case, and before bringing charges for an alcoholic beverage marketing offence, the prosecutor shall give the National Supervisory Authority for Welfare and Health an opportunity to give a statement in the case. When hearing a case concerning a marketing offence and an unfair competition offence, the court shall give the Consumer Ombudsman an opportunity to be heard, and when hearing a case concerning an alcoholic beverage marketing offence, the court shall give the National Supervisory Authority for Welfare and Health an opportunity to be heard.

The prosecutor shall not bring charges for an offence referred to in section 2 or in sections 4–6 unless the injured party reports the offence for prosecution or unless a very important public interest requires that charges be brought.

## **Section 13 (213/2017)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a marketing offence, alcoholic beverage marketing offence, unfair competition offence, business espionage, misuse of a business secret, giving of a bribe in business, aggravated giving of a bribe in business, acceptance of a bribe in business, aggravated acceptance of a bribe in business, and aggravated accounting offence.

## **Section 14 (637/2011)**

### **Provisions on the scope of application**

In applying sections 7, 7a, 8 and 8a of this chapter, a domestic and foreign arbitrator who performs his or her duties under the national legislation on arbitration of another state is equated with an arbitrator.

## **Section 15 (637/2011)**

### **Confiscation**

A gift or an advantage that has been received in the manner referred to in sections 8 and 8a or its value shall be confiscated from the perpetrator or the person on whose behalf or to whose benefit the perpetrator has acted. The provisions of chapter 10 apply to the confiscation of other property.

## **Chapter 31 (769/1990)**

### **Robbery and extortion**

#### **Section 1 (769/1990)**

##### **Robbery**

A person who,

1) by using violence against a person or threatening to immediately use such violence, steals or without authorisation takes into use movable property of another person from the possession of another person, or

2) by using such violence or making such a threat, forces a person to relinquish an economic benefit to which the perpetrator or the person on whose behalf he or she is acting has no legal right,

shall be sentenced for *robbery* to imprisonment for at least four months and at most six years.

An attempt is punishable.

A person who is caught in the act of stealing or taking into use referred to in subsection 1, paragraph 1 and, by using violence or making a threat as referred to in the said paragraph, completes or attempts to complete the offence or keeps or attempts to keep the property obtained thereby shall also be sentenced for robbery or attempted robbery.

If the act referred to in this section, taking into consideration the minor significance of the violence or threat or the other circumstances connected with the act, is not serious when assessed as a whole, the perpetrator shall not be sentenced for robbery but for the other offences that the act incorporates.

#### **Section 2 (769/1990)**

##### **Aggravated robbery**

If, in robbery,

1) a grievous bodily injury, a serious illness or a state of mortal danger is intentionally caused to another person,

- 2) the offence is committed in a particularly brutal or cruel manner,
- 3) a firearm, an edged weapon or another comparable lethal instrument is used, or
- 4) the offence is directed at a person who cannot defend himself or herself or his or her property due to a task or duty involved in his or her profession or position,

and the robbery is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated robbery* to imprisonment for at least two and at most ten years.

An attempt is punishable.

## **Section 2a (435/2013)**

### **Preparation of aggravated robbery**

A person who, for the purpose of committing an offence referred to in section 2,

- 1) has in his or her possession a firearm, an edged weapon or another comparable lethal instrument or an instrument that is particularly suitable for use as an instrument in the offence,
- 2) acquires particular information that is necessary for the commission of the offence, or
- 3) agrees with another person or prepares a detailed plan to commit the offence

shall be sentenced for *preparation of aggravated robbery* to imprisonment for at most three years.

If, however, the risk of commission of the offence has, for other than random reasons, been minor or if the person has voluntarily abandoned the preparation of the offence, prevented its continuation or otherwise negated the significance of his or her own activities in the preparation of the offence, subsection 1 does not apply.

## **Section 3 (769/1990)**

### **Extortion**

A person who, by making a threat other than one referred to in section 1, forces another person to relinquish an economic benefit to which the perpetrator or the person on whose behalf he or she is acting has no legal right shall be sentenced for *extortion* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 4 (769/1990)**

### **Aggravated extortion**

If, in extortion,

- 1) the threat concerns a serious offence that would endanger the life or health of another person or cause considerable damage to the property of another person,
- 2) the perpetrator takes unscrupulous advantage of a special weakness or other vulnerable state of another,
- 3) the economic benefit which the other person is forced to relinquish is very valuable, or
- 4) particularly severe economic loss is caused to the victim of the offence, taking into consideration his or her circumstances,

and the extortion is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated extortion* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Chapter 32 (769/1990)**

### **Receiving and money laundering offences (61/2003)**

## **Section 1 (61/2003)**

### **Receiving offence**

A person who hides, acquires, takes into his or her possession or conveys property that has been obtained from another person 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.

## **Section 2 (769/1990)**

### **Aggravated receiving offence**

If the object of a receiving offence is very valuable property and the receiving offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated receiving offence* to imprisonment for at least four months and at most four years.

## **Section 3 (769/1990)**

### **Professional receiving offence**

If the handling of property obtained through an offence, as referred to above in this chapter, is extensive and professional, the perpetrator shall be sentenced for *a professional receiving offence* to imprisonment for at least four months and at most six years.

## **Section 4 (61/2003)**

### **Negligent receiving offence**

A person who acquires, takes into his or her possession or conveys property that has been obtained from another person through an offence referred to in section 1, or otherwise handles such property, even though he or she has reason to suspect that the property has been obtained in the said manner, shall be sentenced for *a negligent receiving offence* to a fine or to imprisonment for at most six months.

## **Section 5 (769/1990)**

### **Receiving violation**

If, taking into consideration the value of the property or the other circumstances connected with the offence, the receiving offence or the negligent receiving offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a receiving violation* to a fine.

## **Section 6 (191/2011)**

### **Money laundering**

A person who

1) receives, uses, converts, conveys, transfers, transmits or possesses property obtained through an offence, proceeds of crime or property replacing these, in order to obtain benefit for himself or

herself or for another person or to conceal or disguise the illegal origin of such proceeds or property, or in order to assist the perpetrator to evade the legal consequences of the offence, or

2) conceals or disguises the true nature, source, location or disposition of, or rights with respect to, property obtained through an offence, proceeds of crime or property replacing these, or assists another person in such concealment or disguise

shall be sentenced for *money laundering* to a fine or to imprisonment for at most two years.

An attempt is punishable.

### **Section 6a (61/2003)**

*Section 6a was repealed by Act 61/2003.*

### **Section 7 (61/2003)**

#### **Aggravated money laundering**

If, in money laundering,

1) the property obtained through an offence has been very valuable, or

2) the offence is committed in a particularly premeditated manner,

and the money laundering is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated money laundering* to imprisonment for at least four months and at most six years.

An attempt is punishable.

### **Section 8 (61/2003)**

#### **Conspiracy for the commission of aggravated money laundering**

A person who agrees with another person to commit aggravated money laundering that is directed at proceeds derived from giving of a bribe, acceptance of a bribe, aggravated tax fraud directed at a tax referred to in chapter 29, section 9, subsection 1, paragraph 2 or aggravated subsidy fraud or that is directed 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 (61/2003)**

### **Negligent money laundering**

A person who through gross negligence undertakes 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 (61/2003)**

### **Money laundering violation**

If, taking into consideration the value of the property or the other circumstances connected with the offence, the money laundering or the negligent money laundering is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a money laundering violation* to a fine.

## **Section 11 (187/2012)**

### **Restrictive provisions**

A person shall not be sentenced for any of the offences referred to in this chapter if he or she is an accomplice to the offence through which the property was obtained from another person or from which the proceeds were derived (*predicate offence*). However, a person who is guilty of having converted or transferred proceeds or property to conceal or disguise the illicit origin of the proceeds or property or to assist another perpetrator to evade the legal consequences of the offence, as referred to in section 6, subsection 1, paragraph 1, or is guilty of concealment or disguise referred to in paragraph 2 of the said subsection or an attempt at such an act, may be sentenced for money laundering or aggravated money laundering or for an attempt at one of these offences. (943/2020)

The provisions of this chapter shall not apply to a person living in a joint household with the perpetrator who only uses or consumes property acquired by the perpetrator for ordinary needs in the joint household.

## **Section 12 (187/2012)**

### **Confiscation**

Property that has been the target of an offence referred to in section 6, 7 or 9 shall be confiscated. The provisions of chapter 10, section 11, subsection 3 apply to the confiscation.

The provisions of chapter 10 apply to the confiscation of other property.

Regardless of what is provided in subsection 1, property that has been the target of money laundering may be ordered to be given as compensation or restitution to the person injured by the predicate offence in compliance with the provisions of chapter 10, section 2, subsection 3 as appropriate, instead of confiscation, if the nature of the property is suitable for this and compensation or restitution has not been paid to the person. However, confiscation of the property shall be ordered if the nature of the property is not suitable or it cannot be ordered to be given as compensation or restitution to the injured person due to the impediment referred to in chapter 10, section 2, subsection 3. In such a case, the provisions of chapter 10, section 11, subsection 2 apply, as appropriate, to the right of the person injured by the predicate offence to receive an amount equivalent to compensation or restitution from state funds.

## **Section 13 (441/2011)**

### **Right to bring charges**

The prosecutor shall not bring charges for a receiving offence unless the injured party reports the offence for prosecution or unless a very important public interest requires that charges be brought.

## **Section 14 (191/2011)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a receiving offence, an aggravated receiving offence, a professional receiving offence, money laundering, aggravated money laundering and negligent money laundering.

## **Chapter 33 (769/1990)**

### **Forgery offences**

## **Section 1 (769/1990)**

### **Forgery**

A person who prepares a false document or other exhibit or falsifies one for it to be used as misleading evidence, or uses a false or falsified exhibit as misleading evidence shall be sentenced for *forgery* to a fine or imprisonment for at most two years.

An attempt is punishable. (514/2003)

## **Section 2 (769/1990)**

### **Aggravated forgery**

If, in forgery,

1) the exhibit that is the object of the offence is an archival document stored by an authority or a general register kept by an authority and the document or register is of general importance, or the exhibit otherwise has particularly significant probative value, or

2) the perpetrator uses technical equipment acquired for the commission of forgery offences or otherwise acts in a particularly premeditated manner,

and the forgery is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated forgery* to imprisonment for at least four months and at most four years.

An attempt is punishable. (514/2003)

## **Section 3 (769/1990)**

### **Petty forgery**

If, taking into consideration the nature of the exhibit or the other circumstances connected with the offence, the forgery is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty forgery* to a fine.

## **Section 4 (514/2003)**

### **Possession of forgery materials**

A person who, without an acceptable reason,

1) receives, acquires, transports or possesses a false or falsified exhibit, or

2) manufactures, receives, acquires, sells, hands over or possesses a device or equipment that can justifiably be suspected of being primarily used for committing forgery offences

shall be sentenced for *possession of forgery materials* to a fine or to imprisonment for at most six months.

## **Section 5 (769/1990)**

### **Falsification of a landmark**

A person who, to hinder the verification of legally relevant terrain features, sets a false landmark or unjustifiably destroys, alters or moves a landmark denoting a boundary, line or water height, or another comparable landmark shall be sentenced for *falsification of a landmark* to a fine or to imprisonment for at most two years.

## **Section 6 (769/1990)**

### **Definitions**

In this Code, *exhibit* means a document and a facsimile of a document, a mark, a stamp, a licence plate, an audio and visual recording, a recording produced by a plotter, calculator or other comparable technical device, and a recording that is suitable for automatic data processing, if it is used or can be used as legally relevant evidence of rights, duties or facts.

An exhibit is false if, when used as evidence, it is conducive to giving a misleading conception of its origin or the identity of the person who presents it.

An exhibit is falsified if its contents have been unlawfully altered in respect of a fact that has probative relevance.

## **Section 7 (514/2003)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to forgery, aggravated forgery and possession of forgery instruments.

## **Chapter 34 (578/1995)**

### **Endangerment**

## **Section 1 (578/1995)**

### **Criminal mischief**

A person who

- 1) starts a fire,

2) explodes something, or

3) causes a flood or another natural disaster,

so that the act is conducive to causing general danger to life or health or general danger of very severe economic loss, shall be sentenced for *criminal mischief* to imprisonment for at least four months and at most four years.

A person who damages or destroys property or unlawfully interferes with the operation of production, supply or communications channels so that serious danger is caused to energy supply, public healthcare, national defence, administration of justice or another comparable important societal function shall also be sentenced for criminal mischief.

An attempt is punishable.

## **Section 2 (343/2000)**

### **Criminal traffic mischief**

A person who

1) destroys a vehicle, a fixed platform or their equipment, or a traffic route, traffic control signal or other traffic apparatus, or damages or alters any of these,

2) gives false information relating to traffic, or

3) uses or threatens to use violence against a person in a vehicle, at an airport or on a fixed platform, or against a person carrying out traffic control duties,

so that the act is conducive to causing general danger to life or health in traffic or on a fixed platform, and the act is not of minor significance when assessed as a whole, shall be sentenced for *criminal traffic mischief* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Section 3 (578/1995)**

### **Aggravated criminal mischief**

If criminal mischief or criminal traffic mischief is committed

- 1) so that serious danger is caused to the life or health of a great number of people,
- 2) so that, due to the long duration or wide impact of the imminent danger or for another reason, particularly serious danger is caused to an important societal function, or
- 3) during a war or other state of emergency,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated criminal mischief* to imprisonment for at least two and at most ten years.

An attempt is punishable.

#### **Section 4 (400/2002)**

##### **Endangerment of health**

A person who,

- 1) by poisoning or in another equivalent manner renders foodstuffs or other substances intended for human consumption or use dangerous to health, or keeps such dangerous substances available to others,
- 2) spreads a serious disease,
- 3) uses a radiation source in violation of the Radiation Act (859/2018), (861/2018)
- 4) uses nuclear energy or nuclear waste or acts in the use of nuclear energy in violation of the Nuclear Energy Act (990/1987), or
- 5) engages in contained use or deliberate release into the environment of genetically modified organisms in violation of the Gene Technology Act (377/1995), (848/2004)

so that the act is conducive to causing general danger to life or health, shall be sentenced for *endangerment of health* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Section 5 (578/1995)**

### **Aggravated endangerment of health**

If endangerment of health is committed so that serious danger is caused to the life or health of a great number of people and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated endangerment of health* to imprisonment for at least two and at most ten years.

An attempt is punishable.

## **Section 6 (578/1995)**

### **Nuclear device offence**

A person who imports to Finland or acquires, manufactures, transports, supplies, possesses, develops or detonates a nuclear device or conducts research for the purpose of manufacturing one shall be sentenced for a *nuclear device offence* to imprisonment for at least two and at most ten years. (874/2018)

A person who detonates a nuclear device in Antarctica shall also be sentenced for a nuclear device offence. (29/1996)

An attempt is punishable.

## **Section 7 (578/1995)**

### **Negligent endangerment**

A person who intentionally or through negligence commits an act referred to in section 1, 2 or 4 shall, if the danger referred to in the said provision results from the negligence of the perpetrator, be sentenced for *negligent endangerment* to a fine or to imprisonment for at most one year.

A person who through negligence commits an act referred to in section 6 shall also be sentenced for negligent endangerment.

The prosecution of or the punishment for negligent endangerment referred to in subsection 1 may be waived if the perpetrator by his or her own action removes the danger before essential damage has been caused by the dangerous situation.

## **Section 8 (578/1995)**

### **Grossly negligent endangerment**

If negligent endangerment is committed so that serious danger is caused to the life or health of a great number of people and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *grossly negligent endangerment* to imprisonment for at least four months and at most four years.

## **Section 9 (578/1995)**

### **Preparation of endangerment**

A person who, for the purpose of committing an offence referred to in sections 1–5, possesses a bomb, another explosive or a dangerous device or substance shall be sentenced for *preparation of endangerment* to a fine or to imprisonment for at most two years.

A person who, for the purpose of committing a nuclear device offence,

1) acquires or attempts to acquire or possesses or attempts to possess substances needed for manufacturing a nuclear device,

2) acquires or attempts to acquire, manufactures or attempts to manufacture, or possesses or attempts to possess devices needed for manufacturing a nuclear device, or

3) acquires a formula or plan needed for manufacturing a nuclear device

shall also be sentenced for preparation of endangerment. (724/2008)

## **Section 9a (368/2015)**

### **Endangerment of data processing**

A person who, in order to cause harm or damage to data processing or to the functioning or security of an information system or a communications system,

1) imports, acquires for use, manufactures, sells or otherwise disseminates or makes available

a) a device, a computer programme or a set of programming instructions designed or modified to endanger or damage data processing or the functioning of an information system or a communications system or to decode or disable the technical protection of electronic communications or the protection of an information system, or

b) an information system password, access code or other equivalent information belonging to another, or

2) disseminates or makes available instructions for the manufacturing of a computer programme or a set of programming instructions referred to in paragraph 1

shall, unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *endangerment of data processing* to a fine or to imprisonment for at most two years.

### **Section 9b (540/2007)**

#### **Possession of a data system offence device**

A person who, in order to cause harm or damage to data processing or to the functioning or security of an information system or a communications system, possesses a device, a computer programme or a set of programming instructions referred to in section 9a, paragraph 1, subparagraph a, or a password, access code or other equivalent information referred to in subparagraph b shall be sentenced for *possession of a data system offence device* to a fine or to imprisonment for at most six months.

### **Section 10 (578/1995)**

#### **False report of a danger**

A person who makes a false report about a bomb, fire, distress at sea, major accident or other equivalent distress or danger, which is conducive to leading to rescue or safety measures being taken or the arousal of panic, shall be sentenced for *a false report of a danger* to a fine or to imprisonment for at most one year.

### **Section 11 (17/2003)**

#### **Hijacking**

A person who, by using or threatening to use violence or otherwise unlawfully,

1) intervenes in the steering of an aircraft in operation, a merchant vessel at sea, a rail traffic vehicle in traffic or a motor vehicle in public transport,

2) takes control of an aircraft, a merchant vessel at sea or a rail traffic vehicle in traffic so that flight safety, water traffic safety or rail traffic safety is endangered, or takes control of a motor vehicle in public transport so that traffic safety is seriously endangered, or

3) takes control of a fixed platform

shall be sentenced for *hijacking* to imprisonment for at least two and at most ten years.

An attempt is punishable.

If hijacking referred to in subsection 1, paragraph 1 or 2 has only caused minor danger to flight safety, water traffic safety or rail traffic safety, or less than serious danger to other traffic safety, and the offence, taking into consideration the nature of the violence or threat or the nature of the other unlawful means used in the offence or the other circumstances connected with the offence, is also of minor significance when assessed as a whole, the perpetrator shall not be sentenced for hijacking but for those other offences that the act incorporates.

## **Section 12 (833/2003)**

*Section 12 was repealed by Act 833/2003.*

## **Section 13 (540/2007)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a nuclear device offence, preparation of endangerment referred to in section 9, subsection 2, and endangerment of data processing.

## **Section 14 (368/2015)**

### **Definitions**

The definition of an information system laid down in chapter 38, section 13, subsection 1 also applies to sections 9a and 9b of this chapter.

## **Chapter 34a (17/2003)**

### **Terrorist offences**

#### **Section 1 (17/2003)**

##### **Offences committed with a terrorist intent**

A person who, with a terrorist intent and so that the act is conducive to causing serious damage to a country or an international organisation,

- 1) makes an illegal threat or a false report of a danger, or commits an aggravated violation of privacy relating to public premises referred to in chapter 24, section 4, subsection 2 or a nuclear energy use offence referred to in chapter 44, section 10 shall be sentenced to imprisonment for at least four months and at most three years,
- 2) intentionally commits an offence of causing danger or an explosives offence, or commits a violation of provisions on dangerous objects or public exhortation to an offence as referred to in chapter 17, section 1 shall be sentenced to imprisonment for at least four months and at most four years,
- 3) commits aggravated theft or aggravated theft of a motor vehicle for temporary use involving a motor vehicle suitable for public or goods transport, criminal mischief, criminal traffic mischief, endangerment of health, aggravated criminal damage, an aggravated firearms offence or a defence materiel export offence shall be sentenced to imprisonment for at least four months and at most six years,
- 4) commits aggravated criminal damage to data referred to in chapter 35, section 3b, subsection 1, paragraph 4, aggravated interference with communications referred to in chapter 38, section 6, subsection 1, paragraph 3, 5 or 6, or aggravated interference with an information system referred to in chapter 38, section 7b, subsection 1, paragraph 1, 3 or 5 shall be sentenced to imprisonment for at least four months and at most seven years,
- 5) commits a violation of the prohibition of chemical weapons or a violation of the prohibition of biological weapons, or intentionally commits aggravated degradation of the environment in the manner referred to in chapter 48, section 1, subsection 1, paragraph 1 shall be sentenced to imprisonment for at least four months and at most eight years,

6) commits aggravated assault, aggravated trafficking in human beings, hostage taking, aggravated criminal mischief, aggravated endangerment of health, a nuclear device offence or hijacking shall be sentenced to imprisonment for at least two and at most twelve years,

7) commits killing shall be sentenced to imprisonment for at least four and at most twelve years, or

8) commits manslaughter shall be sentenced to imprisonment for at least eight years or for life.

(874/2018)

A person who commits murder with a terrorist intent shall be sentenced to life imprisonment.

An attempt is punishable.

### **Section 1a (874/2018)**

#### **Offence committed with a terrorist intent relating to a radiological weapon**

A person who, with a terrorist intent and so that the act is conducive to causing serious damage to a country or an international organisation, manufactures, acquires, transports, supplies or develops a device referred to in Article 1(4)(b) of the International Convention for the Suppression of Acts of Nuclear Terrorism (Finnish Treaty Series 6/2009), possesses such a device, or conducts research for the purpose of manufacturing such a device shall be sentenced for *an offence committed with a terrorist intent relating to a radiological weapon* to imprisonment for at least four months and at most eight years.

An attempt is punishable.

### **Section 2 (874/2018)**

#### **Preparation of an offence to be committed with a terrorist intent**

A person who, for the purpose of committing an offence referred to in section 1, subsection 1 or 2 or section 1a,

1) agrees with another person or prepares a plan to commit such an offence,

2) manufactures, possesses, acquires, transports, uses or transfers an explosive, a chemical or biological weapon or a toxin weapon, a firearm or a dangerous object or substance, or

3) acquires devices or substances necessary for manufacturing a nuclear device, a chemical or biological weapon or a toxin weapon or acquires a formula or plan for manufacturing one

shall be sentenced for *preparation of an offence to be committed with a terrorist intent* to a fine or to imprisonment for at most three years.

### **Section 3 (17/2003)**

#### **Directing a terrorist group**

A person who directs a terrorist group in the activities of which an offence referred to in section 1, subsection 1, paragraphs 2–8 or subsection 2 or section 1a or a punishable attempt at such an offence has been committed, or in the activities of which an offence referred to in section 2 has been committed shall be sentenced for *directing a terrorist group* to imprisonment for at least two and at most twelve years. (874/2018)

A person who directs a terrorist group in the activities of which only an offence referred to in section 1, subsection 1, paragraph 1 has been committed shall be sentenced for directing a terrorist group to imprisonment for at least four months and at most six years.

A person who is sentenced for directing a terrorist group shall also be sentenced for an offence referred to in section 1 or a punishable attempt at such an offence or an offence referred to in section 2 that he or she has committed or that has been committed in the activities of a terrorist group under his or her direction.

### **Section 4 (832/2003)**

#### **Contributing to the activities of a terrorist group**

A person who, for the purpose of contributing to the criminal activities referred to in section 1, 1a or 2 of a terrorist group or with the knowledge that his or her actions will contribute to such activities,

1) supplies or attempts to supply a terrorist group with explosives, weapons, ammunition, or substances or equipment intended for manufacturing any of these or with other dangerous objects or substances,

2) acquires or attempts to acquire or provides to a terrorist group premises or other facilities that it needs, or means of transport or other instruments that are very important for the activities of the group,

3) acquires or attempts to acquire information which, if brought to the knowledge of a terrorist group, would be conducive to causing serious damage to a country or an international organisation, or relays, delivers or discloses such information to a terrorist group,

4) manages important financial matters of a terrorist group or provides financial or legal advice that is very important for the activities of such a group, or

5) commits an offence referred to in chapter 32, section 6 or 7

shall, unless the act is punishable under section 1, 1a or 2 or unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *contributing to the activities of a terrorist group* to imprisonment for at least four months and at most eight years. (874/2018)

What is provided in subsection 1, paragraph 4 regarding legal advice does not apply to the performance of the duties of a counsel or an attorney in connection with a criminal investigation or court proceedings regarding an offence or the enforcement of a punishment. (283/2012)

#### **Section 4a (874/2018)**

##### **Providing training for the purpose of committing a terrorist offence**

A person who, for the purpose of contributing to the criminal activities referred to in section 1, 1a or 2 or with the knowledge that his or her actions will contribute to such activities, arranges, attempts to arrange or provides training on the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or in another equivalent manner arranges, attempts to arrange or provides training shall, unless the act is punishable under section 1, 1a or 2 or unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *providing training for the purpose of committing a terrorist offence* to imprisonment for at least four months and at most eight years.

#### **Section 4b (874/2018)**

##### **Receiving training for the purpose of committing a terrorist offence**

A person who, for the purpose of committing an offence referred to in section 1, subsection 1, paragraphs 2–8 or subsection 2 or section 1a or 2, receives training on the making or use of explosives, firearms or other weapons or noxious or hazardous substances, or on the use of other specific methods or techniques equated with these shall, unless the act is punishable under section

1, 1a or 2, be sentenced for *receiving training for the purpose of committing a terrorist offence* to a fine or to imprisonment for at most three years.

### **Section 4c (874/2018)**

#### **Recruitment for the purpose of committing a terrorist offence**

A person who, for the purpose of contributing to the criminal activities referred to in section 1, 1a or 2 or with the knowledge that his or her actions will contribute to such activities, establishes or organises a terrorist group or recruits or attempts to recruit persons for a terrorist group or otherwise for committing a terrorist offence referred to in the said sections shall, unless the act is punishable under section 1, 1a or 2 or unless an equally or more severe punishment for the act is provided elsewhere by law, be sentenced for *recruitment for the purpose of committing a terrorist offence* to imprisonment for at least four months and at most eight years.

### **Section 5 (17/2003)**

#### **Financing a terrorist offence (281/2021)**

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance any of the offences referred to in section 1, 1a, 2–4, 4a–4c, 5c or 5d shall be sentenced for *financing a terrorist offence* to imprisonment for at least four months and at most eight years. (281/2021)

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance any of the following offences shall also be sentenced for financing a terrorist offence:

1) hostage taking or hijacking,

2) such criminal mischief, aggravated criminal mischief or preparation of endangerment that is to be deemed an offence referred to in the International Convention for the Suppression of Terrorist Bombings (Finnish Treaty Series 59–60/2002),

3) such criminal mischief, criminal traffic mischief, aggravated criminal mischief or preparation of endangerment that is to be deemed an offence referred to in the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Finnish Treaty Series 56/1973), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (Finnish Treaty Series 43/1998), the Convention for the Suppression of Unlawful Acts against the

Safety of Maritime Navigation (Finnish Treaty Series 11/1999) or the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Finnish Treaty Series 44/2000),

4) such a nuclear device offence, endangerment of health, aggravated endangerment of health, a nuclear energy use offence or another punishable act directed at nuclear material or committed through the use of nuclear material that is to be deemed an offence referred to in the Convention on the Physical Protection of Nuclear Material (Finnish Treaty Series 72/1989), or

5) murder, manslaughter, killing, aggravated assault, criminal deprivation of liberty, aggravated criminal deprivation of liberty, aggravated trafficking in human beings, hostage taking, or an aggravated violation of privacy relating to public premises, or the threat of such an offence, when the act is directed against a person referred to in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (Finnish Treaty Series 62–63/1978).

(281/2021)

An attempt is punishable.

The provisions of this section do not apply if the act is punishable as an offence referred to in subsection 1, paragraphs 1–5 or as an attempt at or complicity in such an offence, or under section 1, 2 or 4b, or if a more severe punishment for the act is provided elsewhere by law.

(1068/2014)

## **Section 5a (281/2021)**

### **Financing a terrorist**

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance a person who commits offences referred to in section 1 or 1a or participates in the commission of such offences as an accomplice referred to in chapter 5, sections 3–6 shall be sentenced for *financing a terrorist* to imprisonment for at least four months and at most six years.

An attempt is punishable.

The provisions of this section do not apply if the act is punishable under section 5 or if an equally or more severe punishment for the act is provided elsewhere by law.

### **Section 5b (281/2021)**

#### **Financing a terrorist group**

A person who provides or collects funds, directly or indirectly, with the intention that they be used, or with the knowledge that they are to be used, to finance a terrorist group referred to in section 6, subsection 2 shall be sentenced for *financing a terrorist group* to imprisonment for at least four months and at most six years.

An attempt is punishable.

The provisions of this section do not apply if the act is punishable under section 5 or if an equally or more severe punishment for the act is provided elsewhere by law.

### **Section 5c (281/2021)**

#### **Travelling for the purpose of committing a terrorist offence**

A person who travels to another state for the purpose of committing there an offence referred to in section 1, 1a, 2–4, 4a–4c, 5, 5a or 5b shall, unless the act is punishable under one of the said sections, be sentenced for *travelling for the purpose of committing a terrorist offence* to a fine or to imprisonment for at most two years.

An attempt is punishable.

### **Section 5d (281/2021)**

#### **Facilitation of travelling for the purpose of committing a terrorist offence**

A person who, for the purpose of contributing to the commission of an offence referred to in section 5c, subsection 1, assists another person, through advice or action or otherwise, shall be sentenced for *facilitation of travelling for the purpose of committing a terrorist offence* to a fine or to imprisonment for at most one year.

The provisions of chapter 5, section 6 on abetting do not apply to the act referred to subsection 1.

## **Section 6 (17/2003)**

### **Definitions**

A perpetrator has a *terrorist intent* if it is his or her intent to:

- 1) seriously intimidate a population,
- 2) unlawfully compel the government or another public authority of a state or an international organisation to perform, endure or abstain from performing an act,
- 3) unlawfully abrogate or alter the constitution of a state or seriously destabilise the legal order of a state or cause particularly extensive damage to the central government finances or fundamental social structures of a state, or
- 4) cause particularly extensive damage to the finances or other fundamental structures of an international organisation.

*Terrorist group* means a structured group of at least three persons established over a period of time and acting in concert to commit offences referred to in section 1 or 1a. (874/2018)

*International organisation* means an intergovernmental organisation or an organisation which, on the basis of its significance and internationally recognised position, is comparable to an intergovernmental organisation.

## **Section 7 (17/2003)**

### **Right to bring charges**

The Prosecutor General shall decide on the bringing of charges for offences referred to in this chapter. On that occasion, the Prosecutor General shall also designate a prosecutor for the case.

## **Section 8 (17/2003)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to the offences referred to in this chapter.

The provisions on corporate criminal liability also apply to robbery, aggravated robbery, extortion and aggravated extortion committed for the purpose of committing an offence referred to in section 1 or 1a or section 2, paragraph 3, and to forgery and aggravated forgery committed for

the purpose of committing an offence referred to in section 1, subsection 1, paragraphs 2–8 or subsection 2, section 1a, section 2, paragraph 3, or section 4, 5 or 5c. (281/2021)

## **Chapter 35 (769/1990)**

### **Criminal damage**

#### **Section 1 (769/1990)**

##### **Criminal damage**

A person who unlawfully destroys or damages the property of another shall be sentenced for *criminal damage* to a fine or to imprisonment for at most one year.

Subsections 2–3 were repealed by Act 368/2015.

#### **Section 2 (368/2015)**

##### **Aggravated criminal damage**

If, in criminal damage,

- 1) very serious economic loss is caused,
- 2) particularly significant damage is caused to the victim of the offence, taking into consideration his or her circumstances, or
- 3) considerable damage is caused to property that is of special historical or cultural value,

and the criminal damage is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated criminal damage* to imprisonment for at least four months and at most four years.

An attempt is punishable.

#### **Section 3 (769/1990)**

##### **Petty criminal damage**

If, taking into consideration the minor significance of the damage or the other circumstances connected with the offence, the criminal damage is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty criminal damage* to a fine.

### **Section 3a (368/2015)**

#### **Criminal damage to data**

A person who, to cause damage to another, unlawfully destroys, demolishes, hides, damages, alters, renders unusable or conceals data recorded on an information device or another recording or data contained in an information system, shall be sentenced for *criminal damage to data* to a fine or to imprisonment for at least two years.

An attempt is punishable.

### **Section 3b (368/2015)**

#### **Aggravated criminal damage to data**

If criminal damage to data

- 1) causes particularly significant harm or economic loss,
- 2) is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)
- 3) is committed as part of activities that have affected a significant number of information systems, by using a device, a computer programme or a set of programming instructions referred to in chapter 34, section 9a, paragraph 1, subparagraph a, or a password, access code or other equivalent information referred to in subparagraph b, or
- 4) is directed at an information system, the damaging of which would endanger the energy supply, public healthcare, national defence, administration of justice or another comparable important societal function,

and the criminal damage to data is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated criminal damage to data* to imprisonment for at least four months and at most five years.

An attempt is punishable.

### **Section 3c (368/2015)**

#### **Petty criminal damage to data**

If, taking into consideration the minor significance of the damage or the other circumstances connected with the offence, the criminal damage to data is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty criminal damage to data* to a fine.

### **Section 4 (769/1990)**

#### **Jointly owned property**

The provisions of this chapter also apply if the act is directed at jointly owned property in which the perpetrator has a share.

### **Section 5 (769/1990)**

#### **Restrictive provision**

The provisions of this chapter do not apply if an equally or more severe punishment for the act is provided elsewhere by law.

### **Section 6 (368/2015)**

#### **Right to bring charges**

If the sole object of an offence referred to in section 1, 3, 3a or 3c is private property, the prosecutor may only bring charges if the injured party reports the offence for prosecution.

### **Section 7 (368/2015)**

#### **Waiving of measures**

Criminal damage, criminal damage to data, petty criminal damage and petty criminal damage to data need not be reported or prosecuted, or the punishment for these offences may be waived, if the suspect or the perpetrator has compensated the damage and the compensation is deemed a sufficient sanction.

### **Section 8 (368/2015)**

#### **Corporate criminal liability**

The provisions on corporate criminal liability apply to criminal damage to data and aggravated criminal damage to data.

## **Section 9 (368/2015)**

### **Definitions**

The definition of an information system laid down in chapter 38, section 13, subsection 1 also applies to sections 3a and 3b of this chapter.

The definition of data laid down in chapter 38, section 13, subsection 2 also applies to section 3a of this chapter.

## **Chapter 36 (769/1990)**

### **Fraud and other dishonesty**

## **Section 1 (769/1990)**

### **Fraud**

A person who, to obtain unlawful economic benefit for himself or herself or another person or to cause damage to another person, deceives another person or takes advantage of an error of another person so as to have this person perform or abstain from performing an act, and this way causes economic loss to the deceived person or to the person over whose benefits this person is able to dispose shall be sentenced for *fraud* to a fine or to imprisonment for at most two years.

A person who, with the intent referred to in subsection 1, by entering, altering, deleting or removing data or by otherwise interfering with the operation of an information system, falsifies the end result of data processing and this way causes economic loss to another person shall also be sentenced for fraud. (514/2003)

An attempt is punishable.

## **Section 2 (769/1990)**

### **Aggravated fraud**

If, in fraud,

- 1) considerable benefit is sought,
- 2) considerable or particularly significant damage is caused,

3) the offence is committed by taking advantage of special confidence based on a position of trust,  
or

4) the offence is committed by taking advantage of a special weakness or other vulnerable state of another person,

and the fraud is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated fraud* to imprisonment for at least four months and at most four years.

An attempt is punishable.

### **Section 3 (769/1990)**

#### **Petty fraud**

If, taking into consideration the amount of benefit sought or damage caused or the other circumstances connected with the offence, the fraud is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty fraud* to a fine.

### **Section 4 (769/1990)**

#### **Insurance fraud**

A person who, to obtain unlawful insurance compensation for himself or herself or another person, sets fire to property that is covered by fire insurance shall, unless the person is also guilty of fraud or attempted fraud concerning the same property for the purpose of obtaining insurance compensation, be sentenced for *insurance fraud* to a fine or to imprisonment for at most one year.

### **Section 5 (769/1990)**

#### **Misuse of a position of trust**

If a person assigned to manage the financial or legal affairs of another misuses his or her position of trust,

1) by undertaking an act to which he or she has no right, or

2) by neglecting his or her duties in full or in part,

and thus causes damage to the person whose affairs he or she should manage, the person shall be sentenced for *misuse of a position of trust* to a fine or to imprisonment for at most two years.

## **Section 6 (845/2009)**

### **Usury**

A person who, by taking advantage of the financial or other distress, dependent position, lack of understanding or thoughtlessness of another person, in connection with a contract or another transaction, obtains or requires for himself or herself or another person economic benefit that is clearly disproportionate to the remuneration shall be sentenced for *usury* to a fine or to imprisonment for at most two years.

A person shall also be sentenced for usury if her or she, in credit granting, takes or requires for himself or herself or another person interest or other economic benefit that is clearly disproportionate to the performance of the creditor, when taking into consideration

- 1) the amount of credit granted, the credit period and the other terms of the credit agreement,
- 2) the credit risk involved in the credit that has been granted,
- 3) the expenses incurred by the creditor for measures that are part of the careful credit granting procedure,
- 4) the ordinary expenses incurred in the financing of the credit,
- 5) the ordinary overheads incurred in credit granting activities.

## **Section 7 (769/1990)**

### **Aggravated usury**

If, in usury,

- 1) considerable benefit is sought,
- 2) considerable or particularly significant damage is caused,
- 3) the perpetrator takes unscrupulous advantage of a special weakness or other vulnerable state of another person, or
- 4) the offence is committed in a particularly premeditated manner,

and the usury is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated usury* to imprisonment for at least four months and at most four years.

## **Section 8 (769/1990)**

### **Right to bring charges**

The prosecutor shall not bring charges for petty fraud or misuse of a position of trust unless the injured party reports the offence for prosecution. (441/2011)

However, reporting misuse of a position of trust for prosecution is not necessary if a particularly important public interest requires that charges be brought, or if the management of affairs is based on a provision of law or an order issued by a public authority, or if the offence was committed by an attorney-at-law or other person who is subject to public supervision in his or her duties or is in another comparable position, or if the act is directed at a corporate entity, foundation or other legal person subject to public supervision in those operations which are subject to the public supervision. (317/1994)

## **Section 9 (368/2019)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to fraud referred to in section 1, subsection 2 of this chapter and to aggravated fraud when it has been committed in the manner specified in section 1, subsection 2.

The provisions on corporate criminal liability also apply to an offence referred to in sections 1 and 2 of this chapter, if the act is fraud affecting the Union's financial interests referred to in Article 3(2) of Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law.

## **Chapter 37 (769/1990)**

### **Means of payment offences**

## **Section 1 (369/2001)**

### **Counterfeiting**

A person who produces false money or falsifies money in order to pass it as legal tender, or for this purpose imports, exports, acquires, receives, transports, or transfers to another person money

that he or she knows is false or falsified shall be sentenced for *counterfeiting* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Section 2 (769/1990)**

### **Aggravated counterfeiting**

If, in counterfeiting,

- 1) the amount or face value of false or falsified money is considerable, or
- 2) the offence is committed in a particularly premeditated manner,

and the counterfeiting is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated counterfeiting* to imprisonment for at least two and at most ten years.

An attempt is punishable.

## **Section 3 (769/1990)**

### **Petty counterfeiting**

If, taking into consideration the amount and face value of the false or falsified money, the amount of benefit sought or damage caused or the other circumstances connected with the offence, the counterfeiting is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty counterfeiting* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 4 (369/2001)**

### **Preparation of counterfeiting**

A person who, for the purpose of committing a counterfeiting offence, manufactures, imports, possesses, acquires or receives an instrument, equipment, a record, or software suitable for committing such an offence shall be sentenced for *preparation of counterfeiting* to a fine or to imprisonment for at most two years.

## **Section 5 (769/1990)**

### **Use of counterfeit money**

A person who, after having received false or falsified money as legal tender, passes it on for further circulation as such, although he or she knows the money is false or falsified, shall be sentenced for *use of counterfeit money* to a fine or to imprisonment for at most one year.

An attempt is punishable.

## **Section 6 (769/1990)**

### **Possession of counterfeit money**

A person who, without an acceptable reason, possesses false or falsified money shall be sentenced for *possession of counterfeit money* to a fine or to imprisonment for at most six months.

## **Section 7 (769/1990)**

### **Circulation of imitation money**

A person who manufactures or acquires for distribution among the public or distributes among the public a form, mark, picture or other object that is deceptively similar to legal tender shall be sentenced for *circulation of imitation money* to a fine or to imprisonment for at most one year.

## **Section 8 (769/1990)**

### **Means of payment fraud**

A person who, to obtain unlawful economic benefit for himself or herself or another person,

- 1) uses a means of payment without the permission of its legal holder, in excess of his or her right that is based on such permission, or otherwise without legal right, or
- 2) transfers a means of payment or a means of payment form to another person in order to have it used without legal right

shall be sentenced for *means of payment fraud* to a fine or to imprisonment for at most two years.

A person who, by overdrawing an account or exceeding the agreed maximum credit limit, misuses a means of payment referred to in subsection 1 and this way causes economic loss to another person shall also be sentenced for means of payment fraud, unless the person had, when using the means of payment, the intention to compensate the loss without delay.

## **Section 9 (769/1990)**

### **Aggravated means of payment fraud**

If, in means of payment fraud,

- 1) considerable or particularly significant damage is caused, or
- 2) the perpetrator has, for the purpose of committing the offence, made or had someone else make means of payment forms, from which the means of payment used in the offence was prepared, or the offence is otherwise committed in a particularly premeditated manner,

and the means of payment fraud is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated means of payment fraud* to imprisonment for at least four months and at most four years.

## **Section 10 (769/1990)**

### **Petty means of payment fraud**

If, taking into consideration the amount of benefit sought or damage caused or the other circumstances connected with the offence, the means of payment fraud is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty means of payment fraud* to a fine.

## **Section 11 (514/2003)**

### **Preparation of means of payment fraud**

A person who, for the purpose of committing means of payment fraud,

- 1) manufactures, imports, acquires, receives or possesses a means of payment form, or
- 2) manufactures, imports, acquires, receives, possesses, sells or transfers an instrument or equipment particularly suitable for manufacturing a means of payment form, or a record, software, an instrument or equipment particularly suitable for payment transactions in information networks

shall be sentenced for *preparation of means of payment fraud* to a fine or to imprisonment for at most one year.

## **Section 12 (602/1997)**

### **Definitions**

In this chapter:

- 1) *money* means banknotes and coins that are legal tender in Finland or another state,
- 2) *means of payment* means bank cards, debit cards, credit cards, cheques and other instruments and records that can be used for making payments, withdrawals or bank transfers, or the use of which is a necessary prerequisite for making these transactions, and
- 3) *means of payment form* means printed forms not in free circulation, to be filled in so as to constitute a means of payment, and such cards and blank cards that are particularly suitable for manufacturing a means of payment.

The provisions of this chapter on means of payment also apply to bank books and other certificates of deposit given in exchange for a deposit by a credit institution subject to public supervision.

The provisions of this chapter on money also apply to banknotes and coins before they have been issued into circulation. (298/2000)

## **Section 13 (875/2001)**

*Section 13 was repealed by Act 875/2001.*

## **Section 14 (514/2003)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to counterfeiting, aggravated counterfeiting, petty counterfeiting, preparation of counterfeiting, use of counterfeit money, means of payment fraud, aggravated means of payment fraud and preparation of means of payment fraud.

## **Chapter 38 (578/1995)**

### **Data and communications offences**

#### **Section 1 (578/1995)**

##### **Secrecy offence**

A person who, in violation of a secrecy obligation provided by law or decree or specifically ordered by an authority under an act,

1) discloses information that should be kept secret and that the person has gained knowledge of by virtue of his or her position or task or in the performance of a duty, or

2) makes use of such a secret to the benefit of himself or herself or another person

shall, unless the act is punishable under chapter 40, section 5, be sentenced for *a secrecy offence* to a fine or to imprisonment for at most one year.

#### **Section 2 (578/1995)**

##### **Secrecy violation**

If, taking into consideration the significance of the act from the perspective of the protection of privacy or confidentiality or the other circumstances connected with the offence, the secrecy offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a secrecy violation* to a fine.

A person who is guilty of such a violation of secrecy obligation referred to in section 1 that is, under separate provisions, punishable as a secrecy violation shall also be sentenced for a secrecy violation.

#### **Section 3 (368/2015)**

##### **Violation of the secrecy of communications**

A person who unlawfully

1) opens a letter or another closed message addressed to another person or, by decoding the protection, obtains information on the contents of a message stored electronically or by other technical means that is protected against third parties, or

2) obtains information on the contents of a telephone call, a telegram, transmission of text, images or data, or another equivalent telecommunications message transmitted in a telecommunications network or an information system or on the transmission or reception of such a message

shall be sentenced for *a violation of the secrecy of communications* to a fine or to imprisonment for at most two years.

An attempt is punishable.

#### **Section 4 (578/1995)**

##### **Aggravated violation of the secrecy of communications**

If, in a violation of the secrecy of communications,

1) the perpetrator commits the offence by making use of his or her position in the service of a telecommunications operator referred in the Act on the Protection of Privacy in Electronic Communications (516/2004) or another special position of trust, (517/2004)

2) the perpetrator commits the offence by making use of a computer programme or special technical device designed or altered for such purpose, or otherwise in a particularly premeditated manner, or

3) the contents of the message that is the object of the offence are particularly confidential or the act constitutes a grave violation of the protection of privacy,

and the violation of the secrecy of communications is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated violation of the secrecy of communications* to imprisonment for at most three years.

An attempt is punishable.

*The Act on the Protection of Privacy in Electronic Communications 516/2004 was repealed by the Information Society Code 917/2014.*

## **Section 5 (578/1995)**

### **Interference with communications**

A person who, by tampering with the operation of a device used in postal, telecommunications or radio traffic, by maliciously transmitting interfering messages over radio or telecommunications channels or in another equivalent manner, unlawfully interferes with or impedes postal, telecommunications or radio traffic shall be sentenced for *interference with communications* to a fine or to imprisonment for at most two years.

An attempt is punishable. (540/2007)

## **Section 6 (578/1995)**

### **Aggravated interference with communications**

If, in interference with communications,

- 1) the perpetrator commits the offence by making use of his or her position in the service of an institution referred to in the Act on Telecommunications Operations, a cable operator referred to in the Cable Transmission Act (307/1987) or a public broadcasting institution, or another special position of trust,
- 2) the offence interferes with or impedes the radio transmission of distress signals or other such telecommunications or radio transmissions that are made to protect human life,
- 3) the offence is committed as part of activities that have affected a significant number of information systems through the use of a device, a computer programme or a set of programming instructions referred to in chapter 34, section 9a, paragraph 1, subparagraph a, or a password, access code or other equivalent information referred to in subparagraph b, (368/2015)
- 4) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, (564/2015)
- 5) the offence causes particularly significant harm or economic loss, or (368/2015)
- 6) the offence is directed at a device, an information system or communications, the damaging of which would endanger the energy supply, public healthcare, national defence, administration of justice or another comparable important societal function, (368/2015)

and the interference with communications is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated interference with communications* to imprisonment for at least four months and at most five years. (368/2015)

An attempt is punishable. (540/2007)

*The Cable Transmission Act 307/1987 was repealed by the Act on Television and Radio Operations 744/1998.*

## **Section 7 (578/1995)**

### **Petty interference with communications**

If, taking into consideration the nature or extent of the disturbance caused or the other circumstances connected with the offence, the interference with communication is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty interference with communications* to a fine.

An attempt is punishable. (540/2007)

## **Section 7a (368/2015)**

### **Interference with an information system**

A person who, in order to cause harm or economic loss to another person, by entering, transferring, damaging, altering or deleting data or in another comparable manner unlawfully prevents the operation of an information system or causes serious disturbance to it shall be sentenced for *interference with an information system* to a fine or to imprisonment for at most two years.

An attempt is punishable.

## **Section 7b (368/2015)**

### **Aggravated interference with an information system**

If, in interference with an information system,

- 1) particularly significant harm or economic loss is caused,
- 2) the offence is committed in a particularly premeditated manner,

3) the offence is committed as part of activities that have affected a significant number of information systems through the use of a device, a computer programme or a set of programming instructions referred to in chapter 34, section 9a, paragraph 1, subparagraph a, or a password, access code or other equivalent information referred to in subparagraph b,

4) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, or (564/2015)

5) the offence is directed at an information system, the damaging of which would endanger the energy supply, public healthcare, national defence, administration of justice or another comparable important societal function,

and the interference with an information system is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated interference with an information system* to imprisonment for at least four months and at most five years.

An attempt is punishable.

## **Section 8 (368/2015)**

### **Unlawful access to an information system**

A person who unlawfully, by using an access code that does not belong to him or her or by otherwise breaking the security system of an information system, accesses an information system where information or data is processed, stored or transmitted electronically or in another equivalent technical manner, or a separately protected part of such a system, shall be sentenced for *unlawful access to an information system* to a fine or to imprisonment for at most two years.

A person who, without accessing an information system or a part of it,

1) by using a special technical device or

2) by using other technical means to by-pass the security system, by taking advantage of a vulnerability in the information system, or otherwise by manifestly fraudulent means,

unlawfully obtains information or data contained in an information system referred to in subsection 1 shall also be sentenced for unlawful access to an information system.

An attempt is punishable.

This section only applies to acts for which an equally or more severe punishment is not provided elsewhere by law.

### **Section 8a (368/2015)**

#### **Aggravated unlawful access to an information system**

If unlawful access to an information system is committed

1) as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2, or (564/2015)

2) in a particularly premeditated manner,

and the unlawful access to an information system is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated unlawful access to an information system* to a fine or to imprisonment for at most three years.

An attempt is punishable.

### **Section 8b (919/2014)**

#### **Offence involving a protection decoding system**

A person who, in violation of the prohibition laid down in section 269, subsection 2 of the Information Society Code (917/2014), for gain or so that the act is conducive to causing significant harm or damage to a provider of protected services, manufactures, imports, offers for sale, leases or distributes a protection decoding system, or advertises, installs or maintains one shall, unless a more or equally severe punishment for the act is provided elsewhere by law, be sentenced for *an offence involving a protection decoding system* to a fine or to imprisonment for at most one year.

### **Section 9 (1051/2018)**

#### **Data protection offence**

A person who, in a capacity other than that of a controller or a processor referred to in Regulation (EU) 2016/679 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter the *General Data Protection Regulation*, intentionally or through gross negligence acquires personal data in a manner that is incompatible with their purpose, discloses personal data, or transfers personal data

in violation of a provision on the purpose limitation, disclosure or transfer of personal data laid down in

1) the General Data Protection Regulation,

2) the Data Protection Act (1050/2018),

3) the Act on the Processing of Personal Data in Criminal Matters and in Connection with Maintaining National Security (1054/2018), or

4) another act concerning the processing of personal data,

and thus violates the protection of privacy of a data subject or causes a data subject other damage or essential harm, shall be sentenced for *a data protection offence* to a fine or to imprisonment for at most one year.

A person who intentionally or through gross negligence acts in violation of the provisions on the security of the processing of personal data laid down in the statutes referred to in subsection 1, paragraphs 1–4 shall also be sentenced for a data protection offence.

## **Section 9a (368/2015)**

### **Identity theft**

A person who, in order to deceive a third party, unlawfully uses the personal data, identification data or other equivalent identifying information of another person and thus causes economic loss or more serious harm than harm of minor significance to the person whom the information concerns shall be sentenced for *identity theft* to a fine.

## **Section 10 (441/2001)**

### **Right to bring charges**

If the object of a secrecy offence or a secrecy violation is information concerning the personal or financial circumstances or the business of a private individual, the prosecutor shall not bring charges for the act, unless the injured party reports it for prosecution or unless the perpetrator committed the offence while in the service of a public postal or telecommunications institution or unless a very important public interest requires that charges be brought.

The prosecutor shall not bring charges for a violation of the secrecy of communications, an aggravated violation of the secrecy of communications, interference with an information system, unlawful access to an information system or an offence involving a protection decoding system, unless the injured party reports the offence for prosecution or unless the perpetrator committed the offence while in the service of a public postal or telecommunications institution or unless a very important public interest requires that charges be brought.

The prosecutor shall hear the Data Protection Ombudsman before bringing charges for a secrecy offence, a secrecy violation, a violation of the secrecy of communications, an aggravated violation of the secrecy of communications, unlawful access to an information system, aggravated unlawful access to an information system, or a data protection offence, if the offence is directed at a personal data filing system. When considering such a case, the court shall give the Data Protection Ombudsman an opportunity to be heard. (1051/2018)

The prosecutor may bring charges for identity theft only if the injured party reports the offence for prosecution. (368/2015)

## **Section 11 (368/2015)**

### **Confiscation**

A protection decoding system referred to in section 8b shall be confiscated.

## **Section 12 (540/2007)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a violation of the secrecy of communications, an aggravated violation of the secrecy of communications, interference with communications, aggravated interference with communications, unlawful access to an information system, aggravated unlawful access to an information system, interference with an information system and aggravated interference with an information system.

## **Section 13 (368/2015)**

### **Definitions**

In applying sections 3, 6, 7a, 7b and 8, 'information system' also means the following, as referred to in Article 2(a) of Directive 2013/40/EU of the European Parliament and of the Council on attacks

against information systems and replacing Council Framework Decision 2005/222/JHA (hereinafter the *Directive on attacks against information systems*):

- 1) a device or a group of interconnected or related devices, one or more of which, pursuant to a programme, automatically processes data, and
- 2) data stored, processed, retrieved or transmitted by that device or group of interconnected or related devices for the purposes of its or their operation, use, protection and maintenance.

In applying sections 3, 7a and 8, 'data' also means the following, as referred to in Article 2(b) of the Directive on attacks against information systems:

- 1) a representation of facts, information or concepts in a form suitable for processing in an information system, and
- 2) a programme suitable for causing an information system to perform a function.

## **Chapter 39 (769/1990)**

### **Offences by a debtor**

#### **Section 1 (61/2003)**

##### **Dishonesty by a debtor**

A debtor who

- 1) destroys his or her property,
- 2) gives away or otherwise surrenders his or her property without an acceptable reason,
- 3) transfers his or her property abroad in order to place it beyond the reach of his or her creditors,  
or
- 4) increases his or her liabilities without basis,

and thus causes himself or herself to become insolvent or essentially worsens his or her state of insolvency, shall be sentenced for *dishonesty by a debtor* to a fine or to imprisonment for at most two years.

## **Section 1a (317/1994)**

### **Aggravated dishonesty by a debtor**

If, in dishonesty by a debtor,

- 1) considerable benefit is sought,
- 2) considerable or particularly significant damage is caused to the creditors, or
- 3) the offence is committed in a particularly premeditated manner,

and the dishonesty by a debtor is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated dishonesty by a debtor* to imprisonment for at least four months and at most four years.

## **Section 2 (769/1990)**

### **Fraud by a debtor**

A debtor who, in order to obtain unlawful economic benefit for himself or herself or another person in bankruptcy, enforcement, debt adjustment or debt restructuring proceedings, (610/1993)

- 1) conceals his or her property,
- 2) reports a liability that is false in full or in part, or based on a sham transaction,
- 3) provides other false or misleading information on a circumstance that is significant from the perspective of the creditors, or
- 4) fails to report a debt

shall be sentenced for *fraud by a debtor* to a fine or to imprisonment for at most two years. (54/1993)

If the debtor rectifies the misleading information or otherwise prevents the effects of his or her act on the proceedings before he or she attests to the correctness of the estate inventory, or before the misleading information otherwise affects the proceedings, the act is not deemed fraud by a debtor.

### **Section 3 (769/1990)**

#### **Aggravated fraud by a debtor**

If, in fraud by a debtor,

- 1) considerable benefit is sought, or
- 2) the debtor attests to the correctness of the false or misleading information in court,

and the fraud by the debtor is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated fraud by a debtor* to imprisonment for at least four months and at most four years.

### **Section 4 (769/1990)**

#### **Deceitfulness by a debtor**

If a debtor, with no intent to obtain benefit, commits an act referred to in section 2 either intentionally or through gross negligence, the debtor shall be sentenced for *deceitfulness by a debtor* to a fine or to imprisonment for at most one year.

### **Section 5 (769/1990)**

#### **Violation by a debtor**

If, taking into consideration the minor significance of the false or misleading information provided by the debtor from the perspective of the creditors, or the other circumstances connected with the offence, the fraud by a debtor or the deceitfulness by a debtor is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a violation by a debtor* to a fine.

### **Section 6 (61/2003)**

#### **Favouring a creditor**

If a debtor, knowing that he or she is unable to meet his or her liabilities, in order to favour a certain creditor at the expense of the other creditors,

- 1) repays a debt before its maturity in circumstances where the repayment is irregular,
- 2) gives, for receivables of a creditor, collateral that had not been agreed upon or that the debtor had not promised at the time the debt arose,

3) uses an unusual means of payment to meet a liability in circumstances under which the payment cannot be deemed regular, or

4) undertakes another similar arrangement that improves the position of the creditor,

he or she shall be sentenced for *favouring a creditor* to a fine or to imprisonment for at most two years.

### **Section 7 (515/2003)**

*Section 7 was repealed by Act 515/2003.*

### **Section 8 (769/1990)**

#### **Definition**

The provisions of this chapter on enforcement proceedings also apply, where applicable, to the action undertaken by an enforcement authority in order to ensure enforcement.

### **Section 9 (769/1990)**

#### **Right to bring charges**

The prosecutor shall not bring charges for a violation by a debtor or for favouring a creditor unless the injured party reports the offence for prosecution. (441/2011)

The injured parties in dishonesty by a debtor, aggravated dishonesty by a debtor and favouring a creditor are the creditors known at the time of commission of the act by the debtor. The injured parties in fraud by a debtor, aggravated fraud by a debtor, deceitfulness by a debtor and a violation by a debtor are, in cases referred to in section 2, subsection 1, paragraphs 1–3, the creditors who participate in the liquidation or enforcement proceedings in question, and in cases referred to in section 2, subsection 1, paragraph 4, the creditor to whom the debt referred to is owed. (61/2003)

If the bankruptcy estate of a debtor has been placed under administration pursuant to the Bankruptcy Code, the administration exercises the right of the injured parties to be heard in a case concerning an offence by the debtor. However, an individual creditor is entitled to exercise an independent right to be heard on his or her own behalf.

## **Chapter 40 (792/1989)**

### **Offences in public office (604/2002)**

#### **Section 1 (604/2002)**

##### **Acceptance of a bribe**

If a public official, for his or her actions in an employment relationship, for himself or herself or for another person,

1) requests a gift or other undue advantage or otherwise takes an initiative to receive such an advantage,

2) receives a gift or other advantage that influences or aims to influence or is conducive to influencing the public official's actions in the employment relationship, or

3) accepts a gift or an advantage referred to in paragraph 2 or a promise or offer of such,

the public official shall be sentenced for *acceptance of a bribe* to a fine or to imprisonment for at most two years.

A public official shall also be sentenced for acceptance of a bribe if he or she, for his or her actions in an employment relationship, accepts the giving of a gift or other advantage referred to in subsection 1, paragraph 2 to another person or a promise or offer of such.

A public official may also be sentenced to be removed from office, if the offence demonstrates that the public official is manifestly unsuitable for his or her duties.

#### **Section 2 (604/2002)**

##### **Aggravated acceptance of a bribe**

If, in acceptance of a bribe,

1) the public official sets the bribe as a condition for his or her actions, or acts or it is his or her intention to act, because of the gift or advantage, in his or her employment relationship contrary to his or her duties to the considerable benefit of the party giving the gift or of another person, or to the considerable loss or detriment of another person, or

2) the gift or advantage is of significant value,

and the acceptance of a bribe is also aggravated 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 to be removed from office.

### **Section 3 (604/2002)**

#### **Bribery violation**

If a public official, for himself or herself or for another person,

1) requests a gift or other undue advantage or otherwise takes an initiative to receive such an advantage, or

2) receives or accepts a gift or other advantage or accepts a promise or offer of such,

so that the conduct is conducive to weakening confidence in the impartiality of the official activities, the public official shall, unless the act is punishable as acceptance of a bribe or aggravated acceptance of a bribe, be sentenced for *a bribery violation* to a fine or to imprisonment for at most six months.

### **Section 4 (637/2011)**

#### **Acceptance of a bribe by a Member of Parliament**

If a Member of Parliament, for himself or herself or for another person,

1) requests a gift or other undue advantage or otherwise takes an initiative to receive such an advantage, or

2) receives or accepts a gift or other undue advantage that is to be deemed other than customary hospitality, or accepts a promise or offer of such

in order to act or refrain from acting under his or her parliamentary mandate in a certain manner in exchange for the advantage or as a reward for such action, and the act is conducive to clearly undermining confidence in the independence of the execution of the Member's mandate, the person shall be sentenced for *acceptance of a bribe by a Member of Parliament* to a fine or to imprisonment for at most two years.

Election funding referred to in the Act on a Candidate's Election Funding is not deemed acceptance of a bribe by a Member of Parliament, unless its purpose is to circumvent subsection 1.

## **Section 4a (637/2011)**

### **Aggravated acceptance of a bribe by a Member of Parliament**

If, in acceptance of a bribe by a Member of Parliament,

1) the Member of Parliament sets the gift or advantage as a condition for his or her actions, or acts or it is his or her intention to act under the parliamentary mandate to the considerable benefit of the briber or of another person or to the considerable loss or detriment of another person, or

2) the gift or advantage is of significant value,

and the acceptance of a bribe by a Member of Parliament is also aggravated when assessed as whole, the Member of Parliament shall be sentenced for *aggravated acceptance of a bribe by a Member of Parliament* to imprisonment for at least four months and at most four years.

## **Section 5 (604/2002)**

### **Breach and negligent breach of official secrecy**

If a public official intentionally, while in an employment relationship or after one has ended, unlawfully

1) discloses a document or information that under the Act on the Openness of Government Activities (621/1999) or another act shall be kept secret or that under an act shall not be disclosed, or

2) makes use of a document or information referred to in paragraph 1 to the benefit of himself or herself or another person or to the loss of another person

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a breach of official secrecy* to a fine or to imprisonment for at most two years. A public official may also be sentenced to be removed from office, if the offence demonstrates that the public official is manifestly unsuitable for his or her duties.

If a public official commits an offence referred to in subsection 1 through negligence and the act, taking into consideration its harmful and damaging effects and the other circumstances connected with the offence, is not of minor significance when assessed as a whole, the public official shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a negligent breach of official secrecy* to a fine or to imprisonment for at most six months.

## **Section 6 (625/1999)**

*Section 6 was repealed by Act 625/1999.*

## **Section 7 (604/2002)**

### **Abuse of public office**

If a public official, to obtain benefit for himself or herself or another person or to cause harm or damage to another person,

1) violates an official duty that is based on the provisions or regulations to be followed in official activities, while participating in decision-making or in the preparation of decision-making or while exercising public authority in his or her other official functions, or

2) misuses his or her position in relation to a person who is under his or her command or immediate supervision,

the public official shall be sentenced for *abuse of public office* to a fine or to imprisonment for at most two years.

A public official may also be sentenced to be removed from office, if the offence demonstrates that the public official is manifestly unsuitable for his or her duties.

## **Section 8 (792/1989)**

### **Aggravated abuse of public office**

If, in abuse of public office,

1) considerable benefit is sought, or

2) the aim is to cause particularly significant harm or damage, or

3) the offence is committed in a particularly premeditated or unscrupulous manner,

and the abuse of public office is also aggravated 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 be removed from office.

## **Section 8a (368/2019)**

### **Misappropriation of funds of the European Union by a Member of Parliament**

If a Member of Parliament entrusted with the management of funds or other assets, in the performance of this duty, allocates, appropriates, disburses or uses these assets for a specific purpose, contrary to the purpose for which they were intended, to damage the Union's financial interests referred to in Article 2(1)(a) of Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law, the Member of Parliament shall be sentenced for *misappropriation of funds of the European Union by a Member of Parliament* to a fine or to imprisonment for at most two years.

## **Section 8b (368/2019)**

### **Aggravated misappropriation of funds of the European Union by a Member of Parliament**

If, in misappropriation of funds of the European Union by a Member of Parliament,

- 1) considerable benefit is sought, or
- 2) the aim is to cause particularly significant harm or damage,

and the offence is also aggravated when assessed as a whole, the Member of Parliament shall be sentenced for *aggravated misappropriation of funds of the European Union by a Member of Parliament* to imprisonment for at least four months and at most four years.

## **Section 9 (604/2002)**

### **Violation of official duty**

If a public official, when acting in his or her public office, intentionally and in a manner other than those referred to above in this chapter or in chapter 11, section 9a, violates an official duty that is based on the provisions or regulations to be followed in official activities and the act, taking into consideration its harmful and damaging nature and the other circumstances connected with it, is not of minor significance when assessed as a whole, the public official shall be sentenced for *a violation of official duty* to a fine or to imprisonment for at most one year. (990/2009)

The public official may also be sentenced to be removed from office if he or she has committed the offence referred to in subsection 1 by continuously or essentially acting in violation of his or

her official duty and if the offence demonstrates that the public official is manifestly unsuitable for his or her duties.

## **Section 10 (604/2002)**

### **Negligent violation of official duty**

If a public official, when acting in his or her office, through negligence and in a manner other than that referred to in section 5, subsection 2, violates an official duty that is based on the provisions or regulations to be followed in official activities and the act, taking into consideration its harmful and damaging nature and the other circumstances connected with it, is not of minor significance when assessed as a whole, the public official shall be sentenced for *a negligent violation of official duty* to a warning or to a fine.

## **Section 11 (604/2002)**

### **Definitions**

In this Code:

- 1) *public official* means a person who is in a public-service employment relationship or a comparable employment relationship to the State, a municipality or a joint municipal authority or another inter-municipal cooperation body governed by public law, Parliament, an unincorporated state enterprise, the Evangelical Lutheran Church or the Orthodox Church or a parish or a cooperation body among parishes, the Province of Åland, the Bank of Finland, the Social Insurance Institution of Finland, the Finnish Institute of Occupational Health, a municipal pension institution, the Municipal Guarantee Board, or KT Local Government Employers,
- 2) *person holding a public position of trust* means a local councillor and any other member of the representative body of a public sector entity referred to in paragraph 1 elected in a general election other than a Member of Parliament acting under his or her parliamentary mandate, and a member of a body of a public sector entity or institution referred to in paragraph 1, such as the Government, a local executive, a board, a board of directors, a committee, a commission and an advisory board, and any other elected official of the said public sector entity or institution,
- 3) *employee of a public sector entity* means a person in a contractual employment relationship to a public sector entity or institution referred to in paragraph 1 or to a university, (562/2009)

4) *foreign public official* means a person who has been appointed or elected to an administrative or judicial office or position in a foreign state or in a public international organisation, body or court, or who otherwise attends to a public function on behalf of a foreign state or a public international organisation, body or court,

5) *person exercising public authority* means

a) a person whose duties include, under an act or a decree, issuing binding orders or deciding on the interests, rights or duties of another person, or who in his or her duties, under an act or a decree, actually interferes with the interests or rights of another person, and

b) a person who, under an act or a decree or by commission of an authority given under an act or a decree, shall participate in the preparation of a decision referred to in subparagraph 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 equivalent manner,

6) *member of a foreign parliament* means a person who is a member of the parliament of a foreign state or an international parliamentary assembly.

## **Section 12 (368/2019)**

### **Provisions on the scope of application**

The provisions of this chapter concerning public officials also apply to persons holding a public position of trust and to persons exercising public authority.

Sections 1–3, 5 and 14 of this chapter also apply, with the exception of removal from office, to employees of public sector entities.

With the exception of removal from office, the following sections of this chapter apply to foreign public officials:

1) sections 1–3 and 14,

2) sections 5 and 7–10, if the foreign public official acts in the territory of Finland in duties related to inspection, surveillance, pursuit, maintenance of public order and security, crime prevention or criminal investigation under an international agreement or another international obligation, or in

the territory of Finland in criminal investigation or other official duties under the Act on International Legal Assistance in Criminal Matters on the basis of a request for legal assistance issued or approved by a Finnish authority,

3) sections 7 and 8, if the act is misappropriation referred to in Article 4(3) of Directive (EU) 2017/1371 of the European Parliament and of the Council on the fight against fraud to the Union's financial interests by means of criminal law.

Sections 1–3, 5, 7–10 and 14 of this chapter apply, with the exception of removal from office, to a foreign public official who acts or uses an intelligence gathering method in the territory of Finland in the manner referred to in chapter 5a, section 57, subsection 3 of the Police Act or in section 20, subsection 3 of the Act on Military Intelligence. (586/2019)

Sections 4, 4a, 8a, 8b and 14 of this chapter also apply to a member of a foreign parliament.

Separate provisions on the application of provisions on criminal liability for acts in office in certain cases are issued by an act.

### **Section 13 (604/2002)**

#### **Offences in military office**

The offences for which a punishment is provided in chapter 45, where committed by public officials subject to military penal provisions, are also offences in public office.

### **Section 13a (990/2009)**

#### **Reference provisions**

Provisions on the punishment for torture are laid down in chapter 11, section 9a.

### **Section 14 (637/2011)**

#### **Confiscation**

A gift or an advantage received in the manner referred to in sections 1–4 and 4a above or its value shall be confiscated from the perpetrator or the person on whose behalf or to whose benefit the perpetrator has acted. The provisions of chapter 10 apply to the confiscation of other property.

## **Chapter 41 (531/2007)**

### **Weapons offences**

## **Section 1 (766/2015)**

### **Firearms offence**

A person who, in violation of the Firearms Act (1/1998),

- 1) transfers or imports to Finland, transfers out of Finland, for a commercial purpose exports, transits or manufactures, or offers for sale, acquires, possesses or hands over a firearm, a part of a firearm, cartridges, specially dangerous projectiles, a missile or rocket-launcher system, a gas spray or a high-powered air gun,
- 2) for a commercial purpose repairs a firearm, a part of a firearm, a missile or rocket-launcher system, a gas spray or a high-powered air gun, or converts a firearm or a part of a firearm,
- 3) lends a firearm or a part of a firearm, a missile or rocket-launcher system, a gas spray or a high-powered air gun to a person who does not have the right to possess one,
- 4) neglects, in full or in part, the duty laid down in section 25 of the Firearms Act for a firearms dealer to report the identification data of a firearm, a high-powered air gun, a gas spray or a part of a firearm, the name of the transferor and the transferee of the object and the name of the commissioner of the repair or conversion of the object to the firearms register of the police, or neglects, in full or in part, the duty laid down in the said section to report cartridges and specially dangerous projectiles or the duty to keep a file of them instead of reporting, (624/2017)
- 5) neglects the duty laid down in section 110, subsection 1 of the Firearms Act to submit for examination firearms or cartridges manufactured, repaired or transferred or imported to Finland for sale,
- 6) neglects the duty laid down in section 112a of the Firearms Act to present to a local police department a firearm rendered permanently unfit for use or a permanently deactivated part of a firearm that has been transferred or imported to Finland,
- 7) neglects the duty laid down in section 110b of the Firearms Act to make a manufacturer's, supplementary, import or package marking or labelling or to deliver the firearm to the National Police Board for the making of such a marking or labelling, or

8) makes a false manufacturer's, supplementary, import or package marking or labelling or removes or alters such a marking or labelling or a serial number or an identification number, shall be sentenced for *a firearms offence* to a fine or to imprisonment for at most two years.

A person who exports a firearm, a part of a firearm, an essential component of a firearm or ammunition in the manner referred to in Article 2 and in violation of Article 4 or 9 of Regulation (EU) No 258/2012 of the European Parliament and of the Council implementing Article 10 of the United Nations' Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organised Crime (UN Firearms Protocol), and establishing export authorisation, and import and transit measures for firearms, their parts and components and ammunition, shall also be sentenced for a firearms offence.

An attempt is punishable.

Possession of a firearm, a part of a firearm, cartridges, specially dangerous projectiles, a missile or rocket-launcher system, a gas spray or a high-powered air gun referred to in subsection 1, paragraph 1 is not deemed a firearms offence if the possessor of such an object on his or her own initiative reports the object to the police and hands it over into the possession of the police.

## **Section 2 (531/2007)**

### **Aggravated firearms offence**

If, in a firearms offence,

1) the object of the offence is a specially dangerous firearm or a large number of firearms, high-powered air guns or parts of firearms, (766/2015)

2) considerable economic benefit is sought, or

3) the offence is committed in a particularly premeditated manner,

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

An attempt is punishable.

### **Section 3 (531/2007)**

#### **Petty firearms offence**

If, taking into consideration the nature or number of the objects at which the offence was directed or the other circumstances connected with the offence, the firearms offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty firearms offence* to a fine.

### **Section 4 (531/2007)**

#### **Violation of provisions on dangerous objects**

A person who in violation of section 9 of the Public Order Act imports, manufactures or keeps for sale a dangerous object shall be sentenced for *a violation of provisions on dangerous objects* to a fine or to imprisonment for at most two years.

An attempt is punishable.

### **Section 5 (531/2007)**

#### **Possession of a dangerous object**

A person who, in violation of section 9 of the Public Order Act, keeps a dangerous object in his or her possession in a public place or in a vehicle located in a public place shall be sentenced for *possession of a dangerous object* to a fine or to imprisonment for at most one year.

### **Section 6 (531/2007)**

#### **Possession of an object or substance suitable for injuring another person**

A person who, in violation of section 10 of the Public Order Act, keeps in his or her possession in a public place an object or substance suitable for injuring another person or an object that misleadingly resembles a firearm or an explosive object shall be sentenced for *possession of an object or substance suitable for injuring another person* to a fine or to imprisonment for at most six months.

### **Section 7 (531/2007)**

#### **Giving a minor an object suitable for injuring another person**

A person who, in violation of section 11 of the Public Order Act, sells or otherwise permanently gives to a person under 18 years of age an air gun, a spring-operated weapon or a harpoon shall

be sentenced for *giving a minor an object suitable for injuring another person* to a fine or to imprisonment for at most six months.

### **Section 7a (766/2015)**

#### **Shooting range offence**

A person who, in violation of the Act on Shooting Ranges (763/2015),

1) establishes or maintains a shooting range without a licence referred to in section 4, subsection 1 of the said Act, or

2) establishes or maintains a small shooting range without submitting a notification referred to in section 4, subsection 2 of the said Act of this

shall be sentenced for *a shooting range offence* to a fine or to imprisonment for at most six months.

### **Section 8 (985/2016)**

#### **Fixed fine**

Provisions on the fixed fine as the only punishment for such possession of an object or substance suitable for injuring another person that is referred to in section 6 and that is of minor significance and for such giving a minor an object suitable for injuring another person that is referred to in section 7 and that is of minor significance are laid down in the Act on Violations Giving Rise to a Fixed Fine.

## **Chapter 42**

### **Violation of provisions on national security or public order**

### **Section 1 (531/2000)**

*Section 1 was repealed by Act 531/2000.*

### **Section 2 (563/1998)**

*Section 2 was repealed by Act 563/1998.*

### **Section 3 (769/1990)**

*Section 3 was repealed by Act 769/1990.*

### **Section 4 (48/1928)**

*Section 4 was repealed by Act 48/1928.*

### **Sections 5–5a**

*Sections 5–5a were repealed by Act 563/1998.*

### **Section 6 (271/1939)**

*Section 6 was repealed by Act 271/1939.*

### **Sections 7–8**

*Sections 7–8 were repealed by Act 563/1998.*

## **Chapter 43**

### **Violation of provisions on common decency**

### **Sections 1–3**

*Sections 1–3 were repealed by Act 492/1965.*

### **Section 4 (563/1998)**

*Section 4 was repealed by Act 563/1998.*

### **Section 5 (91/1971)**

*Section 5 was repealed by Act 91/1971.*

### **Section 6 (491/1968)**

*Section 6 was repealed by Act 491/1968.*

## **Section 7 (641/2009)**

*Section 7 was repealed by Act 641/2009.*

## **Section 8 (563/1998)**

*Section 8 was repealed by Act 563/1998.*

## **Chapter 44 (400/2002)**

### **Offences endangering health and safety**

## **Section 1 (217/2018)**

### **Health offence**

A person who, intentionally or through gross negligence, in violation of

1) the Act on Plant Protection Products (1563/2011) or Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC, hereinafter the *Plant Protection Product Regulation*,

2) the Consumer Safety Act (920/2011),

3) the Chemicals Act (599/2013), Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC, hereinafter the *REACH Regulation*, or Regulation (EC) No 1272/2008 of the European Parliament and of the Council on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006, hereinafter the *CLP regulation*, or Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products, hereinafter the *Biocidal Regulation*,

4) the Act on Cosmetic Products (492/2013) or Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products,

5) the Health Protection Act (763/1994),

6) the Food Act (23/2006),

7) the Act on the Safe Handling of Dangerous Chemicals and Explosives (390/2005),

8) the Act on the Conformity of Certain Technical Devices to Relevant Requirements (1016/2004),

9) Chapter II of Regulation (EU) 2016/425 of the European Parliament and of the Council on personal protective equipment and repealing Council Directive 89/686/EEC,

10) Chapter II of Regulation (EU) No 2016/424 of the European Parliament and of the Council on cableway installations and repealing Directive 2000/9/EC,

or in violation of a provision or a general or case-specific regulation issued under these, manufactures, handles, imports or intentionally attempts to import, possesses, stores, transports, keeps for sale, conveys or supplies goods or a substance, product or article so that the act is conducive to endangering the life or health of another person shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a health offence* to a fine or to imprisonment for at most six months.

Unless a more severe punishment for the act is provided elsewhere by law, a person who intentionally or through gross negligence, in violation of the Consumer Safety Act or a provision or a general or case-specific regulation issued under it, provides, keeps for sale or otherwise in connection with his or her business activities makes available a consumer service so that the act is conducive to endangering the life or health of another person shall also be sentenced for a health offence.

## **Section 2 (400/2002)**

### **Health protection violation**

A person who, intentionally or through gross negligence,

1) in violation of the Health Protection Act or a provision issued under it, fails to submit a statutory notification or violates a prohibition or a general or case-specific regulation issued by an authority,  
or

2) violates an obligation that is imposed in a general or case-specific decision concerning a compulsory health examination referred to in section 16 of the Communicable Diseases Act, quarantine referred to in section 60 of the said Act, or isolation referred to in section 63 of the said Act, or an obligation to prevent the spread of a generally hazardous communicable disease that is imposed in a decree on compulsory vaccination issued under section 54 of the said Act (1237/2016)

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a health protection violation* to a fine or to imprisonment for at most three months.

### **Section 3 (400/2002)**

#### **Unauthorised practice of a healthcare profession**

A person who without lawful right acts as a professional referred to in the Act on Health Care Professionals (559/1994) shall be sentenced for *unauthorised practice of a healthcare profession* to a fine or to imprisonment for at most six months.

A person who without a licence required under the Medicines Act (395/1987) engages in the wholesale trade of medicines or operates a pharmacy, or without a licence required under the Private Health Care Act (152/1990) maintains a unit that provides health services shall also be sentenced for unauthorised practice of a healthcare profession.

### **Section 4 (400/2002)**

#### **Unauthorised practice of the veterinary profession**

A person who without lawful right engages in the practice of the veterinary profession shall be sentenced for *unauthorised practice of the veterinary profession* to a fine or to imprisonment for at most three months.

### **Section 4a (77/2021)**

#### **Causing a risk of spreading an animal disease**

A person who intentionally or through gross negligence, in violation of

1) the Animal Diseases Act (76/2021),

2) the Animal By-Products Act (517/2015),

3) Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law'),

4) Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation),

5) Regulation (EC) No 999/2001 of the European Parliament and of the Council laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies,

6) Regulation (EU) No 576/2013 of the European Parliament and of the Council on the non-commercial movement of pet animals and repealing Regulation (EC) No 998/2003, or

7) a provision or regulation issued under one of the Acts referred to in paragraph 1 or 2 or under one of the Regulations referred to in paragraphs 3–6,

moves, handles, disposes of, possesses or hands over animals, animal embryos or gametes, other products of animal origin or other articles or substances, or fails to comply with a prohibition or restriction imposed to prevent an animal disease from spreading, so that the act is conducive to endangering the life or health of another person or seriously endangering the health of animals shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *causing a risk of spreading an animal disease* to a fine or to imprisonment for at most six months.

## **Section 5 (400/2002)**

### **Medicine offence**

A person who intentionally or through gross negligence, in violation of the Medicines Act or a regulation concerning the supervision of medicines issued under Article 100a or 235 of the Treaty establishing the European Community, or a provision or a general or case-specific regulation issued under these,

1) manufactures, imports, stores, keeps for sale or supplies medicinal products referred to in the Medicines Act,

2) neglects the duty to make a notification of, to provide information on or to keep records of medicinal products referred to in the Medicines Act, or

3) violates a prohibition concerning a medicinal product referred to in the Medicines Act issued by a Finnish supervisory authority or the European Commission or the Council of the European Union

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a medicine offence* to a fine or to imprisonment for at most one year.

Unless a more severe punishment for the act is provided elsewhere by law, a person who intentionally or through gross negligence, in violation of the Veterinary Medicines Act (387/2014) or a provision issued under it,

1) uses or supplies medicinal products, active pharmaceutical ingredients or other substances used in the treatment of animals or instruments or equipment used in veterinary medicine,

2) violates an order, a prohibition or a decision on taking of possession issued by an authority,

3) violates his or her duties regarding identification, marking or safety periods, or

4) neglects his or her duty to provide information

shall also be sentenced for a medicine offence. (389/2014)

## **Section 5a (1128/2014)**

### **Violation of a ban of psychoactive substances in consumer trade**

A person who, in violation of the Narcotics Act, intentionally or through gross negligence manufactures, imports, stores, keeps for sale or supplies psychoactive substances banned from consumer trade shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a violation of a ban of psychoactive substances in consumer trade* to a fine or to imprisonment for at most one year.

## **Section 6 (400/2002)**

### **Doping offence**

A person who illegally

1) manufactures or attempts to manufacture a doping substance,

2) imports or attempts to import a doping substance, or

3) sells, conveys, gives to another person or otherwise distributes or attempts to distribute a doping substance

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a doping offence* to a fine or to imprisonment for at most two years.

A person who possesses a doping substance with the probable intent to distribute it illegally shall also be sentenced for a doping offence.

## **Section 7 (400/2002)**

### **Aggravated doping offence**

If, in a doping offence,

1) the offence involves a considerably large amount of a doping substance,

2) considerable economic benefit is sought,

3) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 that has specifically been organised for the extensive commission of doping offences, or (564/2015)

4) a doping substance is distributed to minors,

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

## **Section 8 (400/2002)**

### **Petty doping offence**

If, taking into consideration the amount of the doping substance or the other circumstances connected with the offence, the doping offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty doping offence* to a fine.

## **Section 9 (848/2004)**

### **Gene technology offence**

A person who intentionally or through gross negligence, in violation of the Gene Technology Act or a provision, a general or case-specific regulation or prohibition issued under it,

- 1) carries out contained use or deliberate release into the environment of genetically modified organisms,
- 2) launches premises intended for the use of genetically modified organisms,
- 3) neglects the operator's duty to conduct a risk assessment, to show care, to obtain information, to update documents, to keep a record or to monitor, or
- 4) neglects the duty to submit a notification of or an application for the commencement of the use of genetically modified organisms, to submit an application for the deliberate release into the environment of genetically modified organisms, to report on results, or to submit a notification of new information or accidents and hazardous situations, so that the offence is conducive to endangering the life or health of another person shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a gene technology offence* to a fine or to imprisonment for at most one year.

## **Section 10 (400/2002)**

### **Nuclear energy use offence**

A person who intentionally or through negligence, in violation of the Nuclear Energy Act or a provision or a general or case-specific regulation issued under it,

- 1) uses nuclear energy without a licence or fails to comply with the conditions of a licence granted for the use of nuclear energy,
- 2) fails to comply with provisions or general or case-specific regulations on the safety of the use of nuclear energy, on the duty of care pertaining to nuclear waste management, on the security and emergency arrangements or on such rescue service arrangements that have not been assigned to the authorities,
- 3) in the capacity of a party with a waste management obligation, fails to fulfil the obligation to financially prepare for the costs of nuclear waste management or starts the operation of a nuclear

facility before the authority concerned has ascertained that the said obligation has been fulfilled, or fails to report operations that are subject to the reporting obligation,

4) starts the operation of a nuclear facility or, without starting the construction of a nuclear facility, otherwise starts using nuclear energy before the authority concerned has ascertained, when so required by the operations, that the nuclear facility meets the safety requirements set, that the security and emergency arrangements are sufficient, that the control necessary to prevent the proliferation of nuclear weapons has been arranged appropriately, and that the nuclear facility operator has arranged, in the manner provided by law, indemnification regarding liability in the event of nuclear damage,

5) for a reason other than a compelling reason related to ensuring safety, prevents or impedes the operation of equipment installed to supervise the use of nuclear energy, or

6) neglects the obligation to submit standard format reports or other necessary information and notifications, or to keep nuclear material accounting and operating records in standard format

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a nuclear energy use offence* to a fine or to imprisonment for at most one year.

A person who intentionally or through negligence neglects the obligation to take out insurance or provide financial surety under the Nuclear Liability Act (484/1972) shall also be sentenced for a nuclear energy use offence.

## **Section 11 (1143/2016)**

### **Explosives offence**

A person who intentionally or through gross negligence, in violation of the Act on the Safe Handling of Dangerous Chemicals and Explosives, or a provision, prohibition or regulation issued under it, or without the permit or notification required under the said Act or in violation of the conditions, restrictions or prohibitions set in a decision on the permit or notification,

1) engages in the industrial handling or storage of dangerous chemicals or transports dangerous chemicals, or

2) manufactures, imports, uses, transports, places on the market, supplies, possesses, stores, keeps or disposes of an explosive

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *an explosives offence* to a fine or to imprisonment for at most two years.

A person who, intentionally or through gross negligence,

1) imports, places on the market or otherwise supplies explosives in violation of the Act on the Conformity of Explosives (1140/2016) or a provision issued under it, or

2) imports, places on the market or otherwise supplies pyrotechnic articles in violation of the Act on the Conformity of Pyrotechnic Articles (180/2015) or a provision issued under it,

so that the act is conducive to endangering the life or health of another person or so that it endangers the property of another person shall also be sentenced for an explosives offence.

Possession of an explosive in violation of the Act on the Safe Handling of Dangerous Chemicals and Explosives or a provision, prohibition or regulation issued under it, as referred to in subsection 1, is not deemed an explosives offence, if the person possessing such an explosive on his or her own initiative reports it to the police and hands it over into the possession of the police.

## **Section 12 (392/2005)**

### **Careless handling**

A person who intentionally or through negligence, in violation of an act or a provision issued under an act or otherwise in a careless manner, uses, handles or stores

1) a firearm, fire or an explosive,

2) a chemical or other equivalent substance that is hazardous to health or the environment or that is combustible and explosive, or equipment or a protective system to be used in premises subject to the danger of an explosion, or another product referred to in chapter 5 of the Act on the Safe Handling of Dangerous Chemicals and Explosives, or

3) a radioactive substance or a radiation appliance,

so that the act is conducive to endangering the life or health of another person or so that it endangers the property of another person shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *careless handling* to a fine or to imprisonment for at most six months.

## **Section 12a (861/2018)**

### **Illegal possession of radioactive material**

A person who, without a safety licence referred to in section 48 of the Radiation Act, possesses such a radioactive substance for the possession of which a safety licence is required shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *illegal possession of radioactive material* to a fine or to imprisonment for at most six months.

An attempt is punishable.

## **Section 13 (400/2002)**

### **Illegal transport of dangerous goods**

A person who intentionally or through gross negligence, in violation of the Act on the Transport of Dangerous Goods (719/1994) or a provision or a general or case-specific regulation issued under it, sends, gives as freight, ships, transports, drives, loads into a vehicle, loads, unloads, handles, keeps as baggage or temporarily stores dangerous goods, so that the conduct is conducive to endangering the life or health of another person or so that it endangers the property of another person shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *illegal transport of dangerous goods* to a fine or to imprisonment for at most two years.

## **Section 14 (400/2002)**

### **Danger marking violation**

A person who,

- 1) when carrying out construction work, earth moving work or waterway construction,
- 2) when constructing a road, railway or water traffic passage or when responsible for the maintenance of a street or other transport route, or
- 3) when responsible for a well, pit or hole in the ice in a place used for general traffic,

intentionally or through gross negligence fails to adequately mark a danger to life or health or otherwise to give a warning of this shall be sentenced for *a danger marking violation* to a fine or to imprisonment for at most three months.

A person who, intentionally or through gross negligence, unlawfully removes a marking of danger to life or health referred to in subsection 1 shall also be sentenced for a danger marking violation.

## **Section 15 (400/2002)**

### **Failure to guard an animal**

A person who intentionally or through gross negligence fails to adequately guard an animal for which he or she is responsible and which is dangerous to people shall be sentenced for *failure to guard an animal* to a fine.

The court may order that the animal be killed if this is justified due to the dangerousness of the animal. The order shall be complied with regardless of a request for review, unless the court issuing the order or the appellate court decides otherwise. (347/2013)

## **Section 16 (1128/2014)**

### **Definitions**

In this Code, the following are deemed *doping substances*:

- 1) synthetic anabolic steroids and their derivatives,
- 2) testosterone and its derivatives,
- 3) growth hormones, and
- 4) chemical substances that increase the production of testosterone, its derivatives or growth hormone in the human body.

Further provisions on the substances that are deemed doping substances referred to in subsection 1 are issued by government decree.

In this Code, *psychoactive substance banned from consumer trade* means a psychoactive substance banned from consumer trade referred to in the Narcotics Act.

## **Section 17 (1073/2010)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to nuclear energy use offence, explosives offence and careless handling.

## **Chapter 45 (559/2000)**

### **Military offences**

#### **Service offences**

### **Section 1 (559/2000)**

#### **Service offence**

A soldier who violates or fails to carry out an obligation that is part of service or an order concerning service or military order, stemming from regulations or issued in some other manner, shall, unless a punishment for the act is separately provided in chapter 11, section 9a, chapter 40, section 1–3 or section 5 or in this chapter, be sentenced for *a service offence* to a disciplinary punishment or to imprisonment for at most one year. (990/2009)

A soldier

- 1) who, while on duty, is under the influence of alcohol or another intoxicating substance to the extent that his or her ability to perform service has declined, or
- 2) who, in order to obtain exemption from service, leave or other relief from service, injures himself or herself, harms his or her health or attempts to do so, or with the said intent presents false information

shall also be sentenced for a service offence.

### **Section 2 (559/2000)**

#### **Aggravated service offence**

If, in a service offence,

- 1) considerable benefit is sought,

2) the aim is to cause considerable or particularly significant damage, or

3) the offence is committed in the performance of a particularly responsible duty,

and the service offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated service offence* to imprisonment for at most four years.

### **Section 3 (559/2000)**

#### **Petty service offence**

If, taking into consideration the nature of the duty or the other circumstances, the service offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty service offence* to a disciplinary punishment.

### **Section 4 (559/2000)**

#### **Negligent service offence**

If a service offence referred to in section 1, subsection 1 is committed through negligence, the perpetrator shall be sentenced for *a negligent service offence* to a disciplinary punishment or to imprisonment for at most three months.

### **Guard duty offences**

### **Section 5 (559/2000)**

#### **Breach of guard duty**

A soldier who, while performing a guard duty or on-call duty, leaves the guard post or on-call-duty without permission, or a soldier who fails to arrive at the assigned time to take up the said duty or who otherwise fails to comply with or violates the orders concerning guard service or on-call service shall be sentenced for *a breach of guard duty* to a disciplinary punishment or to imprisonment for at most two years.

### **Section 6 (559/2000)**

#### **Aggravated breach of guard duty**

If, in a breach of guard duty, considerable or particularly significant damage or a risk of such damage is caused and the breach of guard duty is also aggravated when assessed as a whole, the

perpetrator shall be sentenced for *an aggravated breach of guard duty* to imprisonment for at least four months and at most four years.

## **Section 7 (559/2000)**

### **Petty breach of guard duty**

If, taking into consideration the nature of the guard duty or on-call duty or the other circumstances, the breach of guard duty is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty breach of guard duty* to a disciplinary punishment or to imprisonment for at most six months.

## **Section 8 (559/2000)**

### **Negligent breach of guard duty**

If a breach of guard duty is committed through negligence, the perpetrator shall be sentenced for *a negligent breach of guard duty* to a disciplinary punishment or to imprisonment for at most three months.

## **Absence offences**

## **Section 9 (559/2000)**

### **Absence without leave**

A soldier who unlawfully leaves the unit or place where he or she is to serve or fails to arrive there at the assigned time shall be sentenced for *absence without leave* to a disciplinary punishment or to imprisonment for at most six months.

## **Section 10 (559/2000)**

### **Desertion**

A soldier who has continued an absence referred to in section 9 for at least five days, so that the absence has essentially interrupted or could have essentially interrupted his or her military training or has otherwise caused or could have caused essential harm to the service, shall be sentenced for *desertion* to a disciplinary punishment or to imprisonment for at most one year.

## **Obedience offences**

### **Section 11 (559/2000)**

#### **Violent resistance to a superior officer**

A soldier who, by using or threatening to use violence, resists the carrying out of an order given to him or her during service by a superior officer or a soldier on guard duty or on-call duty, on patrol or on police duty, or who in the said manner forces or attempts to force such a person to perform or abstain from performing an act, or who otherwise employs violence against such a person while the person is in service or due to his or her service task, shall be sentenced for *violent resistance to a superior officer* to a disciplinary punishment or to imprisonment for at most two years.

### **Section 12 (559/2000)**

#### **Aggravated violent resistance to a superior officer**

If, in violent resistance to a superior officer,

- 1) a firearm, an edged weapon or another comparable lethal instrument is used, or
- 2) the offence is committed in complicity with another soldier,

and the violent resistance to a superior officer is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated violent resistance to a superior officer* to imprisonment for at least four months and at most four years.

### **Section 13 (559/2000)**

#### **Obstructing a superior officer**

A soldier who, without using or threatening to use violence, unlawfully prevents or attempts to prevent a superior officer or a soldier on guard duty or on-call duty, on patrol or on police duty from carrying out a service task or hinders the same shall be sentenced for *obstructing a superior officer* to a disciplinary punishment or to imprisonment for at most three months.

### **Section 14 (559/2000)**

#### **Insubordination**

A soldier who refuses to carry out an order given to him or her during service by a superior officer or by a soldier on guard duty or on-call duty, on patrol or on police duty, or who intentionally fails

to carry out the said order or delays in carrying it out shall be sentenced for *insubordination* to a disciplinary punishment or to imprisonment for at most one year.

No punishment may be imposed for a failure to carry out an order if carrying out the said order would have resulted in an act that is clearly in violation of official duty or service duty or otherwise clearly in violation of the law. (515/2003)

## **Section 15 (559/2000)**

### **Joint insubordination**

If soldiers commit an offence referred to in section 14 upon mutual agreement, each perpetrator shall be sentenced for *joint insubordination* to a disciplinary punishment or to imprisonment for at most two years.

### **Offences by a superior officer**

## **Section 16 (559/2000)**

### **Abuse of superior position**

A superior officer who

1) by abusing his or her authority of command, causes a subordinate such suffering or such a health hazard that is unnecessary for the service, or treats a subordinate in a humiliating manner, or

2) in the capacity of a disciplinary superior, imposes a disciplinary punishment or a disciplinary correction on a person whom he or she knows to be innocent

shall be sentenced for *abuse of superior position* to a disciplinary punishment or to imprisonment for at most two years.

A superior officer who orders a subordinate to perform work that is not part of the service or training shall also be sentenced for abuse of superior position.

## **Section 17 (559/2000)**

### **Aggravated abuse of superior position**

If, in abuse of superior position, particularly grave suffering or a serious health hazard is caused to the subordinate and the abuse of superior position is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated abuse of superior position* to imprisonment for at least four months and at most four years.

## **Miscellaneous offences**

## **Section 18 (559/2000)**

### **Conduct unbecoming to a soldier (559/2000)**

A soldier off duty who appears in a barracks area or another area used by the Finnish Defence Forces or the Border Guard, in a public place or at a public occasion while obviously intoxicated, or who by making noise or through other behaviour causes a disturbance or offence shall be sentenced for *conduct unbecoming to a soldier* to a disciplinary punishment.

## **Section 19 (559/2000)**

### **Unlawful political activity**

A soldier referred to in section 27, subsection 1, paragraphs 1 and 3 of this chapter or a person serving in military duties at the Border Guard who joins a political party or an association engaged in or clearly supportive of party politics, or fails to resign from a political party or an association referred to above shall be sentenced for *unlawful political activity* to a disciplinary punishment.

## **Offences in wartime**

## **Section 20 (559/2000)**

### **Military offence in wartime**

If an offence referred to in section 1, subsection 1 or subsection 2, paragraph 1 or section 9 is committed in wartime, the perpetrator shall be sentenced to a disciplinary punishment or to imprisonment for at most two years.

If an offence referred to in section 5, 10, 11, 14 or 15 is committed in wartime, the perpetrator shall be sentenced to imprisonment for at most four years.

If an offence referred to in section 6 or 12 is committed in wartime, the perpetrator shall be sentenced to imprisonment for at most six years.

## **Section 21 (559/2000)**

### **Violation of combat duty**

A soldier who

- 1) by violating his or her particular duty in a combat action,
- 2) by failing to fulfil such a duty, or
- 3) in another comparable manner

endangers the performance of a combat action shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a violation of combat duty* to imprisonment for at most four years.

A soldier who in wartime commits an offence referred to in section 1, subsection 2, paragraph 2 for the purpose of evading service or avoiding participation in a particular combat action shall also be sentenced for a violation of combat duty.

## **Section 22 (559/2000)**

### **Desertion in wartime**

A soldier who in wartime deserts to the enemy or without a compelling reason surrenders to the enemy shall, unless the soldier by the same act commits aggravated treason or an attempt at it, be sentenced for *desertion in wartime* to imprisonment for at least two years and at most ten years.

An attempt is punishable.

## **Section 23 (559/2000)**

### **Dangerous military offence**

If an offence referred to in section 20, subsection 2 or 3 or in section 21 is conducive to causing particularly serious danger to a unit or its activities or to endangering an especially important object, the perpetrator shall be sentenced for *a dangerous military offence* to imprisonment for at least one year and at most ten years.

An attempt is punishable.

### **Section 24 (559/2000)**

#### **Conspiracy to commit a dangerous military offence**

If soldiers agree among themselves to commit a dangerous military offence referred to in section 23, each perpetrator shall be sentenced for *conspiracy to commit a dangerous military offence*, the initiator and leader to imprisonment for at most four years and any other accomplice to a disciplinary punishment or to imprisonment for at most one year.

### **Section 25 (559/2000)**

#### **Escape by a prisoner of war**

A prisoner of war who escapes or attempts to escape shall be sentenced for *escape by a prisoner of war* to a disciplinary punishment.

### **Section 26 (559/2000)**

#### **Furthering an escape by a prisoner of war**

A prisoner of war who furthers the escape of another prisoner of war shall be sentenced for *furthering an escape by a prisoner of war* to a disciplinary punishment.

### **Supplementary provisions (515/2003)**

#### **Section 26a (553/2007)**

*Section 26a was repealed by Act 553/2007.*

#### **Section 26b (515/2003)**

##### **Order of a superior**

A subordinate soldier shall be sentenced to a punishment for an act that he or she has committed by order of a superior officer only if

- 1) the soldier has understood that by carrying out the order he or she would be violating the law or his or her official duty or service duty, or
- 2) the soldier should have understood the unlawfulness of the order and of the act it requires, taking into consideration the manifestly illegal nature of the act ordered.

If, however, the act has occurred under circumstances in which the subordinate could not have reasonably been expected not to carry out the order, the perpetrator shall be exempt from criminal liability.

## **Scope of application**

### **Section 27 (559/2000)**

#### **Soldiers**

In this chapter, 'soldier' means:

- 1) a person holding a military office in the Finnish Defence Forces and a person appointed as a public official to a fixed-term public-service employment relationship in the Finnish Defence Forces, the latter when assigned to military duties,
- 2) a conscript performing armed or unarmed military service or a person performing the service referred to in section 79 of the Conscription Act (1483/2007) and a person performing the service referred to in the Act on Voluntary Military Service for Women (194/1995), (1441/2007)
- 2a) a person serving in voluntary exercises organised by the Finnish Defence Forces referred to in section 18 of the Act on Voluntary National Defence (556/2007), and (871/2019)
- 3) a cadet being trained for a military office in the Finnish Defence Forces.

The provisions concerning soldiers also apply, as separately provided by law, to those holding a military office at the Border Guard and to students attending the basic border guard course, and to persons participating in crisis management training, engaged in crisis management exercises or performing crisis management service as referred to in the Act on Military Crisis Management (211/2006). (1232/2013)

The provisions of this chapter also apply, as separately provided in the Act on Voluntary National Defence, to volunteers participating in the provision of executive assistance by the Finnish Defence Forces referred to in section 23 of the said Act. (563/2007)

## **Section 28 (559/2000)**

### **Wartime**

In this chapter, wartime means the time when a state of defence referred to in the State of Defence Act (1083/1991) is in effect. The provisions of this chapter pertaining to wartime only apply in the territory where the state of defence is in effect under section 3 of the State of Defence Act.

In addition to soldiers, the following are also subject to the provisions of this chapter in wartime:

- 1) persons serving in the Finnish Defence Forces in public offices other than those referred to in section 27 and persons appointed as public officials to a fixed-term public-service employment relationship in the Finnish Defence Forces who have been assigned to other than military duties,
- 2) persons serving in the Finnish Defence Forces on the basis of a commitment and in other than occasional or short-term employment relationships in units and establishments organised on a military basis,
- 3) persons serving in public institutions and in transport and communications establishments subjected to military command, and
- 4) persons who have been ordered into service in the Finnish Defence Forces and in units and establishments organised on a military basis and subjected to military command, when this ordering into service took place in accordance with the statutory procedure concerning the general obligation to work.

Persons serving in duties equivalent to those referred to in subsection 2 elsewhere than in the Finnish Defence Forces are also subject to the provisions of this chapter in wartime, as separately provided by law.

## **Section 29 (559/2000)**

### **Restrictions on application**

Persons referred to in section 27 and 28 are subject to military penal provisions as specified by decree for the duration of the service or circumstances referred to in these provisions.

When considered appropriate in view of the official position of a person subject to the provisions of this chapter or the nature of his or her tasks, it may be provided by decree that the military penal provisions or a part of them as specified in the decree shall not apply to the person.

A prisoner of war is subject to the provisions of this chapter concerning soldiers, taking into consideration the provisions of sections 25 and 26 and international treaties binding on Finland.

A prisoner of war who has succeeded in escaping to his or her own units or to a neutral country, but who is then recaptured, may no longer be sentenced for an earlier offence referred to in section 25.

An offence which a prisoner of war has committed during his or her escape or attempted escape only in order to facilitate the escape and which does not involve violence against any person is only punishable by disciplinary punishment.

## **Chapter 46 (769/1990)**

### **Offences connected to import and export (425/2009)**

## **Section 1 (1522/1994)**

### **Regulation offence (706/1997)**

A person who violates or attempts to violate a regulatory provision laid down in or issued under

1) the Act on the Fulfilment of Certain Obligations of Finland as a Member of the United Nations and of the European Union (659/1967),

2) the Foreign Exchange Act (954/1985),

3) the Price Freeze Act (717/1988),

4) the Emergency Powers Act (1552/2011),

5) the Act on the Adoption of Certain Provisions of the Agreement on the International Energy Programme and on the Application of the Agreement (1682/1991),

6) the Act on Foreign Trade Administration and the Supervision and Protection Measures Applicable in Certain Situations (1521/1994),

7) regulations on import or export issued by the European Union,

8) the Act on the Control of Exports of Dual-Use Goods (562/1996), or

9) regulations issued under Article 215 of the Treaty on the Functioning of the European Union within the scope of the Common Foreign and Security Policy of the European Union, on the interruption of economic and financial relationships with third countries or on the directing of restrictive measures against natural or legal persons and groups or non-State entities

shall be sentenced for *a regulation offence* to a fine or to imprisonment for at most two years.

(506/2015)

A person who violates the prohibition to transfer or alter funds laid down in section 6 of the Act on the Freezing of Funds with a View to Combating Terrorism (325/2013) or the prohibition to assign funds laid down in section 7 of the said Act shall also be sentenced for a regulation offence.

(326/2013)

*The Foreign Exchange Act (954/1985) and the Prize Freeze Act (717/1988) are no longer in force.*

## **Section 2 (769/1990)**

### **Aggravated regulation offence**

If, in a regulation offence,

1) considerable economic benefit is sought,

2) the offence is, in some area or in the entire country, conducive to causing considerable danger to the livelihood of the population, the economic activities of society or the economic defence capability of the nation, or

3) the offence is committed in a particularly premeditated manner,

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

### **Section 3 (769/1990)**

#### **Petty regulation offence**

If, taking into consideration the amount of benefit sought or the other circumstances connected with the offence, the regulation offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty regulation offence* to a fine.

### **Section 4 (769/1990)**

#### **Smuggling**

A person who, without appropriate permit or otherwise in violation of the provisions or regulations governing import or export, imports, exports or attempts to import or export goods, the import or export of which is prohibited or requires a permit or inspection of an authority, shall be sentenced for *smuggling* to a fine or to imprisonment for at most two years.

*Subsection 2 was repealed by Act 77/2021.*

However, violation of a provision or regulation governing import or export referred to in sections 1–3 is not deemed smuggling.

### **Section 5 (769/1990)**

#### **Petty smuggling**

If, taking into consideration the value or quantity of goods or the other circumstances connected with the offence, the smuggling is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty smuggling* to a fine.

### **Section 6 (951/1999)**

#### **Illegal dealing with imported goods**

A person who hides, acquires, takes into his or her possession or conveys property, the import of which has involved an offence referred to in sections 1–5 or in chapter 29, sections 1–3, or in another manner handles such property, although he or she knows that the property was imported in the said manner, shall be sentenced for *illegal dealing with imported goods* to a fine or to imprisonment for at most one year and six months.

A person who in the manner referred to in subsection 1 handles a product that is subject to excise duty and in respect of which an offence referred to in chapter 29, sections 1–3 has been

committed after it was imported shall also be sentenced for illegal dealing with imported goods.  
(641/2009)

## **Section 6a (951/1999)**

### **Petty illegal dealing with imported goods**

If, taking into consideration the value of the property or the other circumstances connected with the offence, the illegal dealing with imported goods is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *petty illegal dealing with imported goods* to a fine.

## **Section 7 (433/2021)**

### **Customs clearance offence**

A person who neglects the obligation to declare goods or the obligation to provide information laid down in the customs legislation or, when fulfilling such an obligation, provides false or incomplete information so that the act is conducive to causing

- 1) a tax not to be determined, to be determined at too low a rate or to be unduly refunded,
- 2) a guarantee for a customs debt to be determined at too low a level, or
- 3) import or export of goods in violation of a provision or condition provided by law or under the law

shall, unless the act is punishable as a tax fraud offence referred to in chapter 29, sections 1–3, as a regulation or smuggling offence referred to in sections 1–5 of this chapter, or as a violation of the obligation to declare cash referred to in section 12 of the Act on Controls on Cash Entering or Leaving the European Union (432/2021), be sentenced for *a customs clearance offence* to a fine or to imprisonment for at most one year and six months.

## **Section 8 (425/2009)**

### **Aggravated customs clearance offence**

If, in a customs clearance offence,

- 1) considerable economic benefit is sought,
- 2) the offence is committed in a particularly premeditated manner, or

3) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 or professionally, (564/2015)

and the customs clearance offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated customs clearance offence* to imprisonment for at least four months and at most three years.

## **Section 9 (425/2009)**

### **Petty customs clearance offence**

If, taking into consideration the minor amount of the risk of unjustified economic benefit or the other circumstances connected with the offence, the customs clearance offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty customs clearance offence* to a fine.

## **Section 10 (425/2009)**

### **False declaration of the origin of exported goods**

A person who provides false information on the origin of exported goods to a Finnish authority or other body entitled to issue a certificate of origin, in order to obtain from the said authority or body a certificate of origin necessary for receiving preferential tariff treatment or other equivalent preferential treatment in a foreign state, shall be sentenced for *false declaration of the origin of exported goods* to a fine or to imprisonment for at most two years.

A person who, in exporting goods from Finland to a foreign state, provides an authority of that state false information on the origin of the goods in order to receive preferential tariff treatment or other equivalent preferential treatment in that state shall also be sentenced for false declaration of the origin of exported goods.

## **Section 11 (283/2012)**

### **Defence materiel export offence**

A person who, without a licence referred to in the Act on the Export of Defence Materiel (282/2012),

1) exports or transfers defence materiel from Finland,

2) brings parties into contact with each other for the purpose of concluding an agreement to export or transfer defence materiel between third countries, or

3) transports defence materiel via Finland, when the exporter or the recipient of the defence materiel is outside of the European Economic Area

shall be sentenced for a *defence materiel export offence* to a fine or imprisonment for at most four years.

A person who

1) provides false information or conceals information in order to receive an export licence, a transfer licence, a brokerage licence or a transit licence referred to in the Act on the Export of Defence Materiel, or

2) transfers defence materiel from Finland to the European Economic Area without having registered at the Ministry of Defence in the manner referred to in section 31 of the Act on the Export of Defence Materiel shall also be sentenced for a defence materiel export offence.

An attempt at an offence referred to in subsection 1 and in subsection 2, paragraph 2 is punishable.

## **Section 12 (425/2009)**

### **Failure to file an export control notification of dual-use items**

A person who, through negligence, neglects the obligation to file a notification laid down in section 4, subsection 4 of the Act on the Control of Exports of Dual-Use Goods shall be sentenced for *failure to file an export control notification of dual-use items* to a fine or to imprisonment for at most six months.

## **Section 13 (425/2009)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a regulation offence, an aggravated regulation offence, smuggling, an aggravated customs clearance offence and a defence materiel export offence.

## **Section 14 (425/2009)**

### **Definitions**

In this chapter, *tax* means a tax referred to in chapter 29, section 9, paragraph 1 with the exception of tax to be prepaid.

In this chapter, *customs legislation* means the legislation referred to in Article 5(1)(2) of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code. (317/2016)

## **Section 15 (425/2009)**

### **Restrictive provision**

A minor neglect of the obligation to declare goods or the obligation to provide information or other minor violation of a procedural provision is not deemed an offence referred to in sections 1–5, 7–10 or 12 of this chapter.

A person who is an accomplice to an offence committed upon or after importing goods shall not be sentenced for an offence referred to in section 6 or 6a of this chapter. (641/2009)

The provisions of sections 6 and 6a of this chapter shall not apply to a person living in a joint household with the perpetrator who only uses or consumes property acquired by the perpetrator for ordinary needs in the joint household.

## **Section 16 (782/2013)**

### **Relationship of punitive tax increase and punitive customs duty increase to smuggling and customs clearance offence**

A criminal case referred to in section 4, 5, 7 or 9 need not be reported and the criminal investigation, prosecution and punishment may be waived in the case, if a punitive tax increase or a punitive customs duty increase is deemed a sufficient sanction. In assessing this, consideration is given to the seriousness and recurrence of the act or omission, the expected punishment, the amount of the tax or customs duty related to the act or omission, the amount of the punitive tax increase or the punitive customs duty increase, and the possible other consequences of the act or omission to the taxpayer.

Charges shall not be brought or a court judgment passed in a criminal case referred to in section 4, 5 or 7–9 if a punitive tax increase or a punitive customs duty increase has already been

imposed on the same person in the same case. However, charges may be brought and a court judgment passed if, after the punitive tax increase or the punitive customs duty increase was imposed, evidence has been received of new or previously unrevealed essential circumstances, and the punitive tax increase previously imposed in the same case has been annulled in accordance with section 3 of the Act on Punitive Tax Increases and Punitive Customs Duty Increases Imposed by Separate Decisions.

## **Chapter 47 (578/1995)**

### **Employment offences**

#### **Section 1 (217/2018)**

##### **Occupational safety and health offence**

An employer or a representative of an employer who intentionally or through negligence

- 1) violates the occupational safety and health regulations, or
- 2) causes a defect or fault that is contrary to the occupational safety and health regulations or allows a situation contrary to the occupational safety and health regulations to continue, by neglecting to monitor compliance with the occupational safety and health regulations in work under his or her direction or by failing to ensure the financial, organisational or other prerequisites for occupational safety and health measures

shall be sentenced for *an occupational safety and health offence* to a fine or to imprisonment for at most one year.

Provisions on the punishment for negligent homicide, negligent infliction of bodily injury and causing danger are laid down in chapter 21, sections 8–11 and 13.

However, an individual violation of the occupational safety and health regulations that is of minor significance for occupational safety and health and for which the punishment is provided in section 63 of the Occupational Safety and Health Act (738/2002), section 23 of the Occupational Health Care Act (1383/2001), or section 20 of the Act on the Working and Living Environment and Catering for Seafarers on Board Ships (395/2012) is not deemed an occupational safety and health offence.

## **Section 2 (578/1995)**

### **Working hours protection offence**

An employer or a representative of an employer who intentionally or through gross negligence

- 1) to the detriment of an employee fails to keep records of working hours or annual holidays, keeps them erroneously, alters, conceals or destroys them or renders them impossible to read, or
- 2) proceeds in a manner punishable under the legislation on working hours or annual holidays despite an exhortation, order or prohibition issued by the occupational safety and health authorities

shall be sentenced for *a working hours protection offence* to a fine or to imprisonment for at most six months.

## **Section 3 (885/2009)**

### **Work discrimination**

An employer or a representative of an employer who, when advertising for a vacancy or selecting an employee or during an employment relationship, without a serious and acceptable reason, puts a job applicant or an employee in an inferior position

- 1) on the basis of his or her race, national or ethnic origin, nationality, colour, language, sex, age, family relations, sexual orientation, genetic inheritance, disability or state of health, or
- 2) on the basis of his or her religion, societal opinion, political or vocational activities or another comparable circumstance

shall be sentenced for *work discrimination* to a fine or to imprisonment for at most six months.

## **Section 3a (302/2004)**

### **Extortionate work discrimination**

If, in work discrimination, a job applicant or an employee is put in a considerably inferior position by taking advantage of the job applicant's or the employee's financial or other distress, dependent position, lack of understanding, thoughtlessness or ignorance, the perpetrator shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *extortionate work discrimination* to a fine or to imprisonment for at most two years.

## **Section 4 (1234/2013)**

### **Violation of the rights of an employee representative**

An employer or a representative of an employer who, without statutory grounds or grounds specified in a collective agreement or a collective agreement for public officials, terminates the employment contract of or otherwise discharges or lays off a shop steward, an elected representative referred to in chapter 13, section 3 of the Employment Contracts Act (55/2001), an occupational safety and health representative, a personnel representative or an employees' representative referred to in the Act on Personnel Representation in the Administration of Undertakings (725/1990) or in the Act on Cooperation within Finnish and Community-Wide Groups of Undertakings (335/2007), or a cooperation representative referred to in section 8 of the Act on Cooperation within Undertakings (334/2007) or in section 3 of the Act on Cooperation between Employers and Personnel in Municipalities (449/2007) or in section 6, subsections 3 and 4 of the Act on Cooperation in Government Agencies and Public Bodies (1233/2013), or changes the employment relationship of such a person into a part-time relationship, shall, unless the act is punishable as work discrimination, be sentenced for *a violation of the rights of an employee representative* to a fine.

## **Section 5 (578/1995)**

### **Violation of the right to organise**

An employer, a representative of an employer or an employee who prevents

- 1) an employee from establishing a lawful professional or political association or from exercising his or her right to join or belong to such an association or to participate in its activities, or
- 2) employees or their trade organisation from appointing or electing for a workplace a shop steward, an elected representative, an occupational safety and health representative or a personnel representative in group cooperation

shall be sentenced for *a violation of the right to organise* to a fine. (72/2001)

A person who forces an employee to join or belong to a professional or political association shall also be sentenced for a violation of the right to organise.

An attempt is punishable.

## **Section 6 (927/2012)**

### **Violation of the prohibition of charging fees for employment services**

A person who, in violation of the prohibition of charging fees for employment services laid down in chapter 12, section 5, subsection 1 of the Act on Public Employment and Business Service (916/2012), charges a fee from an individual customer shall be sentenced for *a violation of the prohibition of charging fees for employment services* to a fine or to imprisonment for at most one year.

## **Section 6a (302/2004)**

### **Use of unauthorised foreign labour**

An employer or a representative of an employer who hires or employs an alien who does not have a residence permit for an employed person or other permit entitling the person to work in Finland shall be sentenced for *use of unauthorised foreign labour* to a fine or to imprisonment for at most one year.

An awarder of a contract or subcontract, a commissioner of work, or a representative of these who neglects to ensure that the foreign employees performing the contract or subcontract work that he or she has awarded a foreign company, or the foreign employees placed at his or her disposal by a foreign company as temporary agency labour, have a residence permit for an employed person or other permit entitling the person to work in Finland shall also be sentenced for use of unauthorised foreign labour.

## **Section 7 (578/1995)**

### **Allocation of liability**

The sentence for the conduct of an employer or a representative of an employer that is punishable under this chapter shall be imposed on the person whose obligations the act or omission in question violates. In determining this, consideration shall be given to the position of the person in question, to the nature and extent of his or her duties and powers and to his or her participation in the starting and continuation of the unlawful situation in other respects.

## **Section 8 (217/2018)**

### **Definitions**

In this chapter:

- 1) *employer* means a person who commissions work in an employment relationship or in a public-service employment relationship or a comparable employment relationship governed by public law, and a person who actually exercises the power of decision of an employer,
- 2) *representative of an employer* means a member of a statutory or other decision-making body of a legal person that is an employer and a person who on behalf of the employer directs or supervises the work,
- 3) *employee* means a person who is in an employment relationship or in a public-service employment relationship or a comparable employment relationship governed by public law to the employer, and
- 4) *occupational safety and health regulations* means the provisions concerning occupational safety and health contained in or issued under the Occupational Safety and Health Act, the Occupational Health Care Act, the Act on the Working and Living Environment and Catering for Seafarers on Board Ships or another act governing occupational safety and health that shall be complied with to protect others.

The provisions of sections 1 and 7 on the liability of an employer and a representative of an employer shall apply correspondingly to other commissioners of work referred to in sections 3 and 4 of the Occupational Safety and Health Act and their representatives, to the persons referred to in section 7 of the same Act and their representatives, and to the shipowners referred to in section 4, paragraph 3 of the Act on the Working and Living Environment and Catering for Seafarers on Board Ships and their representatives.

## **Section 9 (1177/2014)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to an occupational safety and health offence and extortionate work discrimination.

## **Chapter 48 (578/1995)**

### **Environmental offences**

#### **Section 1 (761/2018)**

##### **Degradation of the environment**

A person who, intentionally or through gross negligence,

1) introduces, releases or deposits into the environment an object, a substance, radiation or something similar in violation of an act, a provision issued under an act or a general or case-specific regulation, or without a permit required by law or in violation of the permit conditions,

2) manufactures, supplies, transports, uses, handles or stores a substance, preparation, mixture, product or object, or uses a device in violation of

a) the Act on the Safe Handling and Storage of Dangerous Chemicals and Explosives,

b) the Chemicals Act,

c) the REACH Regulation,

d) the CLP Regulation,

e) the Biocidal Regulation,

f) the Plant Protection Product Regulation,

g) a provision issued under a statute referred to in subparagraph a–f or under the Environmental Protection Act (527/2014),

h) Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer,

i) Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases,

j) Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC,

k) Article 3, 4 or 4a of Regulation (EC) No 648/2004 of the European Parliament and of the Council on detergents,

l) a provision mentioned in section 147, subsection 2 of the Waste Act (646/2011),

m) a provision, a case-specific regulation or a prohibition issued under the Waste Act, or

n) Regulation (EU) No 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008,

3) neglects the obligation to organise waste management laid down in the Waste Act,

4) imports waste to Finland, exports waste from Finland or transfers waste through the territory of Finland in violation of

a) the Waste Act or a provision or a case-specific regulation issued under it,

b) Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste, or

c) Regulation (EU) No 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008,

5) imports or exports a substance, preparation or product in violation of

a) a decree issued under the Environmental Protection Act,

b) Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer,

c) Regulation (EC) No 842/2006 of the European Parliament and of the Council on certain fluorinated greenhouse gases,

d) Regulation (EC) No 649/2012 of the European Parliament and of the Council concerning the export and import of hazardous chemicals,

e) Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants and amending Directive 79/117/EEC, or

f) Regulation (EU) No 2017/852 of the European Parliament and of the Council on mercury, and repealing Regulation (EC) No 1102/2008,

6) in violation of Regulation (EC) No 1946/2003 of the European Parliament and of the Council on transboundary movements of genetically modified organisms, exports from Finland genetically modified organisms or food or feed containing them, or

7) in violation of Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, fails to ensure that the inventory of hazardous materials referred to in Article 5 of the Regulation is up-to-date when a ship is delivered to a ship dismantling facility, or sends a ship for dismantling to some other place than to a ship dismantling facility specified in the European List referred to in Article 16 of the Regulation,

so that the act is conducive to causing environmental pollution, other equivalent harmful alteration or littering of the environment or a health hazard, shall be sentenced for *degradation of the environment* to a fine or to imprisonment for at most two years. (717/2021)

An attempt at an intentional offence referred to in subsection 1, paragraphs 4–6 is punishable.

A person who, intentionally or through gross negligence, in a manner other than one referred to in subsection 1, undertakes to alter the environment in violation of

1) the Land Use and Building Act (132/1999),

2) the Water Act (587/2011),

3) the Land Extraction Act (555/1981),

4) the Drainage Rules of the Saimaa and Vuoksi Water System, or

5) a provision, a general or case-specific regulation, a zoning plan or a permit issued under these

so that the act is conducive to causing alteration that is comparable in its seriousness to environmental pollution shall also be sentenced for degradation of the environment.

*Regulation (EC) No 842/2006 on certain fluorinated greenhouse gases was repealed by Regulation (EC) No 517/2014. Regulation (EC) No 850/2004 on persistent organic pollutants and amending Directive 79/117/EEC has been repealed.*

## **Section 2 (1638/2015)**

### **Aggravated degradation of the environment**

If, in degradation of the environment,

1) the damage caused to the environment or health or the risk of such damage is particularly substantial, taking into consideration the long duration, wide range or other circumstances of the damage caused or imminent damage,

2) considerable economic benefit is sought, or

3) the offence is committed in a particularly premeditated manner,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated degradation of the environment* to imprisonment for at least four months and at most six years.

What is provided in section 1 regarding an attempt shall apply correspondingly to an attempt.

## **Section 3 (1167/2018)**

### **Environmental violation**

If, taking into consideration the minor significance of the risk or damage caused to the environment or health or the other circumstances connected with the offence, the degradation of the environment is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *an environmental violation* to a fine or to imprisonment for at most six months.

A person who, intentionally or through gross negligence, violates orders issued under section 122 or 123 of the Environmental Protection Act shall also be sentenced for an environmental violation.

A person who, intentionally or through gross negligence, neglects the duty to apply for an environmental permit referred to in sections 27–29 of the Environmental Protection Act shall also be sentenced for an environmental violation, unless the act is punishable as degradation of the environment.

A person who, intentionally or through gross negligence, introduces, releases or deposits into the environment an object, a substance, radiation or something similar without a notification decision required under sections 115a–115d of the Environmental Protection Act so that the act is

conducive to causing environmental pollution, other equivalent harmful alteration or littering of the environment, or a health hazard shall also be sentenced for an environmental violation, unless the act is punishable as degradation of the environment.

A person who, intentionally or through gross negligence, violates an obligation relating to the use of a watercraft laid down in section 5, subsection 1 of the Water Traffic Act, a water traffic rule referred to in chapter 2 of the Water Traffic Act, or a regional or watercraft-type-specific prohibition or restriction issued under section 101 of the said Act so that the act is conducive to causing danger to the environment shall also be sentenced for an environmental violation.

(789/2019)

#### **Section 4 (1683/2015)**

##### **Negligent degradation of the environment**

A person who, through negligence other than gross negligence,

1) affects the environment in a manner referred to in section 1, subsection 1, paragraph 1 or subsection 3, or

2) violates the Waste Act or the Environmental Protection Act or provisions or regulations issued under them in a manner referred to in section 1, subsection 1, paragraphs 2–6,

so that the damage caused to the environment or health or the risk of such damage is particularly substantial, taking into consideration the long duration, wide range or other circumstances of the damage caused or imminent damage, shall be sentenced for *negligent degradation of the environment* to a fine or to imprisonment for at most one year.

#### **Section 5 (578/1995)**

##### **Nature conservation offence**

A person who, intentionally or through gross negligence,

1) unlawfully destroys, degrades or damages a natural area, an animal, a plant or another natural object that is conserved or protected or subject to a restriction on action or an injunction under the Nature Conservation Act (1096/1996) or a provision or regulation issued by virtue of it,

2) in violation of the Nature Conservation Act or a provision or regulation issued under it, removes from its environment, imports or exports an object or transports an object through the territory of

Finland, or sells, supplies, purchases or receives an object so removed from its environment, imported or exported, or

3) in violation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, imports, exports or transfers through the territory of Finland an object referred to in Annex A or B of the Regulation without a permit or certificate referred to in the Regulation or in violation of the conditions of the permit or certificate, or purchases, offers to purchase, acquires for commercial purposes, displays to the public for commercial purposes, uses for commercial gain, sells, keeps for sale, offers for sale or transports for sale an object referred to in Annex A or B of the said Regulation

shall be sentenced for *a nature conservation offence* to a fine or to imprisonment for at most two years. (1073/2010)

A person who, intentionally or through gross negligence, uses a Finnish vessel for whaling or violates the import ban laid down in section 2 or 2a of the Act on the Protection of Whales and Arctic Seals or the protection provision or the prohibition of taking possession laid down in section 3 of the same Act shall also be sentenced for a nature conservation offence. (1108/1996)

A person who, intentionally or through gross negligence, causes damage to organisms native to Antarctica, by violating a prohibition referred to in section 4, subsection 2 of the Act on the Environmental Protection of Antarctica (28/1998) or by acting without a permit or in violation of the conditions of a permit required under the Act, in a manner referred to in section 21, subsection 1, section 23, subsection 1 or section 25, subsection 1 of the Act, shall also be sentenced for a nature conservation offence. (29/1996)

However, an act of minor significance with regard to nature conservation is not deemed a nature conservation offence.

An attempt at an intentional offence is punishable.

## **Section 5a (1683/2015)**

### **Aggravated nature conservation offence**

If, in a nature conservation offence,

1) the offence causes serious danger or damage to the preservation of a species, natural area or other natural object, taking into consideration whether the species at which the offence is directed

is particularly rare or endangered, or the long duration or wide-ranging impact of the danger or damage caused to the species, natural area or other natural object,

2) considerable economic benefit is sought, or

3) the offence is committed in a particularly premeditated manner,

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

An attempt at an intentional offence is punishable.

## **Section 6 (578/1995)**

### **Building protection offence**

A person who, intentionally or through gross negligence, without a permit required by law or in violation of the conditions of a permit or other regulations concerning protection, demolishes, destroys, damages or covers an object in the built environment that is

1) protected under the Land Use and Building Act or a regulation issued under it, or

2) protected under the Act on the Protection of the Built Heritage (498/2010) or subjected to a prohibition on measures that may jeopardise a building by a decision made under the said Act

shall be sentenced for *a building protection offence* to a fine or to imprisonment for at most two years.

(1986/2020)

A person who, intentionally or through gross negligence, demolishes, destroys or damages an archaeological site or a shipwreck referred to in the Antiquities Act (295/1963) or a part thereof, without a permit or in violation of the conditions of a permit, shall also be sentenced for a building protection offence.

A person who, intentionally or through gross negligence, damages, moves or destroys a historical place or monument referred to in section 4, subsection 1, paragraph 4 of the Act on the Environmental Protection of Antarctica (28/1998) shall also be sentenced for a building protection offence. (29/1996)

An attempt at an intentional offence is punishable.

## **Section 7 (578/1995)**

### **Allocation of liability**

The sentence for the conduct that is punishable under this chapter shall be imposed on the person whose obligations the act or omission in question violates. In determining this, consideration shall be given to the position of the person in question, to the nature and extent of his or her duties and powers and to his or her participation in the starting and continuation of the unlawful situation in other respects.

## **Section 8 (297/2003)**

*Section 8 was repealed by Act 297/2003.*

## **Section 9 (578/1995)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to the offences referred to in this chapter.

## **Section 10 (1680/2009)**

### **Environmental offence committed from on board a foreign vessel within the exclusive economic zone**

A fine is the only punishment that may be imposed for such an act referred to in chapter 13, section 3 of the Act on Environmental Protection in Maritime Transport committed from on board a foreign vessel within the exclusive economic zone of Finland that is punishable under sections 1–4 of this chapter.

## **Chapter 48a (515/2002)**

### **Natural resources offences**

## **Section 1 (515/2002)**

### **Hunting offence**

A person who, intentionally or through gross negligence, unlawfully

1) hunts using a hunting device or hunting method that is prohibited under the Hunting Act (615/1993) or in violation of the restriction on the use of a motor vehicle laid down in the Hunting Act,

2) hunts in violation of a provision of the Hunting Act or a provision or regulation issued under it regarding the protection of a game animal, a hunting prohibition or restriction or a quota, or without a hunting licence, cervid hunting licence or derogation, or (232/2011)

3) when hunting, causes danger or damage to a person or to the property of another person or violates a prohibition or restriction concerning hunting that has been issued for public safety

shall be sentenced for *a hunting offence* to a fine or to imprisonment for at most two years.

### **Section 1a (232/2011)**

#### **Aggravated hunting offence**

If, in a hunting offence,

1) the offence is committed in a particularly brutal or cruel manner,

2) the offence is directed at a large number of game animals,

3) considerable economic benefit is sought,

4) the offence is committed in a particularly premeditated manner, or

5) a wolverine, lynx, bear, forest reindeer, otter or wolf is killed or injured,

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

### **Section 2 (515/2002)**

#### **Fishing offence**

A person who, intentionally or through gross negligence,

1) when fishing, uses pressure obtained by means of an explosion or otherwise, or a firearm or electricity,

2) fishes to a considerable extent in violation of a provision of the Fishing Act or a provision or a general or case-specific regulation issued under the Fishing Act regarding the protection of fish or crayfish, fishing gear, fishing, a prohibition or restriction of fishing, or the minimum size of fish or crayfish, or (1190/2014)

*Paragraph 3 was repealed by Act 1190/2014.*

4) without a permit, in violation of the Fishing Act, introduces or transfers to a water area a species of fish or crayfish or their stock that has not previously been found there, so that the act is conducive to endangering or damaging the fish stock or fishing waters,

shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a fishing offence* to a fine or to imprisonment for at most two years.

An attempt at an intentional offence is punishable.

### **Section 3 (515/2002)**

#### **Forestry offence**

A person who intentionally or through gross negligence violates a provision of the Forest Act (1093/1996) or a provision or regulation issued under it regarding a timberline forest or a protected zone shall be sentenced for *a forestry offence* to a fine or to imprisonment for at most two years. (1086/2013)

A person who intentionally, through a forest management or utilisation operation, in violation of the Forest Act or a provision or regulation issued under it or without a permit required by law or in violation of the conditions of a permit, damages a habitat of special importance in terms of biodiversity of forests that is in a natural or semi-natural state and that can be clearly distinguished from the surrounding environment, so that the act is conducive to endangering the preservation of the characteristic features of the habitat concerned, shall also be sentenced for a forestry offence.

### **Section 3a (1021/2010)**

#### **Illegal interference with a mineral deposit in Antarctica**

A person who intentionally or through gross negligence explores or exploits a mineral deposit in Antarctica referred to in section 3, subsection 1, paragraph 5 of the Act on the Environmental Protection of Antarctica other than as part of scientific research shall be sentenced for *illegal*

*interference with a mineral deposit in Antarctica* to a fine or to imprisonment for at most two years.

A person who intentionally prospects for mineral deposits in Antarctica other than as part of scientific research shall also be sentenced for illegal interference with a mineral deposit in Antarctica.

### **Section 3b (898/2013)**

#### **Timber offence**

A person who, in violation of Regulation (EU) 995/2010 of the European Parliament and of the Council laying down the obligations of operators who place timber and timber products on the market, professionally places on the market illegally harvested timber or timber products derived from such timber shall, unless a more severe punishment for the act is provided elsewhere by law, be sentenced for *a timber offence* to a fine or to imprisonment for at most six months.

### **Section 4 (515/2002)**

#### **Concealment of illegal quarry or catch**

A person who hides, acquires, transports, conveys or offers for sale quarry or catch obtained through a hunting offence or a fishing offence, even though he or she knows that it was obtained in this manner, shall be sentenced for *concealment of illegal quarry or catch* to a fine or to imprisonment for at most one year. (232/2011)

A person who is an accomplice to the offence through which the illegal quarry or catch was obtained shall not be sentenced for the offence referred to in subsection 1. Subsection 1 of this section shall also not apply to a person living in a joint household with the perpetrator who only uses or consumes quarry or catch acquired by the perpetrator for ordinary needs of the joint household.

### **Section 4a (232/2011)**

#### **Aggravated concealment of illegal quarry**

If, in the concealment of illegal quarry obtained through a hunting offence,

- 1) the offence is directed at a large number of game animals,
- 2) considerable economic benefit is sought,

3) the offence is committed in a particularly premeditated manner, or

4) the object of the offence is a wolverine, lynx, bear, forest reindeer, otter or wolf,

and the offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated concealment of illegal quarry* to a fine or to imprisonment for at most three years.

## **Section 5 (515/2002)**

### **Right to bring charges**

If a fishing offence, hunting offence or concealment of illegal quarry or catch has only violated the rights of a private individual, the prosecutor shall not bring charges unless the injured party reports the offence for prosecution. (441/2011)

The provisions of chapter 1 on the bringing of charges and imposing a sentence for an offence committed outside Finland and directed at Finland also apply to a fishing offence referred to in section 2 of this chapter, if it has been committed in water areas outside the territorial waters and the exclusive economic zone of Finland. (1067/2004)

## **Section 6 (515/2002)**

### **Hunting prohibition**

When a person is sentenced for an aggravated hunting offence, the court shall impose, at the same time, a hunting prohibition on the person for at least three and at most ten years. The court may, however, waive imposing such a prohibition if there are very serious grounds for doing so. A hunting prohibition for at least one and at most five years may be imposed on a person sentenced for a hunting offence who through his or her actions has demonstrated manifest disregard of the provisions governing hunting. The person on whom a hunting prohibition is imposed shall be ordered, at the same time, to surrender his or her hunting card to the game management association. A hunting prohibition is imposed on the request of the prosecutor. (232/2011)

A person subject to a hunting prohibition shall not hunt or serve as a hunting master referred to in section 28 of the Hunting Act during the period of validity of the prohibition. A hunting prohibition may also be imposed on a person whose punishment is waived under chapter 3, section 4, subsection 2 or chapter 6, section 12, paragraph 4 or 5 of this Code. (232/2011)

The prohibition is in force regardless of a request for review until the matter has been resolved with a final decision.

## **Section 6a (232/2011)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to an aggravated hunting offence.

## **Section 7 (1161/2005)**

### **Fishing offence committed from on board a foreign vessel in the exclusive economic zone and concealment of illegal catch obtained through a fishing offence**

The only punishment for a fishing offence committed from on board a foreign vessel in the exclusive economic zone of Finland and for the concealment of illegal catch obtained through a fishing offence is a fine, unless otherwise provided under an international agreement binding on Finland.

## **Chapter 49 (578/1995)**

### **Violation of certain intellectual property rights**

## **Section 1 (822/2005)**

### **Copyright offence**

A person who, for gain and in violation of the Copyright Act (404/1961) and in a manner conducive to causing considerable harm or damage to the holder of the violated right, violates the right of another person to

- 1) a literary or artistic work,
- 2) a performance of a literary or artistic work or folklore,
- 3) a phonograph record or other device on which sound has been recorded,
- 4) a film or other device on which moving images have been recorded,
- 5) a television or radio broadcast,
- 6) a catalogue, table, programme or any such product referred to in the Copyright Act in which a large number of information items are compiled, or such a database, the obtaining, verification or presentation of which has required substantial investment, or
- 7) a photograph

shall be sentenced for *a copyright offence* to a fine or to imprisonment for at most two years.

A person shall also be sentenced for a copyright offence if he or she, for gain and in a manner conducive to causing considerable harm or damage to the holder of the violated right, imports to Finland for distribution among the public or to the territory of Finland for transit to a third country a copy, manufactured or reproduced abroad, of a work or photograph, phonograph record, film or other device on which sound or moving images have been recorded, or a catalogue, table, programme or any such product referred to in the Copyright Act in which a large number of information items are compiled, or such a database the obtaining, verification or presentation of which has required substantial investment, referred to in subsection 1, while knowing that it has been manufactured or reproduced in circumstances where the said manufacturing or reproduction would have been punishable in Finland under subsection 1 or under section 56a of the Copyright Act.

A person who uses an information network or information system to violate the right of another to the protected objects referred to in subsection 1 so that the act is conducive to causing considerable harm or damage to the holder of the violated right shall also be sentenced for a copyright offence.

## **Section 2 (547/2019)**

### **Industrial property right offence**

A person who, in violation of the Trade Marks Act (544/2019), the Patents Act (550/1967), the Registered Designs Act (221/1971), the Act on Exclusive Rights to Layout-Designs (Topographies) of Integrated Circuits (32/1991), the Act on Utility Model Rights (800/1991), the Plant Breeder's Right Act (1279/2009), Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, or Council Regulation (EC) No 6/2002 on Community designs, and in a manner conducive to causing considerable economic loss to the holder of the violated right, violates

1) the exclusive right to a trade mark specified in sections 3–9 of the Trade Marks Act, by using a sign that is identical with or similar to a trade mark or causes a likelihood of confusion on the part of the public or cannot be distinguished in its essential aspects from a trade mark, without the consent of the trade mark proprietor or contrary to the proprietor's prohibition or in any other comparable manner,

2) the exclusive right to an EU trade mark specified in Regulation (EU) 2017/1001 of the European Parliament and of the Council on the European Union trade mark, by using a sign or indication that is identical with or similar to an EU trade mark or causes a likelihood of confusion on the part of the public or cannot be distinguished in its essential aspects from an EU trade mark, without the consent of the proprietor of the EU trade mark or contrary to the proprietor's prohibition or in any other comparable manner,

3) the exclusive right to a Community design specified in Council Regulation (EC) No 6/2002 on Community designs, by exploiting a design without the consent of the holder of the Community design or in any other comparable manner,

4) the exclusive right conferred by a patent,

5) the right to a design specified in sections 1, 5, 5a–5c and 6 of the Registered Designs Act, by exploiting a design without the consent of the design right owner or in any other comparable manner,

6) the right to a layout-design,

7) the utility model right, or

8) the plant breeder's right

shall be sentenced for *an industrial property right offence* to a fine or to imprisonment for at most two years.

### **Section 3 (822/2005)**

#### **Circumvention of technical protection**

A person who, in violation of the prohibition laid down in section 50a of the Copyright Act and so that the act is conducive to causing considerable harm or damage, circumvents an effective technical measure protecting a work shall be sentenced for *circumvention of technical protection* to a fine or to imprisonment for at most one year.

## **Section 4 (822/2005)**

### **Offence involving a device for circumventing technical protection**

A person who, in violation of the prohibition laid down in section 50b of the Copyright Act and so that the act is conducive to causing considerable harm or damage, manufactures or imports for distribution to the public, distributes to the public, sells, rents, advertises for sale or rental or keeps in his or her possession for commercial purposes such devices, products or components that enable or facilitate the circumvention of an effective technical measure protecting a work, or offers services enabling or facilitating such circumvention shall be sentenced for *an offence involving a device for circumventing technical protection* to a fine or to imprisonment for at most one year.

## **Section 5 (822/2005)**

### **Violation of electronic rights management information**

A person who, in violation of the prohibition laid down in section 50d of the Copyright Act and so that the act is conducive to causing considerable harm or damage,

1) removes or alters the electronic rights management information that identifies a work, an author or another rightholder or that provides information about the terms governing the use of the work, or

2) distributes to the public or imports for distribution to the public a copy of a work or communicates a work to the public in a form in which the information referred to in paragraph 1 has been removed from the work or altered without authorisation

shall be sentenced for *a violation of electronic rights management information* to a fine or to imprisonment for at most one year, if the perpetrator knows that his or her act will cause, enable, conceal or facilitate a violation of the rights referred to in the Copyright Act.

## **Section 6 (441/2011)**

### **Right to bring charges**

The prosecutor shall not bring charges for an offence referred to in sections 1–3 or 5 of this chapter, unless the injured party reports it for prosecution or unless a very important public interest requires that charges be brought.

## **Section 7 (540/2007)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a copyright offence.

## **Chapter 50 (1304/1993)**

### **Narcotics offences**

## **Section 1 (374/2008)**

### **Narcotics offence**

A person who illegally

- 1) manufactures or attempts to manufacture a narcotic drug or cultivates or attempts to cultivate a coca plant, khat (*Catha edulis*) or *Psilocybe* mushrooms,
- 2) cultivates or attempts to cultivate opium poppy, hemp or cactus plants containing mescaline for use as a narcotic drug or the raw material for a narcotic drug or for use in the manufacturing or production of a narcotic drug,
- 3) imports, attempts to import, exports or attempts to export a narcotic drug, or transports a narcotic drug or has a narcotic drug transported, or attempts to transport or have a narcotic drug transported,
- 4) sells, supplies, conveys or otherwise distributes or attempts to distribute a narcotic drug, or
- 5) possesses or attempts to acquire a narcotic drug

shall be sentenced for *a narcotics offence* to a fine or to imprisonment for at most two years.

## **Section 2 (1304/1993)**

### **Aggravated narcotics offence**

If, in a narcotics offence,

- 1) the object of the offence is a very dangerous narcotic drug or a large amount of a narcotic drug,
- 2) considerable economic benefit is sought,

3) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 that has specifically been organised for the extensive commission of narcotics offences, (564/2015)

4) serious danger is caused to the life or health of several people, or

5) a narcotic drug is distributed to minors or otherwise in an unscrupulous manner,

and the narcotics offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *an aggravated narcotics offence* to imprisonment for at least one and at most ten years.

### **Section 2a (654/2001)**

#### **Illegal use of a narcotic drug**

A person who illegally uses or for personal use possesses or attempts to acquire a small amount of a narcotic drug shall be sentenced for *illegal use of a narcotic drug* to a fine or to imprisonment for at most six months.

### **Section 3 (1304/1993)**

#### **Preparation of a narcotics offence**

A person who, for the purpose of committing an offence referred to in section 1, paragraphs 1–4, manufactures, imports, acquires or receives an instrument, equipment or a substance suitable for committing such an offence shall be sentenced for *preparation of a narcotics offence* to a fine or to imprisonment for at most two years. (374/2008)

An attempt is punishable. (928/2006)

### **Section 4 (1304/1993)**

#### **Contributing to a narcotics offence**

A person who,

1) for the purposes of illegal manufacturing, cultivation, import or export of a narcotic drug, manufactures, transports, conveys or supplies instruments, equipment or substances with the knowledge that they would be used for such a purpose, or

2) by lending assets or by otherwise providing financing, contributes to a narcotics offence or to the preparation of one, or to the activity referred to in paragraph 1 with the knowledge that the financing will be used for such a purpose

shall, unless the act is punishable as complicity in a narcotics offence or in an aggravated narcotics offence, be sentenced for *contributing to a narcotics offence* to a fine or to imprisonment for at most two years.

An attempt at contributing to a narcotics offence referred to in subsection 1, paragraph 1 is punishable. (928/2006)

### **Section 4a (928/2006)**

#### **Aggravated contributing to a narcotics offence**

If contributing to a narcotics offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 that has specifically been organised for the extensive commission of a narcotics offence, and

1) the instrument, equipment or substance that is the object of the offence is intended for manufacturing, cultivating, importing or exporting a very dangerous narcotic drug or a considerable amount of a narcotic drug, or

2) considerable economic benefit is sought through contributing to a narcotics offence or through the offence being contributed to,

and the contributing to the narcotics offence is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated contributing to a narcotics offence* to imprisonment for at least four months and at most six years.

(564/2015)

An attempt at aggravated contributing to a narcotics offence committed in the manner referred to in section 4, subsection 1, paragraph 1 is punishable.

### **Section 5 (1304/1993)**

#### **Definitions**

In this chapter, *narcotic drug* means any narcotic drug referred to in the Narcotics Act. (374/2008)

In this chapter, *very dangerous narcotic drug* means a narcotic drug the use of which is associated with mortal danger if dosed improperly, danger of serious damage to health even when used for a short period of time, or heavy withdrawal symptoms.

## **Section 6 (875/2001)**

### **Confiscation**

The following shall be confiscated:

- 1) the instruments, equipment or substances used in the commission of an offence referred to in this chapter or acquired for such a purpose, and
- 2) the assets referred to in section 4, paragraph 2, even if the act is punishable as a narcotics offence or an aggravated narcotics offence; the confiscation order shall be imposed on the provider of financing, the recipient of financing or both of them jointly and severally.

The provisions of chapter 10 shall be complied with in other respects.

## **Section 7 (673/2014)**

### **Waiving of measures**

In addition to the provisions of the Criminal Procedure Act and the provisions of this Code, the prosecution of or the punishment for the use of a narcotic drug or another offence pertaining to the use of a narcotic drug referred to in this chapter may be waived if, taking into consideration the amount and type of the narcotic drug, the situation where it was used and the other circumstances, the suspected offence or the offence is deemed to be of minor significance when assessed as a whole. The prosecution or punishment may also be waived if the suspect or the perpetrator has sought treatment approved by the Ministry of Social Affairs and Health.

## **Section 8 (928/2006)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to a narcotics offence, an aggravated narcotics offence, preparation of a narcotics offence, contributing to a narcotics offence and aggravated contributing to a narcotics offence.

## **Chapter 50a (641/2009)**

### **Alcohol offences**

#### **Section 1 (641/2009)**

##### **Alcohol offence**

A person who, in violation of the Alcohol Act or a provision issued under it,

- 1) manufactures alcoholic beverages or spirits,
- 2) imports to the country alcoholic beverages or spirits,
- 3) sells, supplies or otherwise provides to another person alcoholic beverages or spirits,
- 4) possesses or transports spirits,
- 5) possesses or transports alcoholic beverages for sale, or
- 6) possesses or transports illegally manufactured or imported alcoholic beverages

shall be sentenced for *an alcohol offence* to a fine or to imprisonment for at most two years.

An attempt at an offence referred to in subsection 1, paragraphs 1–3 is punishable.

#### **Section 2 (641/2009)**

##### **Aggravated alcohol offence**

If, in an alcohol offence,

- 1) the object of the offence is a considerable amount of alcoholic beverages or spirits,
- 2) considerable economic benefit is sought,
- 3) the offence is committed as part of the activities of an organised criminal group referred to in chapter 6, section 5, subsection 2 that has specifically been organised for the extensive commission of an alcohol offence, or (564/2015)
- 4) alcoholic beverages or spirits are distributed in an unscrupulous manner to minors or by taking advantage of the dependent position of another person,

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

What is provided in section 1 regarding an attempt shall apply correspondingly to an attempt.

### **Section 3 (641/2009)**

#### **Petty alcohol offence**

If, taking into consideration the minor amount of alcoholic beverages or spirits or the other circumstances connected with the offence, the alcohol offence is of minor significance when assessed as a whole, the perpetrator shall be sentenced for *a petty alcohol offence* to a fine.

### **Section 4 (641/2009)**

#### **Definitions**

In this chapter, *alcoholic beverage* and *spirits* mean the alcoholic beverages and spirits referred to in the Alcohol Act.

What is provided in section 1, subsection 1, paragraph 1 regarding the unauthorised manufacturing of alcoholic beverages or spirits also applies to the further processing or bottling of spirits or untaxed alcoholic beverages manufactured elsewhere.

### **Section 5 (641/2009)**

#### **Corporate criminal liability**

The provisions on corporate criminal liability apply to the offences referred to in sections 1 and 2 of this chapter.

### **Section 6 (782/2013)**

#### **Relationship of punitive tax increase and punitive customs duty increase to alcohol offence**

A criminal case referred to in section 1 or 3 need not be reported and the criminal investigation, prosecution and punishment may be waived in the case, if a punitive tax increase or a punitive customs duty increase is deemed a sufficient sanction. In assessing this, consideration is given to the seriousness and recurrence of the act or omission, the expected punishment, the amount of the tax or customs duty related to the act or omission, the amount of the punitive tax increase or

the punitive customs duty increase, and the possible other consequences of the act or omission to the taxpayer.

Charges shall not be brought or a court judgment passed in a criminal case referred to in sections 1–3 if a punitive tax increase or a punitive customs duty increase has already been imposed on the same person in the same case. However, charges may be brought and a court judgment passed if, after the punitive tax increase or the punitive customs duty increase was imposed, evidence has been received of new or previously unrevealed essential circumstances, and the punitive tax increase previously imposed in the same case has been annulled in accordance with section 3 of the Act on Punitive Tax Increases and Punitive Customs Duty Increases Imposed by Separate Decisions.

## **Chapter 51 (753/2012)**

### **Securities market offences**

#### **Section 1 (521/2016)**

##### **Abuse of inside information**

A person who, intentionally or through gross negligence, makes use of inside information related to a financial instrument,

1) by acquiring or disposing of, for his or her own account or for the account of a third party, a financial instrument, or by cancelling or amending an order concerning a financial instrument, or

2) by providing direct or indirect advice to a third party on the acquisition or disposal of a financial instrument or on the cancellation or amendment of an order concerning a financial instrument,

shall be sentenced for *abuse of inside information* to a fine or to imprisonment for a most two years.

A person who, intentionally or through gross negligence, makes use of advice referred to in subsection 1, paragraph 2 in the manner referred to in subsection 1, paragraph 1 shall also be sentenced for abuse of inside information.

An attempt at an intentional offence is punishable.

## **Section 2 (573/2012)**

### **Aggravated abuse of inside information**

If, in abuse of inside information,

- 1) particularly great profit or considerable personal benefit is sought,
- 2) the perpetrator commits the offence by abusing his or her particularly responsible position as an employee or a representative of a central securities depository, a clearing corporation, an investment service provider, stock exchange, or the issuer of a financial instrument, or a corporate entity belonging to the same group with one of these, or by commission of one of these, or
- 3) the offence is committed in a particularly premeditated manner,

and the abuse of inside information is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated abuse of inside information* to imprisonment for at least four months and at most four years.

An attempt is punishable.

## **Section 2a (521/2016)**

### **Disclosure of inside information**

A person who unlawfully relays, gives or discloses inside information to another person or advice referred to in section 1, subsection 1, paragraph 2 shall be sentenced for *disclosure of inside information* to a fine or to imprisonment for at most two years.

## **Section 3 (521/2016)**

### **Market manipulation**

A person who manipulates the market

- 1) by placing an order or entering into a transaction or any other comparable behaviour that
  - a) gives false or misleading signals as to the supply of, demand for, or price of a financial instrument or a related spot commodity contract,
  - b) secures the price of a financial instrument or a related spot commodity contract at an abnormal or artificial level, or

c) affects the price of a financial instrument or a related spot commodity contract, and an artificial or other deceitful procedure or arrangement is used, or

2) in order to obtain economic benefit for himself or herself or another person, by disseminating information through the media or by any other means, which gives false or misleading signals as to the supply of, demand for, or price of a financial instrument or a related spot commodity contract, or secures the price of a financial instrument or a related spot commodity contract at an abnormal or artificial level,

shall be sentenced for *market manipulation* to a fine or to imprisonment for a most two years.

A person who manipulates the calculation of a benchmark by providing false or misleading information or by acting in another manner of comparable importance shall also be sentenced for market manipulation.

An attempt is punishable.

#### **Section 4 (521/2016)**

##### **Aggravated market manipulation**

If, in market manipulation,

1) extensive economic loss is caused, or

2) the offence is conducive to considerably weakening the credibility of the functioning of the securities markets,

and the market manipulation is also aggravated when assessed as a whole, the perpetrator shall be sentenced for *aggravated market manipulation* to imprisonment for at least four months and at most four years.

An attempt is punishable.

#### **Section 5 (1235/2018)**

##### **Information offence concerning the securities market**

A person who, intentionally or through gross negligence,

1) in the marketing or exchange of financial instruments in business provides false or misleading information pertaining to a financial instrument,

2) fails to appropriately disclose such information pertaining to a security that is conducive to materially affecting the value of the security in question and that shall be disclosed under the Securities Markets Act (746/2012), under Regulation (EU) 2017/1129 of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading on a regulated market, and repealing Directive 2003/71/EC, hereinafter the *Prospectus Regulation*, or under a regulation adopted by the Commission under it, or, when fulfilling the disclosure obligation laid down in the Securities Markets Act or the Prospectus Regulation or a regulation adopted by the Commission under it, discloses false or misleading information pertaining to a security, or

3) fails to appropriately disclose such inside information concerning an issuer to the public that shall be disclosed under Article 17 of Regulation (EU) No 596/2014 of the European Parliament and of the Council on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC, hereinafter the *Market Abuse Regulation*, or, when fulfilling the public disclosure obligation laid down in Article 17 of the Market Abuse Regulation, discloses essential false or misleading information pertaining to a financial instrument

shall be sentenced for *an information offence concerning the securities market* to a fine or to imprisonment for at most two years.

## **Section 6 (1075/2017)**

### **Definitions**

In this chapter:

1) *security* means a security referred to in chapter 2, section 1 of the Securities Markets Act,

2) *financial instrument* means a financial instrument referred to in chapter 1, section 14 of the Act on Investment Services (747/2012),

3) *inside information* means information referred to in Article 7(1)–(4) of the Market Abuse Regulation,

- 4) *regulated market* means a regulated market referred to in chapter 1, section 2, subsection 1, paragraph 5 of the Act on Trading in Financial Instruments (1070/2017),
- 5) *multilateral trading facility* means a multilateral trading facility referred to in chapter 1, section 2, subsection 1, paragraph 8 of the Act on Trading in Financial Instruments,
- 6) *organised trading facility* means an organised trading facility referred to in chapter 1, section 2, subsection 1, paragraph 11 of the Act on Trading in Financial Instruments,
- 7) *spot commodity contract* means a spot commodity contract as defined in Article 3(1)(15) of the Market Abuse Regulation,
- 8) *buy-back programme* means trading in own shares referred to in chapter 15 of the Limited Liability Companies Act (624/2006),
- 9) *benchmark* means a benchmark as defined in Article 3(1)(29) of the Market Abuse Regulation,
- 10) *accepted market practice* means a market practice accepted by the competent authority of a Member State in accordance with Article 13 of the Market Abuse Regulation,
- 11) *stabilisation* means stabilisation as defined in Article 3(2)(d) of the Market Abuse Regulation,
- 12) *trading venue* means a regulated market referred to in chapter 1, section 2, subsection 1, paragraph 5 of the Act on Trading in Financial Instruments, a multilateral trading facility referred to in chapter 1, section 2, subsection 1, paragraph 8 of the same Act, and an organised trading facility referred to in chapter 1, section 2, subsection 1, paragraph 11 of the same Act,
- 13) *wholesale energy product* means a wholesale energy product as defined in Article 2(4) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council on wholesale energy market integrity and transparency,
- 14) *issuer* means an issuer as defined in Article 3(1)(21) of the Market Abuse Regulation,
- 15) *emission allowance* means an emission allowance referred to in chapter 1, section 14, paragraph 10 of the Act on Investment Services.

The provisions of this chapter on the conveyance or acquisition of financial instruments also apply to the conclusion of a derivative contract. Sections 1 and 2 also apply to a derivative contract

regardless of whether the contract calls for the conveyance of the underlying assets or for a settlement in lieu of the conveyance.

## **Section 6a (521/2016)**

### **Scope of application**

The provisions of sections 1, 2, 2a, 3 and 4 of this chapter only apply to a financial instrument

- 1) that has been admitted to trading on a regulated market or for which a request for admission to trading on a regulated market has been made,
- 2) that is traded on a multilateral trading facility, admitted to trading on a multilateral trading facility or for which a request for admission to trading on a multilateral trading facility has been made,
- 3) that is traded on an organised trading facility, or
- 4) that is an emission allowance referred to in Commission Regulation (EU) No 1031/2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community and that is auctioned in an auction platform authorised as a regulated market.

The provisions of sections 1, 2, 2a, 3 and 3 of this chapter also apply to financial instruments other than those referred to in subsection 1, if the value of the financial instrument is determined on the basis of a financial instrument referred to in subsection 1 or if the financial instrument affects the value of a financial instrument referred to in subsection 1.

In applying the provisions of sections 1, 2, 2a, 3 and 4, an auctioned product based on an emission allowance referred to in the Regulation referred to in subsection 1, paragraph 4 is equated with a financial instrument. (1075/2017)

The provisions of sections 3 and 4 of this chapter do not apply to such spot commodity contracts that are wholesale energy products.

The provisions of sections 1, 2, 3 and 4 of this chapter apply to a transaction, order and behaviour concerning a financial instrument referred to in subsections 1 and 2 irrespective of whether it is executed or placed on or outside a trading venue.

## **Section 7 (521/2016)**

### **Restrictive provision**

The provision of sections 1, 2, 2a, 3 and 4 of this chapter do not apply to:

- 1) trading in own shares in a buy-back programme, where such trading takes place in accordance with Article 5(1)–(3) of the Market Abuse Regulation,
- 2) trading in securities referred to in Article 3(2)(a) of the Market Abuse Regulation or trading in associated instruments referred to in Article 3(2)(b) of that Regulation for the stabilisation of securities, where such trading takes place in accordance with Article 5(4) and (5) of that Regulation,
- 3) transactions, orders or behaviour in pursuit of monetary or public debt management policy in accordance with Article 6(1) of the Market Abuse Regulation,
- 4) transactions, orders or behaviour carried out in accordance with Article 6(2) of the Market Abuse Regulation,
- 5) activities that are undertaken in pursuit of the Union's climate policy in accordance with Article 6(3) of the Market Abuse Regulation, and
- 6) activities that are undertaken in pursuit of the Union's Common Agricultural Policy or of the Union's Common Fisheries Policy in accordance with Article 6(4) of the Market Abuse Regulation.

The provisions of sections 1 and 2 of this chapter do not apply to legitimate behaviour specified in Article 9 of the Market Abuse Regulation.

The provision of section 2a of this chapter does not apply if the act takes place in the normal course of the exercise of an employment, profession or duties or if the act constitutes a market sounding referred to in Article 11(1)–(8) of the Market Abuse Regulation.

The provisions of sections 3 and 4 of this chapter do not apply to accepted market practices referred to in Article 13 of the Market Abuse Regulation.

## **Section 8 (573/2012)**

### **Corporate criminal liability**

The provisions on corporate criminal liability apply to the offences referred to in this chapter.